

# CONFLICT OF INTEREST POLICY

## Town of Wilmington Vermont

(This Policy, adopted by Wilmington Selectboard applies to all “public officers”.)

**ARTICLE 1. Authority.** Under the authority granted in 24 V.S.A. § 2291(20), the Selectboard of Wilmington hereby adopts the following policy concerning conflict of interest.

**ARTICLE 2. Purpose.** The purpose of this policy is to ensure that the business of this municipality will be conducted in such a way that no public official of the municipality will gain a personal or financial advantage from his or her work for the municipality and so that the public trust in municipal officials will be preserved.

**ARTICLE 3. Definitions.** For the purposes of this policy, the following definitions shall apply:

- a. “Conflict of interest” means a direct personal or monetary interest of a public officer, his or her spouse, household member, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending before the officer or before the public body in which he or she holds office or is employed. “Conflict of interest” does not arise in the case of votes or decisions on matters in which the public officer has a personal or monetary interest in the outcome no greater than that of other persons generally affected by the decision.
- b. “Emergency” means an imminent threat or peril to the public health, safety or welfare.
- c. “Official act or action” means any legislative, administrative or judicial act performed by any elected or appointed officer or employee while acting on behalf of the municipality.
- d. “Public body” means any board, council, commission, or committee of the municipality.
- e. “Public interest” means an interest of the community as a whole, conferred generally upon all residents of the municipality.
- f. “Public officer” or “public official” means a person elected or appointed to perform executive, administrative, legislative or quasi-judicial functions for the municipality.

### **ARTICLE 4. Disqualification.**

- a. A public officer shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.
- b. A public officer shall not personally or through any member of his or her household, business associate, employer or employee represent, appear for, or negotiate in a private capacity on behalf of any person or organization in a cause, proceeding, application or other matter pending before the public body in which the officer holds office or is employed.
- c. Public officers shall not accept gifts or other offerings for personal gain by virtue of their public office that are not available to the public in general.
- d. Public officers shall not use resources not available to the general public, including but not limited to town staff time, equipment, supplies, or facilities for private gain or personal purposes.

### **ARTICLE 5. Recusal.**

- a. In the case of a public officer who is an appointee, the person or public body which appointed that public officer shall have the authority to order that officer to recuse him or herself from the matter, subject to applicable law.

- b. A public officer who has reason to believe that he or she has or may have a conflict of interest but believes that he or she is able to act fairly, objectively and in the public interest in spite of the conflict of interest shall, prior to participating in any official action on the matter, prepare a statement describing the matter under consideration, the nature of the potential conflict of interest and why he or she believes that he or she is able to act in the matter fairly, objectively and in the public interest. Nevertheless, the person or public body which appointed that public officer retains the authority to order that officer to recuse him or herself from the matter, subject to applicable law.

**For Selectboard Members Only:**

- c. The statement required by subsection (b) above shall be signed by the officer and filed as part of the minutes of the meeting of the public body in which the officer holds office.
- d. Upon recusal, the public officer in question shall be required to leave the meeting room for the duration of the discussion of the matter under consideration.

**ARTICLE 6. Enforcement; Progressive Consequences for Failure to Follow the Conflict of Interest Procedures.**

In cases where the conflict of interest procedures in Articles 4 and 5 have not been followed, the selectboard may take progressive action to discipline an offending public officer. In the discipline of a public officer, the board shall follow these steps in order:

- A. The chair shall meet informally, in private, with the public officer to discuss possible conflict of interest violation.
- B. The board may meet to discuss the conduct of the public officer. Executive session may be used for such discussion, in accordance with 1 V.S.A. § 313(4). The public officer may request that this meeting occur in public. If appropriate, the board may admonish the offending public officer in private.
- C. If the board decides that further action is warranted, the board may admonish the offending public officer at an open meeting and reflect this action in the minutes of the meeting. The public officer shall be given the opportunity to respond to the admonishment.
- D. Upon majority vote, the board may request that the offending public officer resign from the board.

**ARTICLE 8. Exception.** The recusal provisions of section 5 shall not apply if the legislative body of the municipality determines that an emergency exists and that actions of the public body otherwise could not take place. In such cases, a public officer who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Article 5.

**ARTICLE 9. Effective Date.** This policy shall become effective immediately upon its adoption by the Wilmington Selectboard.

Adopted this 8<sup>th</sup> day of March 2017.

**Wilmington Selectboard**

  
Thomas Fitzgerald

  
John Gannon

  
Vince Rice

  
Sarah Fisher

  
Ann Manwaring