

# TOWN OF WESTFIELD

## CODE OF ETHICS INVESTIGATION AND ENFORCEMENT ORDINANCE

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### SECTION 1. AUTHORITY.

This ordinance is adopted by the Selectboard of the Town of Westfield 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. "Legislative Body" shall refer to the Selectboard of the Town of Westfield.
- C. "Municipal Code of Ethics" means the municipal ethics framework in Vermont established by Act 171 (H.875) of 2024.
- D. "Municipal Ethics Complaint" means a complaint against a "Municipal Officer" or "Officer" alleging a violation of the Municipal Code of Ethics.
- E. "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:
    - a. advisory budget committee member;
    - b. auditor;
    - c. building inspector;
    - d. cemetery commissioner;
    - e. chief administrative officer;
    - f. clerk;
    - g. collector of delinquent taxes;
    - h. department heads;
    - i. first constable;
    - j. lister or assessor;
    - k. mayor;
    - l. moderator;
    - m. planning commission member;
    - n. road commissioner;
    - o. town or city manager;
    - p. treasurer;
    - q. village or town trustee;
    - r. zoning administrator;
    - s. trustee of public funds; or
    - t. water commissioner.

- F. "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 Complaints, and confidentiality will be protected to the extent possible.
- D. Municipal Ethics Complaints against the Designated Complaint Recipient must be directed to either the Town Clerk or Assistant Town Clerk.
- 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. INVESTIGATION PROCEDURES.

- A. Upon receipt of a Municipal Ethics Complaint, the Designated Complaint Recipient will conduct an initial assessment to determine if the Complaint is credible and alleges a valid cause of action within the jurisdiction of the Municipal Code of Ethics that warrants investigating.
- B. If, in the judgment of the Designated Complaint Recipient, the Municipal Ethics Complaint does not indicate a credible allegation or fall within the jurisdiction of the Municipal Code of Ethics, the Designated Complaint Recipient will conclude their investigation and refer the Municipal Complaint and a report detailing their findings to the Legislative Body, which will then proceed under Section D(6).
- C. If, in the judgment of the Designated Complaint Recipient, the Municipal Ethics Complaint indicates a credible allegation within the jurisdiction of the Municipal Code of Ethics, the Designated Complaint Recipient will conduct a prompt, thorough, and impartial investigation to corroborate the facts of the Complaint and/or gather additional information if deemed necessary.
- D. An investigation into a Municipal Ethics Complaints includes:
  - 1. **Notification:** notifying the individual accused of the allegations made against them in the Municipal Ethics Complaint and providing them with an opportunity to respond and confront the evidence gathered;
  - 2. **Evidence Gathering:** collecting documentary (e.g., meeting minutes, ordinances, policies, correspondence, contracts, etc.) and oral evidence (e.g. interviewing relevant individuals, witnesses, etc.) pertaining to the allegation(s).
  - 3. **Fact-Finding:** the Designated Complaint Recipient will analyze the evidence gathered to determine whether it is relevant and credible towards establishing the facts of the case.
  - 4. **Analysis:** the Designated Complaint Recipient will review their findings of fact against the Municipal Code of Ethics to determine whether a violation has occurred;
  - 5. **Findings and Recommendations:** the Designated Complaint Recipient must prepare a report detailing their findings of fact and conclusions regarding whether they believe the municipal officer(s) in question has violated the Municipal Code of Ethics and forward it, along with the Municipal Ethics Complaint, to the Legislative Body. If the report determines that a violation has occurred, the report must also include recommendations for appropriate disciplinary action to be taken by the Legislative Body;
  - 6. **Review and Decision:** Upon completion of the investigation, the Designated Complaint Recipient, or the Town Clerk or Assistant Town Clerk in the case of a Municipal Complaint brought against the Designated Complaint Recipient, will refer the Municipal Complaint to the Legislative Body. The Legislative Body will review the Municipal Complaint and the Designated Complaint Recipient's accompanying report and make a final decision. The Legislative Body's decision will be issued in writing, including a statement of the factual bases on which it was made, and send it by certified mail to the complainant and the Municipal Officer against whom the Municipal Ethics Complaint was

brought. If a Municipal Complaint is brought against a member of the Legislative Body, that member should not attend or actively participate in the review or decision-making process, as such involvement would itself constitute a conflict of interest.

**SECTION 6. ENFORCEMENT.** If the Designated Complaint Recipient, or the Town Clerk or Assistant Town Clerk, 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, they will refer the complaint to the Legislative Body for 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 Legislative Body 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 Legislative Body 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 Legislative Body and the Municipal Officer together constitute a quorum of a public body.
  2. The Legislative Body 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 Legislative Body may admonish the offending Municipal Officer in private.
  3. The Legislative Body 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 Legislative Body 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 Legislative Body may choose to follow any of the steps articulated in Section 5A. In addition to, or in lieu of any of those steps, the Legislative Body 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 Clerk, Selectboard or Library Board of Trustees may take any disciplinary action, up to and including termination, in accordance with the Municipality's personnel policy.

#### **SECTION 7. APPEALS.**

A decision of the Legislative Body 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 8. OTHER LAWS.**

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

**SECTION 9. SEVERABILITY.** If any section of this policy is held by a court of competent jurisdiction to be invalid, such finding will not invalidate any other part of this policy. If any statute referred to in this policy is amended, this policy will be deemed to refer to such amended statute.

**SECTION 10. EFFECTIVE DATE.** This ordinance will become effective sixty (60) days after its adoption by the Legislative Body. If a petition is filed under 24 V.S.A. §1973, that statute will govern the taking effect of this ordinance.

Adopted this 15<sup>th</sup> day of June, 2026.

**Selectboard for the Town of Westfield:**

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