

CONFLICT OF INTEREST POLICY

Town of Benson

ARTICLE 1. Authority. Under the authority granted in 24 V.S.A. § 1984, the Select Board members of the Town of Benson hereby adopt 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 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 policy, the following definitions shall apply:

- a. "Conflict of interest" means a direct personal or pecuniary 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 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. "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.
- d. "Public body" means a municipality and its departments, board, councils commissions, committees or other instrumentalities.
- 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 a public body.

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 any cause, proceeding, application or other matter pending before the public body in which the officer holds office or is employed.

- c. 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.

ARTICLE 5. Disclosure.

- a. 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.
- b. In the case of a public officer 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 officer 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 officer and filed as part of the minutes of the meeting of the public body in which the officer holds office.

ARTICLE 6. Effective Date. This policy shall become effective immediately upon adoption by the Select Board.

Select Board Approval:

DATE ADOPTED: _____

Signatures: _____

