

Town of Wilmington
CODE OF ETHICS INVESTIGATION AND ENFORCEMENT ORDINANCE

SECTION 1. AUTHORITY.

This ordinance is adopted by the Selectboard (“Legislative Body”) of Wilmington (“Municipality”) 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:
 - 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. trustee of public funds; or
- s. water commissioner.

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 Municipal Manager.
- 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 Municipal 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 Municipal 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 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, after affording the Appointed Officer adequate due process, 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 Municipal 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 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 7. OTHER LAWS.

This ordinance is in addition to all other ordinances of the Municipality and all applicable laws of the State of Vermont. All ordinances 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.


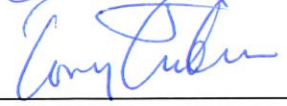
SECTION 8. SEVERABILITY. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding will not invalidate any other part of this ordinance. If any statute referred to in this ordinance is amended, this ordinance will be deemed to refer to such amended statute.

SECTION 9. EFFECTIVE DATE. This ordinance will become effective sixty (60) days after its adoption by the 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 21st day of January, 2025.

Selectboard for the Town of Wilmington.



Adoption History

1. Agenda item at regular Selectboard meeting held on January 21, 2025.
2. Read and approved at regular/special Selectboard meeting on January 21, 2025 and entered in the minutes of that meeting which were approved on February 4, 2025.
3. Posted in public places on January 22, 2025.
4. Notice of adoption published in the DVN newspaper on January 30, 2025 with a notice of the right to petition.
5. Other actions [petitions, etc.]. Effective date: March 22, 2025