

Municipal Ethics Training

Slide 1 – Municipal Ethics Training Title screen

Hello and welcome to the Vermont State Ethics Commission's online Municipal Ethics Training Program. This training will satisfy the minimum training requirements for municipal officers under the Vermont Code of Ethics. It should take about 50 minutes to complete.

Slide 2- Topics To Be Covered In This Training

This training begins with an overview of the new Statewide Municipal Code of Ethics and the role of the Vermont State Ethics Commission. It will then discuss each of the specific rules that are set forth in the Municipal Code of Ethics. These include rules relating to conflicts of interest, gifts, use of municipal positions and resources, directing others, and handling ethics issues. Throughout the presentation you'll be presented with quizzes about the training materials. These quizzes will include hypothetical scenarios that may be faced by municipal officials in Vermont.

Slide 3 – The Ethics Commission and Municipal Code of Ethics

We'll start with an overview of the Ethics Commission and the Municipal Code of Ethics.

Slide 4 - The Vermont State Ethics Commission

Established as an independent body in 2018, the Ethics Commission is comprised of seven Commissioners plus staff. It administers and interprets the state Code of Ethics and the Statewide Municipal Code of Ethics, provides confidential ethics advice and training to State public servants and municipal officials, and receives and reviews complaints that allege ethical misconduct in municipal and state government.

Slide 5 - Municipal Code of Ethics

Now, let's move on to an overview of the new Statewide Municipal Code of Ethics. The code was enacted in 2024 with an effective date of January 1, 2025, and sets statutory baseline requirements for ethical conduct in municipal government. It applies to all Vermont municipalities and most municipal officers with decision-making authority, requires Municipal officials to take ethics training, allows anyone to file a complaint alleging a violation of the statewide Municipal Ethics Code with the Ethics Commission, and allows the Ethics Commission to refer ethics complaints to municipalities for investigation.

Slide 6 - Can municipalities still have their own ethics policies?

You may be wondering if municipalities can maintain their existing ethics rules or policies or even adopt new ones. The answer is yes with some limitations. The purpose of the municipal code is to set minimum baseline standards for ethical conduct, and

municipalities can adopt or maintain ethics policies that supplement or exceed the requirements of the statewide Municipal Code. However, they cannot adopt policies that create lower or conflicting ethical standards. For example, the statewide Municipal Code of Ethics prohibits a municipal officer from accepting any gift where the intent of the gift is to influence an official action of the recipient. A municipality could adopt a more restrictive gift rule. For example, a rule that prohibits the acceptance of any gift valued at \$25 or more, regardless of the intent of the gift giver. However, they could not adopt a more permissive rule, such as a rule allowing a municipal officer to accept a gift given with the intent to influence the official action of the recipient, if the gift is valued at less than \$25.

Slide 7 - Who is subject to the new Code?

Who is subject to the new municipal code? The code is applicable to most municipal officials and employees who exercise substantive decision-making authority. This includes individuals who are members of decision-making and quasi-judicial boards, committees and other tribunals. Generally speaking, if you have authority to affect town finances, property, planning, or substantive town business, you are likely subject to the code.

Slide 8 - What must municipalities do?

Now, let's talk about what municipalities need to do under the new ethics law. First, they must ensure that the Municipal Code of Ethics is publicly available. If the municipality has a website, the code must be posted on it. If the municipality doesn't have a website, it must ensure that a copy of each of the listed documents is received by all municipal officers and is made available to the public upon request. The same goes for the municipality's complaint investigation procedures.

Slide 9 - What must municipalities do?

What else must municipalities do? Municipalities must appoint an existing employee to act as an Ethics Liaison to the State Ethics Commission and to receive complaints referred by the commission, designate a person or body to receive ethics complaints filed at the municipal level, and track training completion for municipal officers who are required to take municipal ethics training. This includes members of legislative bodies, quasi-judicial bodies, chief administrative officers, mayors, and town or city managers.

Slide 10 - What is Prohibited?

Now, let's talk about what conduct is prohibited under the municipal code. The code prohibits acting on a matter when you have a conflict of interest, using your municipal position or resources for personal gain, showing preferential treatment to an individual or organization, or accepting or soliciting gifts that are given with the intent to influence an official action. The code also prohibits municipal officers from benefiting

from municipal contracts in certain situations .All of these prohibitions are discussed in more detail later in this course.

Slide 11 – Conflicts of Interest

Now, let's take a look in more detail about what conflicts of interest mean and how you can avoid them. Conflicts of interest arise every day. Some are difficult to spot. Some are difficult to fix. The Municipal Code of Ethics provides instruction on what constitutes a conflict as well as what to do if you are confronted with one.

Slide 12 - Definition of conflict of interest

So, what is a conflict of interest? The Code of Ethics defines a conflict of interest as a direct or indirect interest of a municipal officer, the officer's immediate family members, business associates, or household members in the outcome of a matter pending before the officer. A conflict of interest does not include interests that are not greater than that of other individuals generally affected by the outcome of a matter.

In other words, you must have a personal stake in the outcome of a matter for it to be considered a conflict of interest. That interest must also be greater than the average person affected by the outcome of the matter. For example, if you are a homeowner who is asked to vote on a property tax increase, it would not be considered a conflict of interest.

However, if you sit on a board that is reviewing applications for municipal grants, and you are a member of the decision-making committee as well as a grant applicant, it would be a conflict of interest for you to remain on the committee. You have a direct personal interest in who receives a grant, and your interest is greater than the average member of the public. This is also true if a member of your immediate family, a business associate, or household member is the grant applicant.

Slide 13 - Whose interests do I need to think about to when determining whether I have a conflict of interest?

Remember the code defines your interests including the interests of your business associates, household members, and immediate family members. Your immediate family means your spouse, domestic partner, or civil union partner; child or foster child; sibling; parent; or such relations by marriage or by civil union or domestic partnership; or an individual claimed as a dependent for federal income tax purposes.

So, if any of those people have an interest in an official decision or action where you have decision-making authority, you have a conflict of interest even though you might not receive the benefit yourself.

Slide 14 - The Appearance of a Conflict of Interest

Now, let's talk about appearances. Under the Municipal Code of Ethics, municipal officials are required to avoid not only conflicts of interest, but also the appearance of a

conflict of interest. The appearance of a conflict is determined from the perspective of a reasonable individual with knowledge of all the relevant facts. The reasonable person standard is a common legal concept, and it means that if the average reasonable person knew all of the facts relevant to your situation, they would not think you have a conflict of interest. Put yourself into the shoes of an average member of the public. How would your participation in the matter appear to that person? If a reasonable impartial person is suspicious that you have a conflict, think twice about your participation.

As with actual conflicts of interest, if your personal interest is no greater than anybody else who may be generally affected, the code does not regard this as a conflict of interest. As always, if you have any doubts, call the Ethics Commission for advice.

Slide 15 - Knowledge Check

Let's look at an example. Imagine you are a selectboard member who was asked to vote on a measure that would increase the amount of the fee charged at a municipal parking lot. Now, imagine that you are the owner of a parking lot that is adjacent to the municipal lot. You charge \$5 less than the municipal lot. Often, people will park in your lot before the municipal lot. If the fee for the municipal lot goes up, there will be an increased economic incentive for people to park in your lot, and, as has been your previous business model, you will increase your parking fee so that it remains \$5 less than the municipal lot. Do you think this would represent a conflict of interest?

Slide 16 - Knowledge Check: Answer

Yes! Here, there is a direct financial benefit that you will receive if the parking fee increase is passed. You have a personal interest in the matter. Your participation in this matter would present a conflict of interest. You will likely make more money if the fee increase passes. This presents a conflict of interest for you.

Slide 17 - Knowledge Check

Now, imagine you are a selectboard member making the same decision about whether to implement a fee increase for the municipal parking lot. This time you are not the owner of the adjacent parking lot. However, you are someone who occasionally parks in the municipal lot and like all other people who park in the lot, you would prefer not to pay a greater price for parking. Is this a conflict?

Slide 18 - Knowledge Check: Answer

No! Even though you will be adversely affected if the parking fee increases, you are affected no more or less than any other driver would be affected. Because your personal interest in parking fees is no different than anyone else who parks in the lot, your involvement in considering a higher parking fee is not a conflict of interest.

Slide 19 - What do you do when faced with a conflict of interest?

Now that you know how to spot a conflict of interest, let's move on to what do you do when you are faced with one.

Slide 20 - Recusal

The general rule is that when you have a conflict of interest, you recuse yourself. This means that you step aside and let someone else make the decision or act on the matter in question. After you recuse, you cannot involve yourself in any phase of the decision-making process. You can't participate, make decisions, or even try to influence any of the decisions. Your recusal means you are done with the matter altogether. You completely step away.

Slide 21 - How do I recuse myself?

How you recuse yourself may depend on the position you hold with the municipality. If you have a supervisor, the proper way to recuse yourself is to inform your supervisor of your conflict and have them assign someone else to handle the matter. If your position does not have a supervisor, such as if you're an elected official, the recusal can be made in some other public or recorded manner. For example, putting the recusal on the record at a public meeting when the matter you are recusing yourself from first comes up for discussion, action, or vote. Disclosing the existence of the conflict is what is most important. Because you are recusing yourself, it is less important to disclose the details of the nature of the conflict. Unless municipal rules or policies require a higher level of disclosure, it should be enough just to say, "I have a conflict of interest that prevents me from participating in this."

Slide 22 - What if I have a conflict, or the appearance of one, but I think I have good cause to proceed?

Now, what if you have a conflict of interest or the appearance of a conflict of interest but think you have good cause to proceed?

Slide 23 - What is "good cause?"

What is "good cause?" "Good cause" means you have a valid legal or justifiable reason not to recuse yourself from making a decision or taking action despite a potential conflict of interest. Good cause can include situations where the conflict is de minimus in nature, meaning the conflict is too minor to be considered legally significant, the conflict is speculative, intangible, or amorphous, or if there is no one else who can legally or practically act in your place. This last scenario is uncommon, and we'll talk more about it in just a bit.

Slide 24 - Good Cause "De Minimus" Example

Here is a de minimus example of good cause. Imagine that your agency is planning on fixing municipal potholes, and one of those potholes is on a route that you frequently take when you drive to your favorite coffee shop on weekends. Any benefit you

receive from that pothole being fixed would be de minimus. You could likely proceed with good cause.

Slide 25 - Good Cause "Speculative" Example

Now let's look at a speculative example of good cause. Imagine that you are a building inspector and have noted that a building has failed to install a fence that complies with the local code. You also work at a local hardware store that sells fencing who sometimes gives out bonuses at the end of the year to salespeople who make the most sales. It is possible that the building owner may choose to replace the fence and buy that fencing from your hardware store. It is also possible that you might be the salesperson on duty, and possible that you could receive an end of the year bonus. This would likely be seen as "speculative," and you could likely proceed with good cause.

Slide 26 - Good Cause "Unable to Delegate" Example

Good cause may also come into play when you are unable to legally delegate an issue to someone else. This is sometimes called the "rule of necessity" or "rule of impossibility." For example, a law may dictate that a specific municipal officer is the only official with legal authority over the matter. If such a person is called upon to make a decision that affects their own interests, that municipal officer may have no choice but to disclose the conflict and proceed. This is a situation that arises infrequently. It does not include situations where recusal would make it harder for a board or commission to come to a consensus on a matter. For example, a situation where the recused member, should they participate, would cast a tiebreaking vote. Municipal officers should definitely seek advice from the Ethics Commission before moving forward on this basis.

Slide 27 - How do I proceed if I have "good cause?"

If you find yourself faced with a conflict of interest, but you believe that you have good cause to proceed, you must fully disclose the conflict in writing. This disclosure should be written in a way that it can be easily understood by members of the public and filed according to municipal policies. At a minimum, it must include a description of the matter at issue, the nature of your conflict, why you believe there is good cause that permits you to act on the matter despite your conflict, and how you can do so in a manner that is fair and in the public's interest. A sample disclosure form can be found on the Ethics Commission's website.

Slide 28 - Knowledge Check

Let's check our knowledge so far. Jamie, a municipal building inspector is assigned to inspect a store's compliance with the building code. Jamie's spouse, Jules, is a part owner of the store. What must Jamie do in this situation?

- A. Go ahead and inspect the store. Jamie is an honest person.
- B. Inspect the store but tell the store that Jules is Jaime's spouse.
- C. Write up an inspection report without inspecting the store.

D. Recuse and get someone else to inspect this particular store.

Now what do you think Jamie should do in this situation?

Slide 29 - Knowledge Check: Answer

The correct answer is "D." Recuse and get someone else to inspect this particular store. Jamie has a conflict of interest because Jamie's spouse Jules is a part owner of the store that Jamie is assigned to inspect. Therefore, the code of ethics prohibits Jamie from taking official action affecting the store, even if Jamie believes the inspection can be conducted without any bias or favoritism. Jamie must recuse from this inspection and someone else must inspect the store's compliance with the building code.

Slide 30 - Gifts

Now, let's talk about gifts and how that relates to the Municipal Code of Ethics. We'll talk about what gifts are and when it is not appropriate to accept them as a municipal official.

Slide 31 - Gifts

The Statewide Municipal Code of Ethics prohibits municipal officers from accepting any gift given with the intent to influence the outcome of an official action, regardless of the dollar value of the gift. A gift is anything you don't pay full value for. A gift does not have to be a tangible object. Gifts can include admission to events, services, loans, political contributions, or a promise of future employment. When in doubt, the best practice is to decline the gift.

Slide 32 - How do I know if a gift is being given with intent to influence an official action?

How do you know if a gift is being given with the intent to influence you? Well, often you don't. With gifts, appearance is important. If you aren't sure if you should accept a gift, ask yourself "Is this the type of gift I would normally expect to receive based on the nature of my personal or professional relationship with the gift giver?" How would it look to others? If you are still unsure, it's probably best to politely refuse the gift. You do not want to take action that would undermine public trust in governmental processes.

Slide 33 - Knowledge Check

Let's consider this example. You are a selectboard member who votes on town contracts. Your neighbor, who you know casually, owns a snow removal business. Out of the blue, he offers his snow removal services to you at a 50% discount. A month later he submits a bid to provide snow removal services for the town. You didn't know he was planning to submit the bid. What should you do?

Slide 34 - Knowledge Check: Answer

With gifts, appearance is important. Because you were unaware of your neighbor's intent to seek a town contract, you could not have known if the intent was to influence your vote. So, this may not be a prohibited gift if you accepted it prior to knowing about the neighbor's contract pursuit. Nevertheless, this may be a conflict of interest for you. You may still need to recuse yourself when the matter comes up for vote, or you may wish to fully pay your neighbor for the gift, thereby removing any perception of conflict or preferential treatment.

Slide 35 - Knowledge Check

Now, let's look at a slightly different example. Imagine you are a select board member who votes on town contracts. Your neighbor with whom you frequently socialize, offers to plow your driveway for free for the winter. She does not offer professional snow removal services, and you often help her out with household projects. She later bids on a town contract for services. What should you do?

Slide 36 - Knowledge Check: Answer

Again, with gifts appearance is important. If you routinely exchange personal favors with your neighbor, the offer to plow your driveway may not be a gift. The question will be whether the favors you exchange are of roughly equal value. If you are paying "in-kind" for the plowing by offering services of the same value, you may be seen to have paid for the snow plowing favor. However, you should consider declining the gift for the purpose of public appearances. Even if you decline the gift, you may still want to recuse yourself from voting on the town contract. The friendship with your neighbor will likely create the appearance of a conflict of interest or preferential treatment.

Slide 37 - Knowledge Check

Let's check our knowledge again. Sam is an electrical inspector. During an inspection of electrical work, the electrician mentions that he is swamped with jobs, so much so that he will be unable to attend the UNH hockey game that evening. He offers his two tickets to Sam. Because he has season tickets he has already paid for them, and they would otherwise go to waste. Can Sam accept the tickets?

- A. Yes but only if the tickets are completely free to Sam.
- B. Yes, if Sam states the electrician will not receive special treatment.
- C. Yes. if Sam pays fair market value for the tickets.
- D. No, Sam cannot accept them under any circumstance.

So, can Sam accept the tickets? Choose the response you think is correct.

Slide 38 - Knowledge Check: Answer

The correct answer is C. Yes, Sam can accept the tickets as long as she pays fair market value for the tickets. Even though the tickets would go to waste, the tickets nonetheless have value. They are offered as a gift. Even though the tickets are not expressly offered in exchange for official action, an objective observer would likely see

the offer as an attempt to influence the inspection. Sam should politely decline unless willing to pay the fair market value for the tickets.

Slide 39 - Use of Municipal Positions and Resources

Now, let's talk about the use of government resources and the Municipal Code of Ethics.

Slide 40 - Use of Municipal Position and Resources

The code prohibits municipal officers from using their municipal position or authority, municipal resources, or non-public municipal information for their own benefit or for the benefit of their immediate family members, members of their household, or business associates. We are now going to discuss this topic in more detail.

Slide 41 - Use of Municipal Position and Resources

Let's start with misuse of municipal position or authority. A municipal official cannot use their position to gain an advantage.

For example, what if a mayor wanted tickets to a play or reservations at a sought-after local restaurant, so that the mayor could have a luxurious night out on the town? It would be improper for the mayor to use their authority to gain such a privilege. Here are some other examples.

- Asking for special treatment from law enforcement.
- Leveraging future municipal action in exchange for a benefit.
- Using elected official status to get special privilege.

All of these scenarios are problematic. Ask yourself, "if I were not a public servant, or have the authority of my official position, would I receive this benefit?" Even if you do not initiate a request for a benefit or advantage, it is still improper if the benefit is being offered because of your state position or authority.

Slide 42 - Misuse of Municipal Resources

Similarly a public servant cannot use any of the municipality's resources, such as equipment, tools, vehicles, personnel, or office supplies for personal benefit. Imagine if a municipal official decided to use a municipal owned pickup truck to transport wood for the winter to the official's house or borrow a municipal lawnmower for the weekend. The Municipal Code of Ethics prohibits the employee from using municipal resources that are not available to members of the public for personal use.

Slide 43 – Misuse of Municipal Information

Finally, the Municipal Code of Ethics prohibits municipal officers from using any non-public or confidential information to gain a personal advantage. Suppose that a town manager learns that the zoning administrator has made a decision that will increase the value of several properties in town. The information has not yet been made public, but the town manager has advanced knowledge of the decision. It would be improper for

the town manager to purchase one of the properties expected to increase in value, before the zoning administrator's decision is made public.

Slide 44 – Knowledge Check

Let's check our understanding with another knowledge check.

The mayor of a city has a grown child that is operating a local restaurant. As a parent, the mayor wants to support the child. Can the mayor use the office stationery with the seal and the mayor's title on it to invite prominent town residents to the opening of the restaurant?

- A. No.
- B. Yes, as long as the letter makes clear that the mayor is writing the letter as a parent not as the mayor.
- C. Yes, as long as the mayor doesn't mention that the restaurant is owned by the mayor's child
- D. Yes, as long as the mayor reimburses the town for the cost of the stationery.

Do you think the mayor can use the office stationery?

What do you think is the correct response?

Slide 45 – Knowledge Check Answer

The answer is A. No. The mayor cannot use the town stationery to promote the child's restaurant opening. Even if the mayor doesn't mention the restaurant as owned by their child in the letter and reimburses the town for the cost of the stationery, the use of the official seal on the stationery still gives the impression that the endorsement is an official one. If the mayor wants to promote the child's restaurant opening, the mayor needs to use personal stationery and avoid mentioning their status as mayor

Slide 46 – General Provisions

Now let's talk about some of the general provisions of the Municipal Code of Ethics.

Slide 47 – General Provisions

Several provisions of the Code of Ethics attempt to ensure that public servants are always acting in the best interest of the municipality and are doing so in a fair, equal, and equitable manner. These include provisions prohibiting preferential treatment, unauthorized commitments, and self-dealing in contracts.

Slide 48 – No Preferential Treatment

The Municipal Code of Ethics prohibits public servants from giving preferential treatment or showing prejudice to any member of the public because of the person's wealth, status, position, or relationship to the public servant, except when required or authorized

by law. An example of this would be laws that allow preference for women-owned or veteran-owned businesses in contracting.

Slide 49 – No Unauthorized Commitments

The Municipal Code of Ethics prohibits municipal officers from making commitments on behalf of the municipality, without having the authority to do so. If your position does not give you the authority to commit on behalf of the municipality, or to make a promise of municipal action, don't do it! You may be violating the Municipal Code of Ethics, and possibly other laws. For example, if you are a member of a board considering candidates for a municipal contract, and the full vote of the board is required to award the contract, you cannot individually award the contract to your preferred contractor or promise the contractor that its bid will be accepted by the board.

Slide 50 – No Self-Dealing in Contracts

The Municipal Code of Ethics also prohibits self-dealing in contracts. This is related to conflicts of interest that we previously discussed. You cannot benefit personally from municipal contracts unless, one, the benefit is not greater than that of other individuals generally affected by the contract. Two, the contract is a contract for employment with the municipality. Three, the contract was awarded through an open and public process of competitive bidding. Or, four, the total value of the contract is less than \$2,000. Remember, you must always act in the best interest of those that you serve.

Slide 51 – Knowledge Check

Here is another knowledge check to check your knowledge. Lynn is a municipal officer responsible for accepting and recording property tax payments. Lynn gets a call from a neighbor who tells Lynn that she will be unable to pay her taxes before the deadline at the close of business today. The neighbor asks, "If I bring the payment in tomorrow, could you do me a favor and stamp it as if it were received today?" What should Lynn do?

- A. Agree to the favor request.
- B. Politely decline the favor request.
- C. Decline the favor request but, because she knows and trusts her, offer her a no-interest loan so she can pay the taxes on time.
- D. Decline the favor request but offer to keep the clerk's office open after business hours, in order to allow the neighbor to pay today.

What should Lynn do?

Slide 52 – Knowledge Check Answer

The correct answer is B. Politely decline the favor request. The neighbor is asking for special preferential treatment. She's asking Lynn to do something that Lynn would not do for members of the general public, and also probably violates Lynn's duties. To grant the requested favor, would be to give the neighbor preferential treatment. It does not

matter what their relationship is. Keeping the office open after business hours or giving a no-interest loan would also be giving preferential treatment. Lynn should treat the neighbor no differently than any member of the general public.

Slide 53 – Directing Others

Now, let's talk about another topic related to the Municipal Code of Ethics. Directing others.

Slide 54 – Directing Others

The code reads a municipal officer shall not direct any individual to act in a manner that would, one, benefit a municipal officer in a manner related to the officer's conflict of interest. Two, create a conflict of interest or the appearance of a conflict of interest for the officer, or for the directed individual. Or three, otherwise violate the Municipal Code of Ethics as described in this chapter. Although it may seem obvious, if you can't ethically do it yourself, you can't get someone else to do it for you either.

Slide 55 – Directing Others

If you have a conflict, of interest you can't recuse and then instruct someone else how to handle the matter. You can't assign the matter to someone who is a direct subordinate to you. If you can't accept a gift, you can't take the gift and pass it along to another person.

Slide 56 – Knowledge Check

And now for a final knowledge check. Terry, a Deputy Town Manager is asked to select a contractor to repair machines at town hall Terry's adult child runs a machine repair company, and bids on the contract. What should Terry do?

- A. Disclose the conflict and then assign the decision to an employee under their direct supervision?
- B. Instruct the staff to select their child for the contract but participate no further in the process.
- C. Disclose the conflict, recuse from the matter, and ask the immediate supervisor to reassign the matter to an employee not supervised by them.
- D. Select their child but disclose the conflict.

What should Terry do?

Slide 57 – Knowledge Check Answer

The correct answer is C. Disclose the conflict, recuse from the matter, and ask the immediate supervisor to reassign the matter to an employee not supervised by them. Terry has a conflict of interest and must disclose the conflict and recuse. If Terry gives instructions to someone else, they have not really recused. Terry cannot assign the matter to a supervisee who reports to them. The supervisee would have an interest to please the supervisor by selecting the supervisor's adult child for the contract.

Because the matter must still be addressed, Terry's best option is to ask their supervisor to reassign the matter to someone who does not report to them. If Terry had no direct supervisor, the matter would typically go to the appointing authority to decide or for the appointing authority to select someone impartial to decide the matter.

Slide 58 – Handling Ethics Issues

Now, let's talk about what to do when you are faced with an Ethics issue.

Slide 59 – Handling Ethics Issues

As stated before, the State Ethics Commission is here to help. Municipal officers have access to the commission to seek guidance, advice, and ask questions about their own personal circumstances. The Ethics Commission is also a place to file complaints and to access the required training to comply with the Municipal Code of Ethics.

Slide 60 – Seeking Informal Guidance

The commission can give advice to Municipal officers who are subject to the code, regarding their own conduct. Advice can be requested by phone or email and can be given orally or in writing. This guidance is confidential unless disclosed by the recipient, will not be shared with the public, and is not subject to public records requests.

Slide 61 – Advisory Opinions

In addition, the commission is available to provide formal written Advisory Opinions to municipal officers upon request. These written Advisory Opinions generally relate to topics that are more universally applicable or involve complicated fact patterns. The Advisory Opinions are posted on the commission's website but do not identify the person who requested the opinion.

Slide 62 - Complaints

Now let's talk about the ethics complaint process. Starting January 1, 2025, the Ethics Commission can receive complaints alleging violations of the Municipal Code of Ethics.

Slide 63 – Filing Complaints

Municipal officials are almost always ethical people who serve their communities because they believe in public service. Nevertheless, on rare occasions, you or a member of the public, may be confronted with a situation where you believe that an official is acting in a way that violates the Municipal Code of Ethics. In those cases, you have the right to file a complaint with the State Ethics Commission.

Slide 64 – What happens when a complaint is filed?

When the commission receives a complaint, it will review the complaint to confirm that it states a valid cause of action under the Municipal Code of Ethics. The commission will

not review complaints that allege violations of municipal-specific policies or other state laws. If the complaint states a valid cause of action, the commission will refer the complaint to the relevant municipality for investigation. If no valid cause of action is identified, the complaint is not referred and is closed. The State Ethics Commission does not have authority to investigate municipal complaints. It only has the authority to refer or close complaints. The commission keeps all complaint information confidential.

Slide 65 - Training

Members of legislative bodies and quasi-judicial bodies, chief administrative officers, mayors, and town or city managers are required to take training on the Municipal Code of Ethics. People who are new to municipal service have 120 days to receive training. Municipal officers who are already in office on January 1, 2025, must take the training no later than September 25, 2025. The training must be repeated every three years. This training satisfies the training requirement.

Periodically, the commission will release educational material that may be of help to public servants seeking to better understand their ethical obligations under the statewide Municipal Code of Ethics. In addition, starting in late 2025, live training sessions may also be available upon request. Be sure to visit the State Ethics Commission website at ethicscommission.vermont.gov for current training resources.

Slide 66 – Contact Information

We have covered a lot. You now know how to:

- Avoid conflicts of interest and the appearance of conflicts of interest
- How to recuse yourself if you have a conflict of interest
- To avoid receiving gifts that may give rise to the appearance of a conflict of interest or preferential treatment
- That if you have a conflict of interest don't direct a subordinate to address the issue
- To contact the Ethics Commission for informal guidance or Advisory Opinions
- How and when to file a complaint with the Ethics Commission and the possible outcomes
- That you must complete training within 120 days of the start of your municipal position and every 3 years thereafter
- That the best advice is to seek advice from the Ethics Commission.

Thanks for taking the time to complete this course. This concludes your ethics training. You will receive an email notification confirming that you have completed the training. Please keep this email as documentation that you have met the statutory Municipal Ethics training requirement.

Often, taking this training raises a number of questions. For these questions, the best advice is always seek advice. Contact the Ethics Commission any time you have questions about your ethical obligations as a public servant. We can be reached by phone at 802-828-7187, or by email at ethicscommission@vermont.gov.