

CONFLICT OF INTEREST POLICY
Town of Panton

Article 1. Authority. Under the authority granted in 24 V.S.A. § 2291(20), the Town of Panton hereby adopts the following policy concerning conflicts 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. It is also the intent of this policy to insure that all decisions made by municipal officials are based on the best interest of the community at large.

Article 3. Application. This policy applies to all public officers and public officials as those terms are defined below.

Article 4. Definitions. For the purposes of this policy, the following definitions shall apply:

A. **Conflict of interest** means any of the following:

1. A direct or indirect personal or financial interest of a public officer, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother- or sister-in-law, business associate, or 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.
2. A situation where a public officer has publicly displayed a prejudgment of the merits of a particular quasi-judicial proceeding. This shall not apply to a member's particular political views or general opinion on a given issue.
3. A situation where a public officer has not disclosed ex parte communications with a party in a quasi-judicial proceeding.

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. This term does not include any municipal employee.

G. **Quasi-judicial proceeding** means a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties

have opportunities to present evidence and to cross-examine witnesses presented by other parties, and which results in a written decision, the result of which is appealable by a party to a higher authority.

Article 5. Prohibited Conduct.

- 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. A public officer shall not accept gifts or other offerings for personal gain by virtue of his or her public office that are not available to the public in general.
- D. A public officer shall not use resources unavailable to the general public – including but not limited to town staff time, equipment, supplies, or facilities – for private gain or personal purposes.

Article 6. Disclosure. A public officer who has reason to believe that he or she has or may have a conflict of interest in a particular matter shall, prior to participating in any official action on the matter, publicly disclose at a public meeting or public hearing that he or she has an actual or potential conflict of interest in the matter under consideration and disclose the nature of the actual or potential conflict of interest. Alternatively, any person may request that a public officer recuse him or herself from a matter due to a conflict of interest.¹

Article 7. Consideration of Recusal. Once there has been a disclosure of an actual or perceived conflict of interest, other public officers and members of the public may be afforded an opportunity to ask questions of or make limited comments about the situation. If a previously unknown conflict is discovered during a meeting or hearing, the public body may take evidence pertaining to the conflict and, if appropriate, adjourn to a short executive session to address the conflict.

Article 8. Recusal.

A. Recusal of Elected Officers. After taking the actions listed in Articles 6 and 7, an elected public officer should declare whether he or she will recuse him or herself and explain the basis for that decision. If the public officer has an actual or potential 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, he or she shall state why he or she believes that he or she is able to act in the matter fairly, objectively, and in the public interest.²

¹ Such request shall not be considered an order for the officer to recuse him or herself.

² Each member of a board is independently elected and answers only to the voters. Therefore, unless there is a local ordinance or charter provision that states otherwise, the remaining members of the board may not force

B. Recusal of Appointed Officers. After taking the actions in Articles 6 and 7, an appointed public officer shall either declare that he or she will recuse him or herself because of the conflict of interest, or state why he or she believes that he or she is able to act in the matter fairly, objectively, and in the public interest, in spite of the conflict. The person or public body that appointed that officer may then allow the public officer to continue to serve, or may order the public officer to recuse him or herself from a particular matter, subject to applicable law.

Article 9. Post-Recusal Procedure.

- A. A public officer who has recused him or herself from serving on a public body in a particular proceeding shall not sit with the public body, deliberate with the public body, or participate in that proceeding as a member of the public body in any capacity.
- B. The public body may adjourn the proceedings to a time certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the board. The public body may then resume the proceeding with sufficient members present.

Article 10. Enforcement.

A. Enforcement Against Elected Officers; Progressive Consequences for Failure to Follow the Conflict of Interest Procedures. In cases where an elected public officer has engaged in any of the prohibited conduct listed in Article 4, or has not followed the conflict of interest procedures in Articles 6 through 8, the Panton Select board may take progressive action to discipline such elected officer as follows:

1. When it is possible to do so without violating the Open Meeting Law, the chair of the Panton Select board may meet informally, in private, with the public officer to discuss the possible conflict of interest violation. This shall not take place in situations where the chair and the public officer together constitute a quorum of a public body.
2. The Panton Select 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(a)(4). The public officer may request that this meeting occur in public. If appropriate, the Panton Select board may admonish the offending public officer in private.
3. If the Panton Select board decides that further action is warranted, the Panton Select 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.
4. Upon majority vote, the Panton Select board may request (but not order) that the offending public officer resign from that position and/or board.

recusal. They may only express their opinion about the subject and/or privately or publicly admonish a fellow member who fails to handle conflicts appropriately.

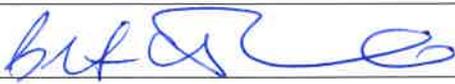
B. Enforcement Against Appointed Officers. The Panton Select board may choose to follow any of the steps articulated in Article 10A. In addition to or in lieu of any of those steps, the Panton Select board may choose to remove an appointed officer from office, subject to state law.

Article 11. Exception. The recusal provisions of Article 8 shall not apply if the [Panton Select board determines that an emergency exists and that actions of the public body otherwise could not take place. In such a case, a public officer who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Article 6.

Article 12. Effective Date. This policy shall become effective immediately upon its adoption by the Panton Select board.

Signatures:





Date:

