



Vermont State Ethics Commission

Quick Summary: Proposed Municipal Code of Ethics for Municipal Officers

Parties subject to the Municipal Code of Ethics: The Municipal Code of Ethics will apply to members of municipal legislative bodies, members of municipal quasi-judicial bodies, and anyone who, as part of their official municipal duties, exercises authority and discretion in performing any governmental function or actions.

Core provisions of the Municipal Code of Ethics:

The purpose of the proposed Municipal Code of Ethics is to set minimum, common statewide governmental ethics standards.

Summary of Sections (in order of substance):

1. **Recusal and disclosure for conflicts of interest:** municipal officers faced with a conflict of interest, or the appearance of a conflict of interest, shall publicly recuse themselves from the matter in question. A public recusal can be accomplished by informing a supervisor or other relevant party, or by making a statement during a public meeting. If the municipal officer believes they may proceed with the matter despite the conflict, they must disclose the nature of the conflict and the reason for the non-recusal in writing.¹ If a municipal official first becomes aware of a potential conflict during a public meeting and decides to proceed, the written non-recusal statement may be filed after the meeting. Confidential information need not be disclosed.

¹ Reasons why a municipal officer may proceed with the matter include: the matter is de minimis in nature; the municipal officer's action on the matter is ministerial or clerical; the action will not benefit the municipal officer any more than others who are generally affected by the outcome of the matter; the conflict is amorphous, intangible, or speculative; the matter cannot be legally or practically delegated to another person.

2. No directing others to act unethically: municipal officers cannot direct others to do what they cannot ethically do themselves.
3. No participation after recusal due to a conflict: once a public servant recuses because of a conflict, that recusal is full and complete.
4. Avoiding appearance of unethical conduct: municipal officers should reasonably try to avoid even the appearance of ethical impropriety.
5. No improper preferential treatment: municipal officers should not show any favoritism or prejudice to anyone in carrying out municipal work, unless permitted by law and written policy or rule.
6. No using municipal position for improper personal or financial gain: municipal officers may not use their positions for improper personal gain.
7. No using municipal information for improper financial gain: municipal officers may not use nonpublic information for improper personal gain.
8. No using municipal resources for improper financial gain: municipal officers must use state equipment and resources only for their intended public purpose, unless expressly permitted by law or written policy or rule.
9. Limitations on gifts to municipal officers: municipal officers may not solicit or accept gifts when the intent of the gift is to influence the municipal officer's official actions.
10. No making unauthorized commitments on behalf of the municipality: municipal officers may not commit the municipality, or any of its resources, unless authorized to do so.
11. No benefitting from contracts: municipal officers cannot personally benefit from municipal contracts executed as part of their official duties, unless the benefit is no greater than that of others generally affected by the contract, the contract is an employment contract with the municipality, the contract is valued at less than \$2,000 or the contract is awarded through an open and public process of competitive bidding.

Other Provisions:

Protections for whistleblowers: Prohibits retaliation against anyone who makes a municipal ethics complaint. Complaints must be in writing and filed with a relevant entity to trigger whistleblower protections.²

² Examples of relevant entities include the municipality, the Ethics Commission, the courts, or the Attorney General.

Ethics training and education: Requires Municipal Code of Ethics training for anyone subject to the Code. The municipal officer and the municipality are responsible for tracking and enforcing the training requirement in accordance with the municipality's own policies and procedures.

Ethics liaison officers: Requires municipalities to designate an ethics liaison, who is an existing municipal official, to serve as the point of contact for communications with the Ethics Commission to facilitate the exchange of information.

Supplemental ethics policies: The Municipal Code of Ethics sets minimum, common standards. The bill allows municipalities to adopt ethics policies that supplement or exceed the requirements of the Municipal Code of Ethics.

Role of the Ethics Commission:

Allows the Commission to provide the following services:

- Advice: Upon request, provide confidential ethics advice to municipal officers regarding the officer's own conduct as it relates to the Municipal Code of Ethics.
- Complaints: Accept confidential complaints from any source, review complaints for sufficiency, and refer complaints to the municipality's designated representative for further action by the municipality in accordance with the municipality's own policies and procedures.
- Training: The Commission will develop, approve, and provide free online and in-person training to municipal officers on the Municipal Code of Ethics and how to investigate and resolve complaints that allege violations of the Municipal Code of Ethics. The training will also include information approved by the Secretary of State on Vermont's open meeting law and public records law.
 - If municipalities do not want to use the Commission's free training resources, they may provide training on the Municipal Code of Ethics themselves. However, the content of the training that is specific to the Municipal Code of Ethics need to be approved in advance by the Ethics Commission to ensure accuracy and consistency.

Enforcement:

Municipalities are responsible for designating a person or body to receive ethics complaints, complaint investigation and enforcement, and maintaining complaint records in accordance with their own policies and procedures.