

FOR IMMEDIATE RELEASE -- VERMONT MAYORS COALITION: Vermont Mayors Coalition Announces 2016 Legislative Session Goals



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***Please scroll down below the press release for a copy of the Vermont Mayors Coalition 2016 Legislative Policy Summary.*

Vermont Mayors Coalition Announces 2016 Legislative Session Goals
Calls for Reliable Funding for Waterway Protection, 21st Century Policing,
Tax Exemption of Municipal Parking Utilities, and Increased Local Control on Public Safety
Matters

Montpelier, VT – The Vermont Mayors Coalition today announced its 2016 legislative session goals and its commitment to collaborate on and advocate for these areas of common interest to their cities and towns. At a news conference in the State Capitol’s Cedar Creek Room, the Coalition released its legislative policy summary for the 2016 legislative session, including calls for:

- Reliable funding for waterway protection from stormwater run-off;
- Implementing 21st century policing in Vermont;
- Tax exemption of municipal parking utilities; and
- Public safety reforms, including increased local control.

Over the past three years, the Vermont Mayors Coalition has successfully supported the passage of:

- Tax Increment Financing (TIF) reforms and downtown tax credit expansion that have strengthened Vermont’s economy.
- School governance and financing reform (Act 46) that will improve education outcomes and control property taxes.
- Mental health reform that has increased the capacity of the State’s mental health system and makes it harder for seriously mentally ill individuals to buy guns.
- Elimination of non-medical exemptions for vaccinations.

- Legislation intended to save taxpayer dollars and promote downtown investment through common sense reform of urban soils regulation.

The Vermont Mayors Coalition includes:

- Bill Benton, Vergennes;
- Liz Gamache, St. Albans;
- John Hollar, Montpelier;
- Thom Lauzon, Barre;
- Seth Leonard, Winooski;
- Chris Louras, Rutland;
- Paul Monette, Newport; and
- Miro Weinberger, Burlington.

The Mayors offered the following statements about the issues of common interest they are collaborating on and advocating for during the 2016 legislative session:

Barre Mayor Thom Lauzon: “As communities across Vermont struggle with opiate addiction and the often related issues of domestic abuse, child neglect, mental illness, and threats against agencies in a protective role, it’s more important than ever that preventative public safety information is shared and that we are assured that our existing reporting procedures are working as intended.”

Burlington Mayor Miro Weinberger: “The Vermont Mayors Coalition is looking to build on its strong record of accomplishment over the last three years supporting the successful passage of legislation that has made our downtowns stronger and our communities safer. I am excited by the potential to advance on these critical fronts during this legislative session.”

Montpelier Mayor John Hollar: “Municipalities face enormous costs to comply with new stormwater protection requirements. As Mayors, we supported these water quality measures, but the State needs to provide substantial financial support to help meet these new standards.”

Newport Mayor Paul Monette: “Clean water is vital to our state’s economic future. However, the costs should not be born solely by the cities and towns for the clean-up. The legislature needs to ensure proper funding is in place to assist municipalities in meeting the goals of the law passed last year.”

Rutland Mayor Chris Louras: “Given the far-reaching and daunting challenges facing the state as we attack the opiate crisis, policymakers’ commitment to the adoption of 21st century policing strategies is key in establishing and maintaining police legitimacy and public trust. Our law enforcement professionals need our collective support because they cannot be expected to tackle this problem alone, and will only be successful in their efforts by forging truly collaborative partnerships with the community they serve.”

St. Albans Mayor Liz Gamache: “The 2016 VMC platform reflects key elements that make strong communities: the physical and mental wellbeing of our citizens, care and concern for the environment, and healthy economic conditions. Legislative action to support the needs of Vermont’s cities is essential to strengthening Vermont’s future.”

Vergennes Mayor Bill Benton: “Combined sewer overflows (CSOs) affect many municipalities throughout the State of Vermont. Everyone is in agreement that water quality should be a statewide

priority. Unfortunately, many CSOs are the result of an underestimation of infiltration and inflows during heavy precipitation events. Finding solutions to these problems will be difficult and costly. We need to examine the costs to remedy these unique circumstances versus the ultimate benefits and prioritize our resources accordingly.”

Winooski Mayor Seth Leonard: “Vermont’s cities and towns are central pillars in our state’s economic past, present, and future. As we look to develop a Vermont economy that is competitive in attracting and retaining a 21st century workforce and business climate, towns and cities will need legislative support to remain economic generators. A simple yet important example of how the legislature can support our local efforts would be allowing municipalities to manage parking utilities without fear of taxation, so that we can address housing, community, and business needs in our towns and cities in sustainable ways. I am proud to stand with the other Vermont Mayors on this issue and several others that will aid us in keeping Vermont’s economic future bright.”

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Vermont Mayors Coalition Legislative Policy Summary 2016 Legislative Session – January 14, 2016

The Vermont Mayors Coalition (VMC) is advocating for State action to support municipalities in the following four important issues:

Waterway Protection from Stormwater Run-off

In 2015, the State of Vermont passed the landmark Vermont Clean Water Act (H.64), designed to protect Vermont’s lakes and streams from excess nutrients like phosphorus. The VMC advocated to make the act effective, fair, and efficient and supported the passage of the legislation. Much regulatory and legislative action and implementation is still needed to succeed in this generational challenge of keeping our waterways clean. The VMC remains focused on moving this effort forward:

- **Per the legislative intent, the Clean Water Fund should be used primarily to support municipal initiatives during FY16, FY17, and FY18** since the new financial burdens on municipalities are high, and there are no other substantial sources available for municipalities facing substantial new required investments.
- **The State should update its estimate of the cost of new municipal investment that will be required by the new TMDL plan.** A 2013 study projected a need for an additional \$100 million of annual investment by municipalities to implement the TMDL plan. This estimate should be updated to reconcile with the final TMDL plan and a long term funding strategy developed using this updated estimate.
- **As the State explores new permanent, reliable funding sources for the Clean Water Fund, it should target paying for 80 percent of the costs required by the new State regulation.** Until last year the State was committed to paying for 100 percent of all required wastewater upgrades to remove phosphorus from wastewater facility discharges. In order to both align the interests of the State and its municipalities and support municipalities with limited revenue streams, the State should commit to sharing the new costs related to the water clean-up

effort. The VMC looks forward to working with State Agencies and Departments on this important issue.

- **Create local tax options for Vermont cities and towns for purposes of funding the local share of stormwater run-off improvements now mandated by the State.** Local governments are heavily reliant on property taxes, and many are not in the position to raise those taxes to generate substantial new funds for the new investments required by the Clean Water Act. Local governments should be granted the ability to consider assessing local tax options to pay for new stormwater improvements that have been mandated by the State.
- **Vermont combined sewer overflow (CSO) regulations must reflect the reality that combined sewer elimination through sewer separation is not the only solution for addressing this water quality challenge.** In many cases, CSO frequency reduction using green infrastructure strategies that infiltrate or detain stormwater runoff at the source can be as or more cost effective than constructing an entirely new pipe network to separate the combined sewer.
- **The State must allow for Integrated Plans and Financial Capability Assessments to inform compliance schedules for meeting long term Clean Water Act obligations.** Many communities are facing multiple water quality challenges and should be allowed to address these issues in a manner which reflects local water quality priorities. Some communities may need longer than the presumed 20 years depending on the breadth of their water quality challenges and the local socio-economic conditions.

Implementing 21st Century Policing in Vermont: Adopting the Recommendations of the White House Task Force

In 2016, every community in the nation is measured through the prism of the level of legitimacy enjoyed by its police department. The names of Ferguson, Baltimore, and Chicago ring out as troubled cities and all the good they could possibly do is overshadowed by the lack of trust between their police and the communities they serve.

While most efforts and initiatives to establish legitimacy must be undertaken at the local level and within police organizations, the State of Vermont can and must play a critical role.

- **To this end, the Legislature and the Administration should exercise their best efforts to review mandates for training and the curriculum of the Criminal Justice Training Council (Vermont Police Academy) to ensure that training requirements comport with the recommendations of the White House Task Force on 21st Century Policing.** An example by way of question: are the required hours for practical use of force training (hands on) properly balanced with appropriate levels of training in de-escalation techniques? We must ensure that the officers who put their lives on the line for us are given the most up-to-date training models and best practices available, as this will both keep them safer and provide a greater level of service to those they serve.
- **The report on 21st Century Policing recognizes that measuring public trust and identifying where improvements need to be made in the area of procedural justice are the first steps in establishing high levels of police legitimacy.** Vermont should embrace this opportunity to be the first in the nation to conduct state-wide, scientific, data-driven surveys and analyses to measure the legitimacy of its largest police organizations. Benchmarks would be established for which metrics could be identified to evaluate

outcomes and measure success in building public trust.

Tax Exemption of Municipal Parking Utilities

During passage of the miscellaneous tax bill in the 2015 legislative session, title 32 V.S.A. § 5401(10) was changed to remove the property tax exemption for municipal parking utilities that maintained commercial tenant leases. This came despite a proposal from the Tax Department to clarify the exemption for municipally owned parking utilities. The change causes both surface lots and garages that municipalities own and operate to be subject to taxation.

Removing the tax exemption for municipally owned parking utilities presents several challenges:

- **It creates a budgetary imbalance for municipalities, while offering little in the way of tax revenue:** Parking utilities balance serving residential, commercial, and tourism needs for our communities as a service – similar to water/wastewater systems and roads. Municipally owned parking is a utility service provided by towns and cities to serve our communities. They are not viewed as sources of net revenue, and any additional taxation makes financing and management of parking untenable.
- **It inhibits economic development:** Taxation of parking utilities not only makes current management and maintenance of parking utilities difficult, but also it creates an additional cost barrier to future parking development. Development of parking is cost prohibitive, especially in towns and cities, and businesses rely on municipalities to provide parking as a service. Municipalities need flexibility to ensure parking utilities meet the needs of residents, commercial tenants, and visitors.
- **It creates an impediment to smart and sustainable growth:** Cities and towns are further challenged in providing parking infrastructure that serves smart growth principles and efficient land use. This challenges our more urban environments where economic growth is strong, and also may inspire a challenge to the character of surrounding communities through undesired sprawl.

Parking garages lack inherent value, but the value of their presence is in the surrounding buildings; parking utilities are nothing more than concrete and steel without the buildings and spaces they serve. Without access to parking, the value of commercial buildings is compromised. The values of the parking as a provided utility and the buildings they serve are impossible to separate – creating uncertainty in how to handle assessments and tax calculations.

The Vermont Mayors Coalition is requesting:

- Support of a bill that will restore the exemption for municipal parking utilities, regardless of whether commercial tenant leases are held in entirety or a portion of the parking spaces.
- During bill approval, request confirmation from the State Tax Department that the steps taken in the legislation clarify the exemption.

Public Safety Proposals

Currently, it is a crime for a prohibited person to attempt to purchase a firearm, yet there is no formal process or requirement to notify local, county, or state law enforcement when this attempted purchase takes place. Local, county, and state law enforcement notification can be invaluable to law enforcement agencies as we continue to struggle with the issues of addiction and the often related issues of domestic violence, child neglect, mental illness, and threats to agencies and employees in a protective role.

- **The VMC is calling for notification when a prohibited person attempts to purchase a firearm.** Given the vast knowledge that local police officers have regarding their respective communities (such as pending arrests, investigations, and points of contact), this information could prove invaluable as a preventative tool. Such was the case in Waterbury this fall. Acting on information provided by Sheriff Sam Hill, who had been forwarded information regarding a threat allegedly made against a DCF employee and an alleged attempt to purchase a firearm by State's Attorney Scott Williams, Barre City law enforcement took the lead on the investigation, and working with Waterbury law enforcement and ATF, were able to determine that a purchase of a firearm had, in fact, been made. The accused (who is prohibited from possessing a firearm) was arrested without incident and held without bail. The accused has since been released to a drug treatment program.
- **The VMC will also continue to advocate for the sharing of failed NICS check information with local law enforcement, and looks forward to additional details regarding the President's recent Executive Order.**

Report on Implementation and Success of S. 141

Last year, the legislature enacted S.141, which was signed into law by the Governor on May 2, 2015. S. 141 – among other measures – made it a criminal offense for people with certain convictions to possess firearms. It also mandated that Vermont courts report to a federal registry when it finds someone mentally ill.

- **The VMC requests that the legislature commission a detailed report regarding the implementation and effectiveness of S.141** The VMC requests that the report include detailed comparative data, as well as interviews with the court administrators, regarding how well the implementation has gone and how the reporting system could be improved or altered going forward.

Local Responsibility for Public Safety

The VMC believes that cities are the level of government chiefly responsible for public safety.

- **While the VMC has no position on Burlington's proposed gun violence charter changes, the Coalition strongly supports Burlington's right to take the steps the City feels are necessary to protect public safety.** After a popular vote by the residents of a municipality, charter changes should only be denied when they are in clear conflict with a vital and irreconcilable state interest.

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Bill Benton, **VERGENNES** • Liz Gamache, **ST. ALBANS** • John Hollar, **MONTPELIER** • Thom Lauzon, **BARRE**
Seth Leonard, **WINOOSKI** • Chris Louras, **RUTLAND** • Paul Monette, **NEWPORT** • Miro Weinberger, **BURLINGTON**