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Municipal Ethics Ordinances

This report is in response to a request by the Shelburne Ethics Committee to research existing municipal ethics ordinances beyond conflict of interest ordinances. We begin with an introduction to ethics committees, followed by a discussion of the goals of these committees, the roles they play, and their scope and power. We then delve into the support for and successes of ethics trainings implemented to educate public officials on municipalities' ethics codes. We analyze and compare components of several municipal ethics ordinances with those in Shelburne, Vermont. We conclude by noting that the Shelburne municipal ethics code is fairly comprehensive but may benefit from independent enforcement mechanisms and the implementation of ethics trainings.

Overview of Ethics Committees

Ethics committees play a significant role in fostering public support for and trust in local and state governments. There is an increasing climate of public distrust in government; a 2010 Pew Research Center Study found that Americans are more critical of government at all levels than they were in 1997, when a similar survey was conducted.¹ Alongside a decrease in public trust of the federal government, the survey demonstrated a decline in trust in local governments. In 1997, 64 percent of respondents felt positively towards their local government, compared to 51 percent in 2010.² Ethics committees provide a venue for citizens to file complaints and concerns about the functions of a municipal government. Furthermore, their presence aids legislators and municipal governments in gaining public trust.³

In 2007, the Ethics Resource Center (ERC) conducted the National Government Ethics Survey (NGES) to assess perceptions of ethics in workplaces across the country. The ERC is a non-

¹ Pew Research Center for the People and the Press, "Distrust, Discontent, Anger and Partisan Rancor: The People and Their Government," April 18, 2010, *Pew Research Center*, <http://people-press.org/report/606/trust-in-government>.

² Pew Research Center, "Distrust, Discontent, Anger and Partisan Rancor."

³ Shyam Shanker, "Fighting 'Small Town' Corruption: How to Obtain Accountability, Oversight, and Transparency," *Columbia Law School Center for the Advancement of Public Integrity* (New York, NY, 2016), https://web.law.columbia.edu/sites/default/files/microsites/public-integrity/files/fighting_small_town_corruption_-_capi_practitioner_toolkit_-_august_2016.pdf; "Table of Legislative Ethics Committees," National Conference of State Legislatures, accessed April 17, 2018, <http://www.ncsl.org/research/ethics/table-of-legislative-ethics-committees.aspx>.

profit organization dedicated to advancing ethical standards in both public and private institutions.⁴ The NGES resulted from the ERC's belief that a focus on ethics is a core component of increasing public trust in governments. This survey found that there is some degree of ethical misconduct across all levels of government throughout the United States. The NGES noted that "when both a well-implemented ethics and compliance program and a strong ethical culture are in place within a government organization, misconduct drops by 60 percent, and reporting [of misconduct] rises by 40 percent."⁵ The NGES survey demonstrates the potential for substantial benefits from ethics committees and ordinances.

Ethics Codes versus Ethics Ordinances

Columbia Law School's Center for the Advancement of Public Integrity (CAPI) states that the "first step towards establishing accountability [of municipal governments to its constituents] is the enactment of a comprehensive and easily understood ethics code."⁶ An ethics code can be a list of regulations and ordinances passed by a governing body. An example of this is found in Connecticut's Codes of Ethics, with 59 sections and subsections, all of which are binding regulations.⁷ Ethics codes can also be separate from the law, functioning instead as guidelines that are not legally enforceable. A memorandum published online by the Office of the New York State Comptroller, titled, "Model Code of Ethics for Local Governments" reports:

A code of ethics adopted by the governing body of a municipality must set forth standards of conduct for the guidance of the officers and employees of the municipality with respect to disclosure of interests [...] holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable.⁸

The ethics codes that municipalities are held to are mandated by different bodies—some are established by state laws and others are created by the municipalities themselves. The model code above provides a general overview of common goals found within municipal ethics ordinances and the role they play in municipalities. Despite their differences, for the purpose of this report, the terms 'ethics codes' and 'ethics ordinances' are used interchangeably.

⁴ "Ethics Resource Center," Georgetown University Berkley Center for Religion, Peace, and World Affairs, accessed April 17, 2018, <https://berkeleycenter.georgetown.edu/organizations/ethics-resource-center>.

⁵ Ethics Resource Center, "National Government Ethics Survey: An Inside View of Public Sector Ethics" (Arlington, VA, 2007), <https://www.whistleblowers.org/storage/documents/ethicsresourcecentersurvey.pdf>, V.

⁶ Center for the Advancement of Public Integrity, "Fighting "Small Town" Corruption: How to Obtain Accountability, Oversight, and Transparency," *Columbia Law School* (New York, NY, 2016), https://web.law.columbia.edu/sites/default/files/microsites/public-integrity/files/fighting_small_town_corruption_-_capi_practitioner_toolkit_-_august_2016.pdf.

⁷ State of Connecticut Office of State Ethics, "Chapter 10 Codes of Ethics," accessed April 17, 2018, <http://www.ct.gov/ethics/cwp/view.asp?a=2313&q=432632>.

⁸ Office of the New York State Comptroller, "Model Code of Ethics for Local Governments," accessed April 11, 2018, <https://www.osc.state.ny.us/localgov/pubs/codeofethics.pdf>.

Goals of Ethics Ordinances

Ethics ordinances function with a different purpose than other behavior-based policies like anti-corruption laws—the emphasis is on guiding ethical behavior, not on punishment of those who have committed corrupt acts. Although ethics ordinances can contain mechanisms to file complaints and enforce sanctions for ethical infractions, these ordinances serve primarily to educate public officials on how to prioritize public duties when faced with conflicts of interest.⁹ This is particularly important in small towns, as they often lack the capacity to provide oversight, enforcement, and budgets that larger cities and state governments benefit from. Public officials’ ability to make educated decisions on the matters listed above “promotes public confidence in government, protects the integrity of government decision making, limits financial waste, and promotes efficiency.”¹⁰ In order to best achieve these goals, ethics committees benefit from the ability to provide training and legal advice, in addition to enforcement powers and financial disclosure functions.¹¹

CAPI cites “Municipal Ethics in New York: A Primer for Attorneys and Public Officials,” published in 2016 by the New York State Bar Association, as an ultimate guide for municipal ethics ordinances. This book recommends that committees establish a culture of integrity, in part by having ethics ordinances to ensure public officials are held to a high ethical standard. This is a necessary step to verifying accountability.¹² To accomplish this, any material put forth by an ethics committee must be easily accessible and digestible by the public, avoiding legal jargon when possible.¹³ Most information should be public on a town’s website, including: decisions made by the committee, budgets, minutes of meetings, list of elected and administrative officials and contact information, information about permits, licenses, zoning, and applications, audit reports, contracts, lobbying regulations, public records, and tax information.

CAPI also suggests cross-training employees, so there is more than one person who, for example, manages accounts. Training multiple people in one job can help ensure that there is accountability and integrity in the work.¹⁴ Additionally, public officials should be required to report suspected violations, with enforced penalties for not doing so. Each violation should have an independent enforcement mechanism. This can include any violation of the law in addition to those established by ethics ordinances. As private citizens may be inciting ethical violations through bribery or gifts, there also must be a mechanism to hold them accountable.¹⁵

⁹ Marie Louise Victor, “Enforcement: An Indispensable Component in the Success of Municipal Ethics Boards,” *Municipal Lawyer* 18, no. 1 (2004): 4–6, <https://www.nysba.org/WorkArea/DownloadAsset.aspx?id=1821>.

¹⁰ Victor, “Enforcement: An Indispensable Component,” 1.

¹¹ Victor, “Enforcement: An Indispensable Component,” 1.

¹² Shyam Shanker, “Fighting ‘Small Town’ Corruption: How to Obtain Accountability, Oversight, and Transparency,” *Columbia Law School Center for the Advancement of Public Integrity* (New York, NY, 2016), https://web.law.columbia.edu/sites/default/files/microsites/public-integrity/files/fighting_small_town_corruption_-_capi_practitioner_toolkit_-_august_2016.pdf

¹³ Shanker, “Fighting ‘Small Town’ Corruption,” 3.

¹⁴ Shanker, “Fighting ‘Small Town’ Corruption,” 8.

¹⁵ Shanker, “Fighting ‘Small Town’ Corruption,” 4.

What Role do Ethics Committees Play?

The role an ethics committee most often plays is largely advisory and educational, although in other cases it may hold enforcement power.¹⁶ In some municipalities, a committee is specifically limited to making recommendations about unethical behavior to a regional authority—typically the town council or select board—and providing education on ethics rules for town officers and employees.¹⁷ In other municipalities, an ethics committee may have the power to hold violators of ethics ordinances accountable independent of a select board or other legal authority.¹⁸ A committee’s enforcement can include removing an elected official from office, ordering the repayment of illegitimate gains, or imposing fines.¹⁹

In municipalities where an ethics committee is named by the select board, the committee would traditionally publicize a violation to allow the select board to remove the official from office.²⁰ This approach is flawed, as it can force an ethics committee to request the select board or a similar body to enforce a ruling against itself. In municipalities where the ethics committee can remove officials, this approach raises the possibility of ethics committees enforcing rules against the elected officials who appointed them, potentially making the enforcement itself appear politicized.

In Massachusetts, rules for ethical behavior differ for elected officials and appointed policymakers compared to non-policymakers who are simply employed by the government. As elected officials are tasked with informing and guiding public debate on issues, they are allowed caveats in ethics rules.²¹ For example, because elected officials serve to educate the public as part of their jobs, when using public resources to disseminate information on an issue, an elected official is assumed to be acting in an educational manner rather than engaging in advocacy. Therefore, they would not be in violation of conflict of interest ordinances. A non-policymaker using public resources to do the same would be engaging in advocacy and therefore in violation of conflict of interest ordinances.

Scope and Power of Ethics Committees

Ethics committees commonly serve educational, investigatory, and advisory roles, though in areas where they possess enforcement capabilities, their powers vary. Beyond reprimanding

¹⁶ Robert Wechsler, “Local Government Ethics Programs in a Nutshell,” City Ethics (North Haven, CT, 2013), [http://7.cityethics.org/files/Local Govt Ethics Nutshell.pdf](http://7.cityethics.org/files/Local%20Govt%20Ethics%20Nutshell.pdf);

Evan Berman, Jonathan West, and Anita Cava, “Ethics Management in Municipal Governments and Small Firms: Exploring Similarities and Differences,” *Sage Publications* 26, no. 2 (August 1994): 185–203, <http://doi.org/10.1177/009539979402600204>.

¹⁷ Robert Wechsler, “Local Government Ethics Programs: A Resource for Ethics Commission Members, Local Officials, Attorneys, Journalists, and Students, and a Manual for Ethics Reform,” City Ethics (North Haven, CT, 2013), [http://7.cityethics.org/files/lgep1-0 - Robert Wechsler.pdf](http://7.cityethics.org/files/lgep1-0-Robert%20Wechsler.pdf); Wechsler, “Local Government Ethics Programs in a Nutshell”; Berman, West, and Cava, “Ethics Management.”

¹⁸ Wechsler, “Local Government Ethics Programs in a Nutshell.”

¹⁹ Victor, “Enforcement: An Indispensable Component,” 4-6; Wechsler, “Local Government Ethics Programs in a Nutshell”; Wechsler, “Local Government Ethics Programs: A Resource,” 781.

²⁰ Wechsler, “Local Government Ethics Programs: A Resource,” 781.

²¹ “Advisory: 11-1: Public Employee Political Activity,” The Commonwealth of Massachusetts, accessed April 17, 2018, <https://www.mass.gov/advisory/11-1-public-employee-political-activity>.

officials for their violations via public disclosure of their unethical behavior, ethics committees that have independence from their council or select board in terms of enforcement are commonly able to impose a variety of sanctions including: fines, civil forfeitures, cease and desist orders, and suspension and removals.²²

The investigatory role of the committee includes not only conducting investigations and making recommendations but also protecting those who call for such an investigation.²³ Ethics committees commonly have an ability to act only in the case of a filed complaint, though this may lead to a failure to act on cases of unethical conduct if there is not a clearly defined complainant.²⁴

The advisory role of an ethics committee commonly includes educating town officers on existing town ethics rules and providing recommendations for the select board or similar town authority such as a town manager in jurisdictions where a committee does not have enforcement power.²⁵ As an example, in Wilton, NY, the role of the ethics committee is entirely advisory, and it makes recommendations to the Town Board for enforcement. The website for the Town of Wilton specifies exactly how the Ethics Advisory Board should operate and delineates exactly what it can do:

The EAB shall have the power to conduct hearings, determine violations, and submit advisory opinions to the Town Board. The EAB may also offer advice, conduct training and education to town officials and employees, and suggest changes to the Town of Wilton Ethics and Disclosure Law ... After considering the evidence and any rebuttal from the accused, the EAB shall make an initial determination as follows: First, it may conclude that no conflict of interest exists ... Secondly, it may recommend to the accused a manner in which the conflict or impropriety may be rectified ... or, thirdly the EAB may decide if, in the sole opinion of the majority of the entire membership of the EAB, such conflict warrants a public disclosure, the EAB shall cause and direct only relevant information ... be filed with the Town Board, ... The Town Board may vote to reject such records or statements by a majority plus one vote.²⁶

In terms of the advisory role of an ethics committee, its power consists of offering formal and informal advice to elected and appointed officials. As part of good practice, the committee may also make guidance available to town employees on ethical practice, publish advisory opinions, and make studies of the actions of other jurisdictions that are relevant to their own jurisdiction.²⁷

²² Wechsler, "Local Government Ethics Programs: A Resource," 793-820.

²³ Wechsler, "Local Government Ethics Programs: A Resource," 57; Wechsler, "Local Government Ethics Programs: A Resource," 453; Wechsler, "Local Government Ethics Programs: A Resource," 839.

²⁴ Victor, "Enforcement: An Indispensable Component," 4-6.

²⁵ Donald C. Menzel, "Ethics Attitudes and Behaviors in Local Governments: An Empirical Analysis," *State & Local Government Review* 24, no. 3 (1992): 94-102, <http://www.jstor.org/stable/4355042>; Victor, "Enforcement: An Indispensable Component," 4-6.

²⁶ "Ethics Advisory Board," Town of Wilton, New York, accessed April 11 2018, <http://townofwilton.com/government/ethics-advisory-board/>.

²⁷ Wechsler, "Local Government Ethics Programs in a Nutshell"; Wechsler, "Local Government Ethics Programs: A Resource," 1087.

An ethics committee asking for more power, such as enforcement power over perceived ethics violations, can appear hypocritical to superior officials such as a select board.²⁸ This is because the ethics committee is viewed as a way to counter power grabs by others, but they appear to be doing exactly that in such a scenario. Due to this problem, it can be difficult for an already established ethics committee to expand its power beyond making recommendations to the select board to bridge the enforcement gap.

Ethics Training: Importance and Evidence of Success

The educational role of an ethics committee focuses on establishing training and conveying information for municipal officials on local and state ethics codes, and builds an “ethics environment,” where there is a distinct focus on ethical leadership.²⁹ Further, the training conducted by an ethics committee should involve recognition that established rules are *minimum* guidelines for acting ethically. Ethics training must also be ongoing and required, rather than being “a poorly attended lecture once a year or less.”³⁰

Robert Wechsler of City Ethics, a national, non-profit organization that seeks to improve local government ethics by centralizing research on the topic, suggests using the Haddon Matrix—developed by William Haddon in 1970 and the most commonly used framework to guide prevention planning in injury prevention fields. The Haddon Matrix focuses on prevention by examining issues in three categories: pre-event, event, and post-event.³¹ Pre-event safeguards would ensure ongoing, quality ethics trainings, to reduce the number of incidents that occur. Event safeguards would treat ethical issues as financial or legal issues to ensure mitigation of damages in cases that do occur. Meanwhile, disclosure rules ensure that there are post-event safeguards to reduce the risk of similar issues in the future.³²

Alongside adopting ethics ordinances, many municipalities are implementing ethics training for officials and employees as another strategy for meeting their ethics objectives. A study of cities with populations over fifty-thousand found that roughly two-thirds of cities have ethics training and that these trainings are mandatory for all employees in one-third of these cities.³³ The most widespread model of ethics training is the “compliance model,” which emphasizes conformation to current rules and regulations. Importantly, ethics trainings can both foster accountability in a city and help to provide a template to address the cities’ most prevalent ethics concerns.

Bozeman, Montana serves as an example of a municipality that has taken steps to ensure its Code of Ethics is properly interpreted and utilized. Montana has a State Code of Ethics binding elected officials, appointed officials, and government employees.³⁴ In 2012, a study was done

²⁸ Wechsler, “Local Government Ethics Programs: A Resource,” 889.

²⁹ Wechsler, “Local Government Ethics Programs: A Resource,” 914-950.

³⁰ Wechsler, “Local Government Ethics Programs: A Resource,” 400.

³¹ Wechsler, “Local Government Ethics Programs: A Resource,” 400-401.

³² Wechsler, “Local Government Ethics Programs: A Resource,” 400-401.

³³ Jonathan P. West and Evan M. Berman, “Ethics Training in U.S. Cities: Content, Pedagogy, and Impact,” *Public Integrity* 6, no. 3 (2004): 189-206, doi:10.1080/10999922.2004.11051253.

³⁴ Elizabeth J. Webb, “A Qualitative Analysis of Factors Contributing to Ethical Municipal Government” (Montana State University, 2012),

looking at factors contributing to success of ethics ordinances in Bozeman since the creation of a Board of Ethics in 2008. In Bozeman, the City Charter adopted in 2008 mandated the creation of a Board of Ethics and training for both appointed and elected city officials and employees.³⁵ Training was viewed as an important component for reinforcing the Ethics Code—training provided scenarios and examples of ethical challenges, rather than restating the details of the Code.

A study by Feldheim and Wang in 2004 found that 70 percent of large cities with populations over fifty-thousand have a Code of Ethics, making it the most common municipal level ethics measure.³⁶ Successful ethics codes can be described as those that have “practical behavioral goals, [are] connected to the emotional impact of the norms therein, and [are] institutionally supported and subject to feedback as a living document.”³⁷ In 2016, the Missouri Municipal Ethics Survey was sent to municipalities throughout Missouri to determine what ethical infractions were most common and to identify any correlations between ethical infractions, presence of an ethics code, and a municipality’s population size. In Figure 1 we provide an image of the report table that summarizes the survey’s ethical infraction observations throughout municipalities in Missouri.

TABLE 4
Observation of Ethical Infractions by Most Common Position Types

Position	Financial gain	Mishandling/ manipulating confidential information	Conflict of interest through gifts	Improper use of authority	Indecent treatment	Waste and abuse of organizational resources	Obs.
City council member	0.28 (0.83)	1.44 (1.10)	0.28 (0.57)	0.17 (0.38)	0.61 (0.92)	0.44 (0.92)	18
City manager/ administrator	0.17 (0.50)	1.37 (0.81)	0.46 (0.69)	0.41 (0.79)	0.83 (0.95)	0.19 (0.52)	54
City/county employee	0.26 (0.61)	1.15 (1.08)	0.34 (0.76)	0.34 (0.92)	0.96 (1.04)	0.17 (0.48)	47
City clerk	0.24 (0.77)	0.86 (0.89)	0.09 (0.29)	0.14 (0.47)	0.68 (1.04)	0.14 (0.47)	22
All other	0.16 (0.37)	1.13 (0.80)	0.56 (0.87)	0.54 (0.83)	0.52 (0.71)	0.16 (0.48)	25
Total	0.19 (0.57)	1.19 (0.94)	0.38 (0.71)	0.34 (0.75)	0.76 (0.91)	0.18 (0.53)	166

Source: 2013 MMES.

Notes: Mean ethical infraction observations (and standard deviations) shown for most common positions in the sample. Number of respondents provided in last column. Higher mean values indicate observing infractions frequently. Based on 166 respondents who provided a current employment position.

Figure 1. Ethical infraction observations throughout municipalities in Missouri.

Source: Wally Siewert and Adriano Udani, "Missouri Municipal Ethics Survey: Do Ethics Measures Work at the Municipal Level?," *Public Integrity* 18, no. 3 (2016): 269-89, <https://doi.org/10.1080/10999922.2016.1139523>.

<http://www.msulocalgov.org/technicalassistance/resourcesbytopic/ethics/A%20Qualitative%20Analysis%20of%20Factors%20Contributing%20to%20Ethical%20Municipal%20Government.pdf>.

³⁵ Elizabeth J. Webb, “Ethical Municipal Government.”

³⁶ Wally Siewert and Adriano Udani, "Missouri Municipal Ethics Survey: Do Ethics Measures Work at the Municipal Level?," *Public Integrity* 18, no. 3 (2016): 269-89, <https://doi.org/10.1080/10999922.2016.1139523>; Mary Ann Feldheim and Xiaohu Wang, "Ethics and Public Trust: Results from a National Survey," *Public Integrity* 6, no. 1 (2004): 63-75, <http://www.cism.my/sites/default/files/publications/Ethics%20%26%20Public%20Trust.pdf>.

³⁷ Stuart C. Gilman, “Ethics Codes and Codes of Conduct as Tools for Promoting an Ethical and Professional Public Service: Comparative Successes and Lessons” (Washington, D.C., 2005), <http://www.oecd.org/mena/governance/35521418.pdf>.

The results from the Missouri Municipal Ethics Survey found that “the implementation of ethics training in an agency will be negatively associated with observed ethical infractions.”³⁸ This correlation, although supported by limited evidence, demonstrates the potential impacts of from ethical training. There is a clear impact of ethical training on three common ethical violations: mishandling of confidential information, conflict of interest through gifts, and indecent treatment (of colleagues and citizens alike).³⁹ The study concludes that ethics codes alone are not sufficient to reduce the rates of ethical violations.⁴⁰ Despite this, they serve as an important basis for stronger ethical management. This is accomplished in part by providing a minimal standard for ethics and listing acceptable and unacceptable practices. Notably, building on the foundation set out in ethics codes, ethical training, most likely to occur when a robust code is present, makes a difference in diminishing ethical violations. Although complex, evidence suggests that ethics training is most valuable in reducing the most common infractions listed above.

Alternate Ways of Conceiving Ethics Ordinances

In 2017, the Vermont General Assembly passed Act 79, requiring all Vermont municipalities to adopt conflict of interest ordinances. Conflict of interest is defined in the statute as “an interest of a member that is in conflict with the proper discharge of his or her official duties due to a significant personal or financial interest of the member, a person within the member’s immediate family, or of the member’s business associate.”⁴¹ Every state in the country has set a standard for elected officials to adhere to conflict of interest rules.⁴² Though conflict of interest is the most commonly applied ethics code, some states and municipalities have found success using alternative ways to assess ethical issues. In its “Full Model Ethics Code,” City Ethics includes endorsements, meeting attendance, complicity with others’ violations, falsely impugning reputation, honesty in applications, and transactional disclosure as potential ethics ordinances.⁴³

Reviewing ten towns’ ethics ordinances that range from somewhat to very comprehensive, the six most common ethics ordinances besides conflict of interest are shown in Figure 2. The towns whose ordinances were surveyed were selected based on similar size or proximity to Shelburne, Vermont. All towns are located in the Northeast with the exception of Leander, Texas, which was used because it was both readily available and comprehensive. The towns include:

- Merrimack, New Hampshire
- Antrim, New Hampshire
- Waterville, Maine
- Bangor, Maine
- Geddes, New York

³⁸ Wally Siewert and Adriano Udani, “Missouri Municipal Ethics Survey.”

³⁹ Wally Siewert and Adriano Udani, “Missouri Municipal Ethics Survey.”

⁴⁰ Wally Siewert and Adriano Udani, “Missouri Municipal Ethics Survey.”

⁴¹ “S.8: An act relating to establishing the State Ethics Commission and standards of 17 governmental ethical conduct,” Vermont General Assembly, accessed March 30, 2018,

<https://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT079/ACT079%20As%20Enacted.pdf>.

⁴² “50 State Table: Conflict of Interest Definitions,” National Conference of State Legislatures, accessed April 1, 2018, <http://www.ncsl.org/research/ethics/50-state-table-conflict-of-interest-definitions.aspx>.

⁴³ “Full Text of Model Ethics Code,” City Ethics, accessed March 28, 2018, <http://www.cityethics.org/content/full-text-model-ethics-code>.

- Mansfield, Connecticut
- Stamford, Connecticut
- Ewing, New Jersey
- Westerly, Rhode Island
- Leander, Texas

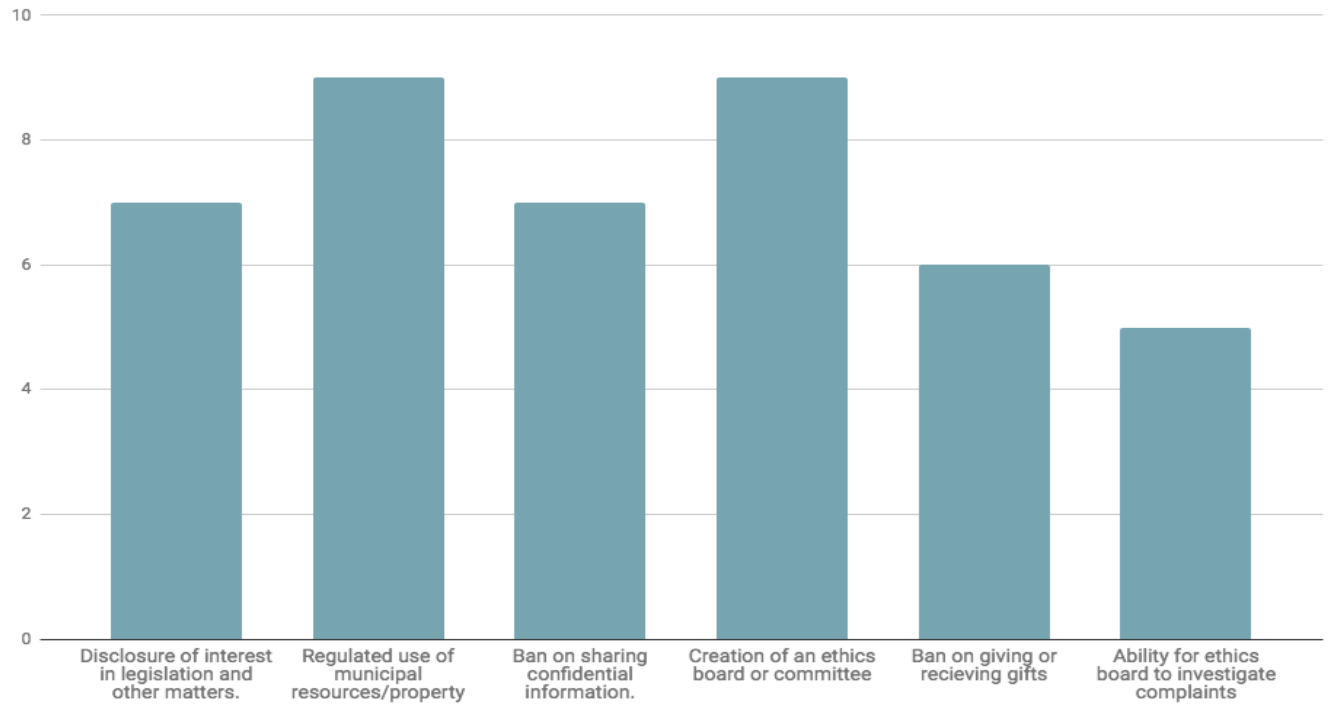


Figure 2. Commonly used municipal ethics ordinances

Sources: See note⁴⁴

Some ordinances used by towns include:

⁴⁴ Stamford, Connecticut, Municipal Code ch. 19, § 19-4 - 19-18 (2018), https://www.stamfordct.gov/sites/stamfordct/files/minutes/minutes-file/chapter_19codeofethics.pdf; Mansfield, CT, Municipal Code ch. 25, § 25-6 (2018), http://www.mansfieldct.gov/filestorage/1904/5366/5768/ethics_ordinance_draft_17.pdf; Geddes, NY, Municipal Code Art. I Ch 15, §15-4 - 15-20 (2018), <http://townofgeddes.com/wp-content/uploads/2018/03/uUPDATED-CODE-BOOK.pdf>; Bangor ME, Municipal Code Ch. I Art. VI, § 3 (2018), <https://www.memun.org/SchoolsProject/Resources/conflictOfInterest/policy.htm>; Waterville, ME, Municipal Code of Ethics, § 3-11 (2018), <http://www.waterville-me.gov/ordinances/wp-content/uploads/sites/25/2018/02/Ethics-Ordinance-Revised-010518.pdf>; Leander, Texas, Municipal Code Art. III, § 3.1-3.6 (2018), http://www.leandertx.gov/sites/default/files/fileattachments/Ethics%20Commission/page/1108/ethics_ordinance_-_adopted_3-7-13.pdf; Antrim, NH, Municipal Code of Ethics, §3-9 (2018), http://www.antrimnh.org/Pages/AntrimNH_Selectmen/draftords.pdf; Merrimack, NH, Municipal Code Art. IX, § 9-3 (2018), https://www.merrimacknh.gov/sites/merrimacknh/files/file/current_version_charter_merrimack_nh_revised_charter_120827.pdf; Ewing, NJ, Municipal Code ch. 26, § 26-4 - 26-13 (2018), <https://ecode360.com/9385112>; Westerly, RI, Municipal Code ch. 21, § 21-3 - 21-9 (2018), <https://ecode360.com/32446670#32446766>.

- Education and training programs;
- Restrictions for former employees;
- Restrictions on future employment;
- A ban on representing third party interests before the city;
- A ban on political solicitations;
- Financial disclosure;
- Independent enforcement power of Ethics Committees and Boards;
- Advisory power of Ethics Committees and Boards;
- Time limits for:
 - Reporting violation;
 - Committee or Board acting on violation;
 - Notification of violation decision;
- Ethics codes applying to all those doing business with the city (in addition to town officials and representatives); and,
- Prohibition against contingent fees.

The town of Shelburne includes an iteration of each of the six most common policies in their ethics ordinances. While disclosure of interest in legislation is not specifically mentioned, there are regulations on disclosure of ex parte communications and conflicts of interest. An expansion of disclosure ordinances, or the addition of any of the ordinances listed above would more greatly align Shelburne with advanced ethics ordinances. Overall, Shelburne has a relatively comprehensive body of ethics ordinances compared to the ten towns surveyed.⁴⁵

Conclusion

A review of municipal ethics ordinances demonstrates that Shelburne is currently practicing many of the most common ethics ordinances adopted in Northeastern towns. Conflict of interest ordinances are among the most common, but several towns have gone beyond this model. Ethics committees serve various roles, including educational, investigatory, and advisory roles. By serving in multiple capacities, ethics committees are responsible for educating the public on ethical behavior, researching ethical infractions, and enforcing penalties for ethical violations. These roles foster increased public trust in municipalities and provide a mechanism for government employees to be held accountable. To best accomplish this, a strong ethics code should be coupled with ethics training and a mechanism for enforcement. Ethics training allows for ethics codes to be practically understood and applied, and a mechanism for enforcement enables the committee to enforce the code.

This report was completed on May 7, 2018, by Brandon Arcari, Rachel Bowanko, and Marcie Gallagher under the supervision of Professor Jack Gierzynski and Professor Robert V. Bartlett

⁴⁵ “Ethics and Conflict of interest Ordinance,” Town of Shelburne, Vermont, accessed March 30, 2018, <https://www.shelburnevt.org/DocumentCenter/View/605>.

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