

**Conflict of Interest Ordinance
Town of Thetford, Vermont**

ARTICLE 1. Authority.

Under the authority granted in 24 V.S.A. Chapter 59 and 24 V.S.A. § 2291(20), the Thetford Selectboard hereby adopts the following civil ordinance concerning conflict of interest.

ARTICLE 2. Purpose.

The purpose of this ordinance is to ensure that the business of Thetford will be conducted in such a way that no public official of the municipality will gain a personal or pecuniary 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 ordinance, the following definitions shall apply:

- a. **"Conflict of interest"** means a direct personal or pecuniary interest of a public official, his or her immediate family, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending before the official 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 official 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.
- b. **"Emergency"** means an imminent threat or peril to the public health, safety or welfare.
- c. **"Immediate Family"** means parents, step-parents, siblings, spouse, children, step-children, foster children, in-laws, grandparents, great grandparents, step-great grandparents, grandchildren, aunts, uncles, nieces, and nephews.
- d. **"Official act or action"** means any discretionary legislative, administrative or judicial act performed by any elected or appointed officer or employee while acting on behalf of the municipality.
- e. **"Public body"** means a municipality and its departments, boards, commissions, and committees.
- f. **"Public interest"** means an interest of the community as a whole, conferred generally upon all residents of the municipality.
- g. **"Public official"** means a person elected or appointed to perform executive, administrative, legislative or quasi-judicial functions for a public body.

ARTICLE 4. Disqualification.

- a. A public official shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.
- b. A public official shall not personally or through any member of his or her household, business associate, employer or employee represent, appear for, or

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negotiate 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 official holds office or is employed.

c. In the case of a public official who is an appointee, the person or public body that appointed that public official shall have the authority to order that official to recuse him or herself from the matter.

ARTICLE 5. Disclosure.

a. A public official 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.

b. In the case of a public official who is an elected member of a board, commission or other body, the remaining members of that body shall have the authority to inquire of the official about a possible conflict of interest and to suggest or recommend that the member recuse him or herself from the matter. If the member believes that he or she does not have a conflict of interest or believes that he or she is able to act fairly, objectively and in the public interest in spite of an existing conflict of interest, the member shall, prior to participating in 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.

c. The statement required by subsections (a) and (b) above shall be signed by the official and filed as part of the minutes of the meeting of the public body in which the official holds office.

ARTICLE 6. Hearing before the Selectboard.

a. Any resident of Thetford who believes that an official should recuse him or herself from a matter because of a conflict of interest or that the official should provide a disclosure statement regarding his or her conflict of interest in the matter may file a complaint with the Selectboard.

1. If the respondent is a member of the Selectboard he or she shall recuse him or herself from review of the complaint.

b. Upon receipt of the complaint, the Selectboard shall set a date for a hearing as soon as possible. Notice of the hearing shall be posted in at least three public places within the municipality and shall be published in the newspaper of record at least seven days prior to the hearing date.

c. The Selectboard shall consider the matter at a public hearing. Oral testimony shall be taken under oath. The complainant and respondent shall have a right to present evidence personally or by other witnesses, to examine and cross-examine witnesses and to be represented by counsel. The hearing shall be recorded.

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d. At the conclusion of the hearing, the Selectboard shall go into deliberative session in order to consider all the evidence. The Selectboard shall issue a written decision as to whether the official shall be required to recuse him or herself from the matter and state the reasons for that decision.

ARTICLE 7. Enforcement.

a. Refusal to comply with the decision of the Selectboard shall be considered a violation of this ordinance. The Selectboard, acting on behalf of the municipality, may seek injunctive relief in superior court that may include, but not be limited to, an order to negate any vote or other action taken by the official in the matter.

b. In addition to any other remedies provided by law, a public official who violates this ordinance may be publicly censured by the Selectboard.

ARTICLE 8. Exception.

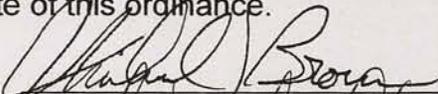
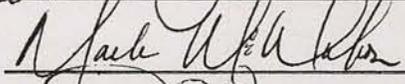
The provisions of section 4 shall not apply if the Selectboard determines that an emergency exists and that actions of the public body otherwise could not take place. In such cases, a public official who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Article 5.

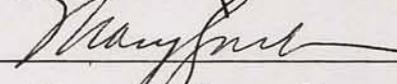
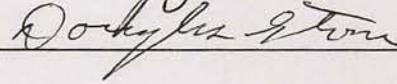
ARTICLE 9. Severability.

If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

ARTICLE 10. Effective Date.

This ordinance shall become effective 60 days after its adoption by the Thetford Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the effective date of this ordinance.

Signatures: 


Date: 20 February 2006