

STATE OF VERMONT
EXECUTIVE DEPARTMENT
EXECUTIVE ORDER 04-23

[WE ARE VERMONT STRONG TOUGH TOO!]

WHEREAS, on Sunday, July 9, 2023, the Governor issued Executive Order 03-23, Declaration of State of Emergency, Guard Call-Out and Activation of Emergency Operations Plan for the State of Vermont in Response to Anticipated Storm-Related Damage (“Emergency Declaration”), declaring a state of emergency for the State of Vermont in response to the July 2023 severe storm (“Flooding of 2023”); and

WHEREAS, on July 10, 2023, the President declared that an emergency exists in the State of Vermont; and

WHEREAS, once it became clear flood damage and mudslides from a storm in the Killington area July 7, 2023, and excessive rain, flooding, water runoff, erosion and resulting damages statewide during the period July 9-11, 2023, were not going to be isolated incidents, but rather part of series of events which would continue throughout the coming week, with widespread flooding, repeated flash flooding, water runoff, erosion and mudslides due to inundated soils and slope instability, statewide, the Governor, in consultation with FEMA, requested a Presidential Declaration of a Major Disaster for the period July 7, 2023, and continuing; and

WHEREAS, on July 14, 2023, the President issued a Major Disaster Declaration based on flooding beginning on July 7, 2023, and continuing (the “Major Disaster Declaration”); and

WHEREAS, the scope and severity of the Flooding of 2023 may exceed that of Tropical Storm Irene in 2011; and

WHEREAS, 2012 Acts and Resolves, No. 71, as amended by 2012 Acts and Resolves No. 143, Sec. 13, 2014 Acts and Resolves No. 189, Sec. 26, and 2017 Acts and Resolves No. 71, Sec. 24 (the “Act”), authorizes the Vermont Department of Motor Vehicles to procure and sell a “Vermont Strong” Commemorative Motor Vehicle Plate; and

WHEREAS, through this Executive Order the Governor intends to do the same for the victims of the 2023 Flooding by honoring the intent and policy of the Legislature as expressed in the Act “to recognize all of those who have suffered losses because of the destruction brought by Tropical Storm Irene and the flooding of 2011, and to commemorate the contributions of the many who are helping to rebuild Vermont and to make it stronger”; and

WHEREAS, the accounting mechanisms, pricing and fund allocation established in the Act are outdated and need to be updated to comply with the intent of the Legislature to ensure the integrity of the inventory management, accounting and allocation of funding to meet the needs of the victims of the 2023 Flooding; and

WHEREAS, the “I Am Vermont Strong” commemorative motor vehicle plate continues to be a symbol of Vermont’s resiliency; and

WHEREAS, the Flooding of 2023 has again tested the resolve of the State and the rescue and recovery work of Vermonters, and our Vermont communities have proven We Are VERMONT STRONG and Tough Too!; and

WHEREAS, I am directing 1) the refresh and redesign of the Vermont Strong Commemorative Motor Vehicle Plate for sale to raise and allocate funds as set forth in this Executive Order; 2) the Department of Motor Vehicles to use updated technological tools to establish secure inventory management and accountable sales and resale processes; 3) the establishment of a new program code within the Vermont Strong commemorative plate fund established pursuant to the Act for the collection of fund receipts (the “Fund”); 4) an increase in the price of the commemorative plates from \$25 to \$35 to maximize returns to Vermonters in need; and 5) the innovative partnering with corporate and other partners who have expressed a desire to assist the State with raising funds for the purposes set forth in the Act and this Executive Order; and

WHEREAS, the Secretary of State’s corporate registration records reflect the “Vermont Disaster Relief Fund,” a recipient of funding under the Act, is the expired assumed name of the “Vermont Long Term Disaster Recovery Group, Inc.,” a terminated domestic non-profit corporation; and as such it is no longer legally feasible to make donations to Vermont Disaster Relief Fund; and

WHEREAS, understanding impacted individual and families have a wide range of needs to respond to and recover from the July 2023 flooding, including housing, clean up, transportation, personal property repairs, food, essential goods and more making it important to fund multiple programs in support of these needs; and

WHEREAS, to ensure the equitable allocation of Fund receipts to those with the greatest needs, after paying costs to the State, I am allocating 50% of Fund receipts to The Vermont Community Foundation, a well-regarded Vermont non-profit in good standing which is already providing substantial relief to victims of the 2023 Flooding; and 50% to the Agency of Commerce and Community Development’s Business Emergency Gap Assistance Program, recently authorized by the E-Board; and

WHEREAS, I have authorized the creation of a special fund for the receipt of restricted donations intended for use by the State for purposes of emergency management in accordance with 20 V.S.A. § 17(b); and

WHEREAS, it is my intent to again recognize the Vermonters, Vermont businesses and Vermont communities suffering the worst impacts of the Flooding of 2023, commemorate the contributions of all who are helping to rebuild Vermont and provide an additional opportunity to support State recovery efforts through the sale of two approved Commemorative Motor Vehicle Plates: We are VERMONT STRONG and We are VERMONT STRONG Tough Too!TM; and

WHEREAS, a governor has an obligation to use the Executive’s Constitutional spending power in a way consistent with the legislative policy decision that lies at the core of the legislative function, and I have determined that the program set forth in this Executive Order will not compromise the achievement of underlying legislative purposes and goals of the Act.

NOW THEREFORE I, Philip B. Scott, pursuant to the authority vested in me as Governor of the State of Vermont, do hereby order and direct:

1. Commemorative Plate Procurement and Sale. The Department of Motor Vehicles (“DMV”) shall procure and distribute Commemorative Motor Vehicle Plates pursuant to its authority under the Act using the two approved designs attached to this Executive Order. DMV shall sell and shall sell to other persons for resale, Commemorative Motor Vehicle Plates for \$35.00 per plate.
2. Promotional Bundles. DMV may enter into an agreement with Darn Tough Socks pursuant to which Darn Tough Socks agrees to manufacture and sell to the State 5,000 pairs of limited-edition socks at a discounted price and DMV agrees to purchase the socks for resale at a price set forth in the Agreement, in accordance with this Executive Order. DMV shall re-sell the socks exclusively with a Commemorative Motor Vehicle Plate as a promotional “bundle” intended to maximize funds raised for the purposes of the Act and this Executive Order. Darn Tough Socks shall agree to a system by which it shall distribute socks to purchasers. DMV may enter into agreements with other partners to structure similar “bundles” designed to maximize the funds raised for the purposes of the Act and this Executive Order.
3. Inventory Management. The Commissioner of DMV shall develop a plan and utilize the appropriate technological tools for the management and security of the Commemorative Motor Vehicle Plate inventory.
4. Accounting. All receipts from the sale of the commemorative plates shall be deposited into the Vermont Strong Commemorative Plate fund and all associated financial transactions arising from these receipts accounted for with a unique program code related to the 2023 Flooding (the “Fund”).

This is a fundraising effort to benefit Vermonters and Vermont businesses that experienced the devastation of the 2023 Flooding and every plate or product procured for sale shall be accounted for. The Commissioner of DMV shall account for all sales, expenses and proceeds, and track inventory and distribution of plates.

5. Use. The approved We Are VERMONT STRONG and We Are VERMONT STRONG Tough Too! Commemorative Motor Vehicle Plates may be displayed in accordance with the Act on a motor vehicle registered in Vermont as a pleasure car or on a motor truck registered in Vermont for less than 26,001 pounds (but excluding vehicles registered under the International Registration Plan) by covering the front registration plate with the commemorative plate. The regular front registration plate shall not be removed. The regular rear registration plate shall be in place and clearly visible at all times.
6. Price and Allocation of Revenue. The price of the We Are VERMONT STRONG and We Are VERMONT STRONG Tough Too! Commemorative Motor Vehicle Plates shall be \$35.00 and receipts shall be allocated as follows:
 - a. \$5.00 from each plate sale to reimburse DMV for the purchase of plates;
 - b. \$10.00 from each Darn Tough Bundle to reimburse DMV for the purchase of each pair of Darn Tough Socks by the State in accordance with Section 2;
 - c. 50% of remaining plate receipts shall be donated by the State to The Vermont Community Foundation to help fill the gaps in funding needed to address the most significant disaster relief needs of individual Vermonters; and
 - d. 50% of the remaining plate receipts shall be transferred to the Agency of Commerce and Community Development’s Business Emergency Gap Assistance Program to help fill the

gaps in funding needed to address the most significant disaster relief needs of Vermont businesses and farms.

7. Pricing of Promotional Bundles. To the extent DMV reaches agreement with promotional partners as set forth in Section 2 of this Executive Order, sufficient funds shall be allocated to cover the State's costs of contracting for the promotional product and the remaining receipts shall be allocated in accordance with Section 6 of this Executive Order. Alternatively, a promotional partner may elect to sell plate and product bundles and donate profits from the sale in accordance with Section 8 of this Executive Order.
8. Donations. Donations made for purposes of emergency management in accordance with 20 V.S.A. § 17(b) shall be accepted for deposit into the Vermont Emergency Donations Special Fund (Code # 21552) for use by the Manufactured Home Improvement and Repair Program operated by the Agency of Commerce and Community Development and administered through Vermont State Housing Authority (VSHA), for removal and disposal of flood impacted manufactured homes and/or grants for the replacement of manufactured home units, or as the Governor may otherwise accept for donation for purposes of emergency management. Donations shall only be eligible for allocation as set forth herein for the term of the Governor's Declaration of Emergency pursuant to Executive Order 03-23.


The Commissioner of Finance and Management, shall develop processes and guidelines for the expedited allocation of donations made for emergency management purposes.

9. Fund Transfers. The Commissioner of DMV shall transfer funds from the Fund no less often than once per month in accordance with the allocation set forth above in Sections 6 and 7.

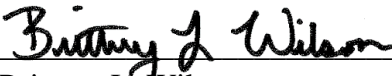
This Executive Order shall take effect upon signing and shall continue in effect until rescinded by the Governor.



WITNESS my name hereunto subscribed and the Great Seal of the State of Vermont hereunto affixed at Montpelier this 23rd day of August, 2023.


Philip B. Scott
Governor

By the Governor:


Brittney L. Wilson
Secretary of Civil and Military Affairs

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