

ORIGINAL

CONFLICT OF INTEREST POLICY

Town of Readsboro Vermont Selectboard

Article 1. Authority. Under the authority granted in 24 V.S.A. § 2291(20), the Selectboard of Readsboro Vermont 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 Selectboard member 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 the Selectboard are based on the best interest of the community at large.

Article 3. 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 interest of a Selectboard member, his or her spouse, household member, child, parent, sibling, business associate, in the outcome of a cause, proceeding, application or any other matter pending before the Selectboard;
2. A direct or indirect financial interest of a Selectboard member, his or her spouse, household member, child, parent, sibling, business associate, in the outcome of a cause, proceeding, application or any other matter pending before the Selectboard;
3. A situation where a Selectboard member has publicly displayed a prejudgment of the merits of a particular quasi-judicial proceeding before the board. This shall not apply to a member's particular political views or general opinion on a given issue; and
4. A situation where a Selectboard member has not disclosed ex parte communications with a party in a proceeding before the board.

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 the Selectboard while acting on behalf of the municipality.

D. **Public interest** means an interest of the community as a whole, conferred generally upon all residents of the municipality.

E. **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, which results in a written decision, the result of which is appealable by a party to a higher authority. (i.e Board Of Civil Authority, Board of Abatement)

Article 4. Disqualification.

A. A Selectboard member shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.

B. A Selectboard member shall not personally, 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 Selectboard.

C. Selectboard members shall not accept gifts or other offerings for personal gain that are not available to the public in general.

Article 5. Disclosure. A Selectboard member 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 disclose to the public body at a public meeting/hearing 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.

Article 6. Recusal.

A. A Selectboard member shall recuse him or herself from any matter in which he or she has a conflict of interest, pursuant to the following:

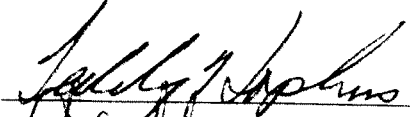
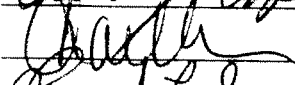
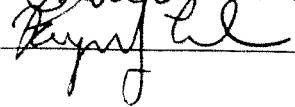
1. Any person may request that a member recuse him or herself due to a conflict of interest. Such request shall not constitute a requirement that the member recuse him or herself;
2. A Selectboard member who has recused him or herself from a proceeding shall not sit with the remaining Selectboard, deliberate with the remaining Selectboard, or participate in that proceeding as a Selectboard member in any capacity;
4. The Selectboard may adjourn the proceedings to a time certain if, after a recusal, if it may not be possible to take action through the concurrence of a majority of the Selectboard. The Selectboard may then resume the proceeding with sufficient members present.
- 5) If by multiple recusals a quorum of the Selectboard cannot be obtained then the Selectboard may act on the issue, provided each Selectboard member disclose any conflict to the public body as indicated in Article 5 above.

Article 7. Enforcement; Progressive Consequences for Failure to Follow the Conflict of Interest Procedures. In cases where the conflict of interest procedures in Articles 5 and 6 have not been followed, the Selectboard may take action to discipline a Selectboard member. In the discipline of a Selectboard member, the remaining Selectboard may take the following action:

- A. Allow the public record, Selectboard minutes, to reflect any inappropriate action by any Selectboard member and record a separate letter if needed in those Selectboard minutes.

Article 8. Exception. The recusal provisions of Article 6 shall not apply if the legislative body of the municipality determines that an emergency exists.

Article 9. Effective Date. This policy shall become effective immediately upon its adoption by the Town of Readsboro Selectboard.

Signatures:  Dated 2-26-08



Date: 2-26-08