

Listening Sessions: Recommendations for a Proposed Municipal Ethics Framework for Vermont

The Vermont State Ethics Commission is seeking public comments, recommendations, and suggestions from all interested persons regarding municipal ethics in Vermont. This effort specifically relates to the Commission’s development of a recommended municipal ethics framework in accordance with [H.125 \(Act 53\)](#), which requires the Commission to submit a proposed municipal ethics framework to the legislature on or before Jan. 15th, 2024.

The authorizing language states:

On or before January 15, 2024, the State Ethics Commission shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations with its recommendations for creating a framework for municipal ethics in Vermont. The report shall include a summary of the issues related to creating a framework for municipal ethics in Vermont and a summary of any relevant input received by the Commission in drafting the report. The report shall include specific recommendations on how to best provide cities and towns with informational resources about basic ethics practices. In drafting the report, the Commission may consult with any person it deems necessary to conduct a full and complete analysis of the issue of municipal ethics, including the Vermont League of Cities and Towns and the Office of the Secretary of State.

The Commission recently completed a survey of the municipal ethics frameworks of 16 states that share similar characteristics with Vermont. Those states are: Arkansas, Connecticut, Delaware, Kentucky, Maine, Massachusetts, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, North Carolina, Rhode Island, South Carolina, Virginia, and Wyoming.

The majority of the states analyzed were found to have one or more of the following common attributes with respect to their municipal ethics frameworks:

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| 1. Municipal ethics are governed either exclusively, or predominantly, by provisions in state statute. |
| 2. In a plurality of the analyzed states, the state ethics body retains an ongoing role in enforcing and interpreting the municipal codes of ethics. |
| 3. Municipal <u>elected officials</u> are subject to the code of ethics (irrespective of whether it is a state-imposed, or local-imposed code of ethics). All the states with meaningful municipal ethics regulation; include elected officials among those who should be subject to an ethics code. |
| 4. Municipal <u>appointed officials</u> are subject to the code of ethics (irrespective of whether it is a state-imposed, or local-imposed code of ethics). Most of the states (12 of 16) have provisions in the code that equally apply to most or all appointed government officials at the municipal level. ¹ |
| 5. Municipal <u>employees</u> are subject to the code of ethics (irrespective of whether it is a state-imposed, or local-imposed code of ethics). Of the 16 states analyzed, 11 expressly include most or all of municipal employees within the scope of most or all of the ethics rules. ² |

¹ Rhode Island’s statute, for example, includes “any individuals serving in any appointed state or municipal position.” The rules typically cover appointments irrespective of who the appointing authority is, or what the specific appointed position is. None of the states make a distinction between paid appointees and volunteer appointees.

² Rhode Island, for example, applies its Code to “any full-time or part-time employees in the classified, non-classified and unclassified service of the state or of any city or town within the state, any individuals serving in any appointed state or municipal position, and any employees of any public or quasi-public state or municipal board, commission or corporation.”

Using the above findings as a guide, the Ethics Commission is currently considering recommendations for a municipal ethics framework that include the below elements:

- 1. A Statewide Municipal Code of Ethics.**
 - a. Option 1: Expand the current [State Code of Ethics](#) to include municipal officials
 - b. Option 2: Create a separate municipal code of ethics specifically for municipal officials

- 2. Centralized Training, Advice, Guidance**
 - a. The Ethics Commission expands its current [advisory services](#) to municipal officials (as related to a statewide municipal code of ethics only).
 - b. The Ethics Commission and other approved training providers may provide training to municipal officials on the municipal code of ethics, including an online training option.

- 3. Possible Avenues of Recourse for Ethics Complaints/Concerns**
 - a. Municipalities are required to establish a mechanism to investigate and enforce ethics complaints.
 - b. The Ethics Commission receives, investigates and enforces municipal complaints.
 - c. A state-level Municipal Ethics Complaint Board is established to hear municipal complaints.
 - d. Regional Complaint Boards are set up to hear municipal complaints.

We look forward to hearing your thoughts on the above, as well as any other suggestions you may have!