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Town Of Montgomery

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**TOWN OF MONTGOMERY
POLICY ON CONFLICT OF INTEREST**

EFFECTIVE DATE

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TOWN OF MONTGOMERY

POLICY ON CONFLICT OF INTEREST

SECTION I AUTHORITY

Under the authority granted in 24 V.S.A., Chapter 33, Section 872, the Town of Montgomery Selectboard hereby adopts the following policy regarding Conflict Of Interest.

SECTION II PURPOSE / INTENT

The residents of Montgomery deserve the finest municipal government possible. The Montgomery Selectboard desires to maintain the public trust by conducting all municipal operations in the most ethical and fair manner possible and recognizes that conflicts of interest will occasionally arise in the course of the conduct of municipal affairs. This policy is meant to provide ethical guidelines and standards for itself, and for all subordinate boards, commissions, agencies, committees and employees, except those who are authorized by law to and who have enacted their own guidelines.

SECTION III DEFINITIONS/APPLICABILITY

A. "Conflict of Interest " means a personal or pecuniary interest of a public officer or his other relative (as defined in 12 V SA 61 (a) and 24 V SA 1203), member of the household, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending 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 pecuniary interest in the outcome no greater than that of other persons generally affected by the decision (such as adopting a bylaw or setting a tax rate) who are residents of Montgomery.

B. "Emergency" means an imminent threat or peril to the public health, safety or welfare.

C. "Public body" means the Selectboard and all other boards, councils, commissions or committees under the administrative control of the Selectboard.

D. "Public Officer" means a member of the Selectboard and/or members of all other boards, councils, commissions or committees under the administrative control of the Selectboard, elected or appointed to perform executive, administrative,

legislative or quasijudicial functions as member of or for a public body.

E. "Official Action " means engaging in a vote, entering into a contract, authorizing the issuance of a permit, deliberating in connection with or rendering a written or recorded decision, conducting a criminal or disciplinary investigation, or taking any formal action in a quasi-judicial capacity in the course of a public officer's performance of the duties and responsibilities of his or her office.

SECTION IV SPECIFIC PROVISIONS

A. Code Of Conduct For Municipal Boards/Committees/Commissions

To the best of their ability all elected and appointed office holders will:

1. Attend all regularly scheduled meetings, and insofar as possible, review/study background materials about the issues to be considered on each agenda.
2. Set goals for the Town and establish policies to direct its administration.
3. Maintain confidentiality of discussions conducted in executive session and of other privileged information.
4. Abide by decisions regardless of how individuals voted.
5. Act only as a member of the board/body and do not assume authority as an individual in matters when the board/body is not in session, unless specifically authorized by motion;
6. Be familiar with and observe Vermont laws.
7. Listen to legal counsel and constructive criticism to protect the board and the Town from liability.
8. Retain independent judgment and refuse to surrender that judgment to individuals or special interest groups.
9. Voice opinions responsibly, maintain good relations with other board members, respect other board members' rights and opinions, and make no disparaging remarks, in or out of the board meeting, about other board members. Instead, express opinions in a professional, fair manner. Accept the responsibility to secure facts before arriving at conclusions.

10. Support employment of the best qualified people and the Town's role as an Equal Opportunity and Treatment employer.

11. Represent the entire community.

12. Create an environment that fosters community participation and involvement.

13. Refrain from using board membership for political, personal or business profit or advancement.

14. Recognize conflicts of interest and avoid being placed in a position of conflict of interest in hiring, letting bids, approving contracts and other financial affairs of the Town.

B. Recusal from Official Action

1. A public officer shall not take any official action if he or she has a conflict of interest in a matter that could result in the officer receiving direct or indirect financial benefit.

2. In matters involving conflict of interest other than those previously set forth above, a public officer shall not take any official action on any matter in which he or she has a conflict or interest. A public officer shall not take any action on any matter in which he or she has an appearance of a conflict of interest unless in his or her own estimation, he or she is able to do so fairly, objectively and in the public interest in spite of the appearance of conflict of interest.

3. Public officers shall not offer their individual professional services to applicants while applications or matters are pending.

C. Disclosure

1. A public officer who has reason to believe that he or she has a conflict of interest shall recuse themselves. A public officer who has reason to believe they have an appearance of a conflict of interest but believes he or she is able to act fairly, objectively and in the public interest in spite of the appearance of conflict of interest shall, prior to taking any official action on the matter involving the conflict, disclose to other board members during an official public meeting of the board the nature of the potential appearance of conflict of interest, the action

required by the board and the reason why the official believes he or she is able to take such action fairly, objectively and in the public interest in spite of the potential appearance of conflict.

2. In the event a public officer personally (or through any member of the household, business associate, employer or employee) represents, appears for or negotiates in a private capacity on behalf of any person or organization in any cause, proceeding, application or other matter pending before the public body in which the officer holds office, the public officer shall disclose his/her relationship to that public body. In such cases, the officer shall not sit with the remaining members of the public body nor be included in any deliberations other than to the extent that all applicants/members of the public are included.

3. If a public officer does not voluntarily withdraw from official action on any matter in which that public officer has or may have a conflict of interest, another member of the same public body or any interested party to the matter being heard may request that the public body consider the issue of whether that member should recuse him/herself because of conflict of interest. Upon such request the members of the public body, excluding the member with the potential conflict, shall act on the following motion. "Should _____ recuse himself/herself because of a conflict of interest or an appearance of a conflict of interest?" If a majority of those voting, vote in favor of the motion; and if the member with the potential conflict does not recuse him/herself, the chair of the public body shall refer the action of the public body to the Selectboard.

4. Progressive Consequences for Failure to Follow the Conflict of Interest Procedures. In cases where the conflict of interest procedures in this policy 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 I 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 body.

5. Violations of this ethics policy may be grounds for removal from public office, except if such removal is prohibited by law.

E. Emergency

The provisions of Section IV shall not apply if the Selectboard has voted that an emergency exists and that actions of the public body or agency 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 Section IV C.

SECTION V AMENDMENTS

This policy may be amended by a majority vote of the legislative body at any duly warned meeting, providing the subject appears on the agenda for that meeting.

SECTION VI NOTICE

1. This Policy shall be entered into the minutes of the Town records and shall be posted in at least three conspicuous places in Town for a period of one month.
2. A reference to a place within the municipality where the full text may be examined, shall be posted also.

