

# TOWN OF MIDDLEBURY SELECTBOARD PUBLIC HEARING ON PROPOSED CODE OF ETHICS - INVESTIGATION AND ENFORCEMENT ORDINANCE

The Middlebury Selectboard will hold a Public Hearing at 7:00PM on Tuesday, March 25, 2025 in the Large Conference Room of the Middlebury Town Offices, 77 Main Street, Middlebury, Vermont 05753, and via Zoom video-conferencing (instructions below) to take public testimony on a proposed Code of Ethics - Investigation and Enforcement Ordinance, as follows:

## TOWN OF MIDDLEBURY, VERMONT CODE OF ETHICS - INVESTIGATION AND ENFORCEMENT ORDINANCE

### SECTION 1. AUTHORITY

This ordinance is adopted by the Selectboard of the Town of Middlebury under authority of 24 V.S.A. §1997.

### SECTION 2. PURPOSE

The purpose of this ordinance is to enact procedures for the investigation of complaints that allege a municipal officer has violated Vermont's Municipal Code of Ethics and the enforcement in instances of substantiated complaints, including methods of enforcement and available remedies.

### SECTION 3. DEFINITIONS

- A. 'Designated Complaint Recipient' means the municipal officer or body designated to receive complaints alleging violations of the Municipal Code of Ethics.
- B. 'Municipal Code of Ethics' means the municipal ethics framework in Vermont established by Act 171 (H.875) of 2024.
- C. 'Municipal Ethics Complaint' means a complaint against a 'Municipal Officer' or 'Officer' alleging a violation of the Municipal Code of Ethics.
- D. 'Municipal Officer' or 'Officer' means:
  1. any member of a legislative body of a municipality
  2. any member of a quasi-judicial body of a municipality; or
  3. any individual who holds the position of, or exercises the function of, any of the following positions in or on behalf of any municipality:
    - i. advisory budget committee member,
    - ii. auditor
    - iii. clerk,
    - iv. collector of delinquent taxes,
    - v. department heads,
    - vi. constable,
    - vii. lister or assessor,
    - viii. moderator,
    - ix. planning commission member,
    - x. town manager,
    - xi. treasurer, or
    - xii. trustee of public funds
- E. 'Public body' means any board, council, or commission of the Municipality, any board, council, or commission of any agency, authority, or instrumentality of the Municipality, or any committee or subcommittee of any of the foregoing boards, councils, or commissions.

### SECTION 4. COMPLAINTS

- A. Any member of the general public may make a Municipal Ethics Complaint including any person elected, appointed, or employed by the Municipality.
- B. All Municipal Ethics Complaints must be directed to the Designated Complaint Recipient.
- C. The Designated Complaint Recipient will conduct a prompt, thorough, and impartial investigation of all Municipal Ethics Complaint, and confidentiality will be protected to the extent possible.
- D. Municipal Ethics Complaints against the Designated Complaint Recipient must be directed to the Town Manager of the Town of Middlebury.
- E. No person will be adversely affected in either their volunteer or employment status with the Municipality as a result of bringing a Municipal Ethics Complaint.

### SECTION 5. ENFORCEMENT

If the Designated Complaint Recipient, or the Town Manager, in the case of a Municipal Complaint brought against the Designated Complaint Recipient,

determines that a violation of the Municipal Code of Ethics has occurred, the Town Manager will take immediate and appropriate corrective action. Municipal Officers who are found to have violated the Municipal Code of Ethics may face the following disciplinary action:

#### A. ENFORCEMENT AGAINST ELECTED OFFICERS.

In cases in which the Municipal Officer holds elected office, the Selectboard may, in its discretion, take any of the following disciplinary actions against such an elected officer as it deems appropriate:

1. The Chair of the Selectboard may meet informally with the Municipal Officer to discuss the Municipal Code of Ethics violation. This will not take place in situations where the Chair of the Selectboard and the Municipal Officer together constitute a quorum of a public body.
2. The Selectboard may meet to discuss the conduct of the Municipal Officer. Executive session may be used for such discussion in accordance with 1 V.S.A. §313(a)(4). The Municipal Officer may request that this meeting occur in public. If appropriate, the Selectboard may admonish the offending Municipal Officer in private.
3. The Selectboard may admonish the offending Municipal Officer at an open meeting and reflect this action in the minutes of the meeting. The Municipal Officer will be given the opportunity to respond to the admonishment.
4. Upon majority vote in an open meeting, the Selectboard may request (but not order) that the offending Municipal Officer resign from their office.

B. ENFORCEMENT AGAINST APPOINTED OFFICERS. In cases in which the Municipal Officer holds appointed office, the Selectboard may choose to follow any of the steps articulated in Section 5A. In addition to, or in lieu of any of those steps, the Selectboard may choose to remove an appointed Municipal Officer from office, subject to state law.

C. ENFORCEMENT AGAINST EMPLOYEES. In cases in which the Municipal Officer is also an employee of the Municipality, the Town Manager may take any disciplinary action, up to and including termination, in accordance with the Municipality's personnel policy.

### SECTION 6. APPEALS

A decision of the Selectboard may be reviewable by the Vermont Superior Court pursuant to Rule 75 of the VT Rules of Civil Procedure. An enforcement action taken against an employee may be appealed in accordance with the Municipality's personnel policy.

### SECTION 7. OTHER LAWS

This ordinance is in addition to all other ordinances and policies of the Municipality and all applicable laws of the State of Vermont. All ordinances, policies, or parts of ordinances, resolutions, regulations, policies, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

### SECTION 8. SEVERABILITY

If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding will not invalidate any other part of this ordinance. If any statute referred to in this policy is amended, this policy will be deemed to refer to such amended statute.

### SECTION 9. EFFECTIVE DATE

This ordinance will become effective sixty (60) days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. §1973, that statute will govern the taking effect of this ordinance

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2025  
Selectboard for the Town of Middlebury, Vermont

### To view and participate in the Public Hearing:

- When: March 25, 2025, 7PM
- Zoom Link: <https://us02web.zoom.us/j/84667247171>
- Phone: +1 305 224 1968 US
- Webinar ID: 846 6724 7171

### For those wishing to watch but not participate:

Selectboard Meetings are livestreamed to MCTV's YouTube channel:  
[https://www.youtube.com/user/MCTV\\_Vermont](https://www.youtube.com/user/MCTV_Vermont) and also broadcast live on  
**Comcast Channel 1071.**