



Vermont State Ethics Commission

Quick Summary: Municipal Code of Ethics for Municipal Officers

Parties subject to the Municipal Code of Ethics: The Municipal Code of Ethics applies to “municipal officers.” Municipal officers is defined as: members of municipal legislative bodies, members of municipal quasi-judicial bodies, advisory budget committee members, auditors, building inspectors, cemetery commissioners, chief administrative officers, tax collectors, department heads, first constables, listers, assessors, town clerks, treasurers, mayors, department heads, moderators, planning commission members, road commissioners, town or city managers, village or town trustees, trustees of public funds, and water commissioners.

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

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; or, the matter cannot be legally or practically delegated to another person.

meeting and decides to proceed, the written non-recusal statement may be filed after the meeting. Confidential information need not be disclosed.

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 municipal officer 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 municipal 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 make any commitments for 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 municipal employees or municipal officers who file a written municipal ethics complaint with a relevant entity.²

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 employee or selectboard member, to serve as the point of contact for communications with the Ethics Commission, receive ethics complaints, and track the completion of municipal ethics training.

Ethics complaints: Requires municipalities to establish rules and procedures for the receipt and investigation of ethics complaints. Municipalities must keep a record of complaints received, and the disposition of the complaints.

Supplemental ethics policies: The Municipal Code of Ethics sets minimum, common statewide 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. The Ethics Commission does not prosecute or enforce complaints against municipal officers.
- Training: The Commission will develop, approve, and provide free training to municipal officers on the Municipal Code of Ethics.
 - 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

² Examples of relevant entities include, but is not limited to, the municipality, the Ethics Commission, the courts, or the Attorney General.

portions of the training that are specific to the Municipal Code of Ethics needs to be approved in advance by the Ethics Commission to ensure accuracy and consistency.

In light of the new role of the Ethics Commission with respect to municipalities, the Commission's membership will expand from five members to seven: the two new members must be former municipal officials, appointed by the Speaker of the House and the Senate Committee on Committees.