

**TOWN OF FERRISBURGH
ETHICS AND CONFLICT OF INTEREST POLICY**

THE SELECTBOARD OF THE TOWN OF FERRISBURGH HEREBY ORDAIN:

ARTICLE 1. Authority

Under the authority granted in 24 V.S.A. § 2291(20), the Selectboard for the Town of Ferrisburgh hereby adopts the following policy concerning conflict of interest.

ARTICLE 2. Purpose

The proper operation of government requires that Public Officials and Employees be independent, impartial, and responsible to their constituents; that Town decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; that no public official of the Town shall gain a personal or pecuniary advantage from his or her work for the Town and that the public have confidence in the integrity of its Town Government, Public Officials and Employees.

ARTICLE 3. Definitions.

For the purpose of this policy, the following definitions shall apply:

- a. **"Business Associate"** - means any person who is a partner in a partnership or joint venture or similar association with the Public Official or Employee, or any member of that Public Official or Employee's immediate family or household; a shareholder or member of a corporation or limited liability company in which the Public Official or an immediate member of the Public Official or Employee's immediate family or household is at least a 10% shareholder or member; or any person with whom the Public Official or Employee or any member of his or her immediate family or household has a significant commercial relationship.
- b. **"Conflict of interest"** - means a direct personal or pecuniary interest of a Public Official, Employee, his or her spouse or other immediate family household member, business associate, employer or employee, in the outcome of a particular matter, policy, cause, proceeding, application or any other matter pending before the Public Official, Employee, 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 or Employee 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.
- c. **"Emergency"** - means an imminent threat or peril to the public health, safety or welfare.
- d. **"Employee"** - includes any person who works for compensation as well as any person who volunteers for the Town.
- e. **"Immediate Family Member or Household Member"** - includes any person whom the Public Official or Employee lives/resides, the Public Official or Employees spouse, civil union or life partner, children (including stepchildren and foster children), brother, sister, mother, father and any in-laws through such persons.
- f. **"Official act or action"** - means any discretionary legislative, administrative or judicial act performed by any Public Official or Employee while acting on behalf of the Town.

- g. **"Private Entity"** - means a corporation, partnership, limited partnership, limited liability company, limited liability partnership, joint venture or association, whether organized for profit or not for profit.
- h. **"Public Body"** - means the Town and its departments, boards, councils, commissions, committees or other instrumentalities.
- i. **"Public Official"** - means a person elected or appointed to perform executive, administrative, legislative or quasi-judicial functions for the Town whether paid or unpaid, including members of boards, committees and commissions of the Town.

ARTICLE 4. Obligations of Public Officials, and Employees.

It is the obligation of every Public Official and Employee to support the Constitution of the United States and the Constitution of the State of Vermont. No Public Official or Employee shall knowingly violate the provisions of the Vermont Statutes.

ARTICLE 5. Use of Town property

No Public Official or Employee shall use or permit the unauthorized use of Town-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally, as provided pursuant to Town policy for the use of such Public Official or Employee in the conduct of official business, or as otherwise authorized by a written policy of the Selectboard or its designee.

ARTICLE 6. Orders and Policies of Selectboard.

It is the obligation of every Public Official and Employee to carry out the lawful orders and policies of the Selectboard. No Public Official or Employee shall knowingly take any action inconsistent with the lawful orders or policies established by the Selectboard. No Public Official or Employee shall knowingly take any action which would be detrimental to the best interests of the Town.

ARTICLE 7. Gifts, Favors, or Special Privileges.

The conduct of public business shall be free of any influence arising from gifts, favors or special privileges. It is the obligation of every Public Official and Employee to refuse personal gifts, favors or special privileges in every instance where such Public Official or Employee reasonably believes such gift, favor or special privilege would not have been extended but for the position of such Public Official or Employee, or where there exists a reasonable belief that the giver's interests are likely to be affected by the actions of the Public Official or Employee, or where the gift is or may reasonably be considered to be designed to influence the actions of the Public Official or Employee. Notwithstanding the foregoing, a Public Official or Employee may, in any one fiscal year, accept a single personal gift, favor or special privilege from any one person or entity so long as the reasonable value thereof does not exceed \$25.00 and so long as all gifts, favors and privileges from all sources during that fiscal year do not exceed \$100.00 in value. No Public Official or Employee shall seek personal or financial advantage by means of his/her public office, appointment or employment.

ARTICLE 8. Disqualification.

- a. A Public Official or Employee shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.

ARTICLE 9. Disclosure.

- a. A Public Official or Employee who has reason to believe that he or she has or may have a conflict of interest or is acting on behalf of a private entity, 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 or make a written or oral public 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 Public 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 or make a written or oral public 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.

ARTICLE 10. Creation of an Ethics Committee.

- a. The Selectboard shall solicit volunteers from among the registered voters who are willing to serve on an Ethics Committee for a period of three years. The years will be staggered, one appointee per year. The original appointments shall include one, one year term, one two year term and one three year term.
- b. From those volunteers, the Selectboard shall select six qualified persons, of which three shall be appointed the regular members of the Ethics Committee and the remaining three persons shall be appointed the alternate members of the Ethics Committee. The alternates shall be ranked first, second, and third, in their order of selection by the Selectboard. The alternates original appointment shall be the same as regular members. The list of members and alternates (with their ranking) shall be filed with the Town Clerk along with the date they were selected and the date on which their terms shall expire.
- c. If one or more of the regular members cannot participate in a particular matter, the first alternate shall fill in and, if that person cannot participate, the second alternate shall fill in, and so forth through the list of alternates until a three-member Ethics Committee is duly constituted.
- d. The members of the Ethics Committee shall serve without compensation for their services! The Ethics Committee shall not incur any expenses in the performance of its duties without the prior approval of the Selectboard.
- e. The Ethics Committee shall elect a chair chosen from the three regular members and shall establish rules of procedure.
- f. Hearings conducted by the Ethics Committee shall be conducted in accordance with 24 V.S.A. § 1203-1209.

ARTICLE 11. Hearing before the Ethics Committee.

- a. The Ethics Committee shall consider the matter a public hearing. Oral or written 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.

- b. At the conclusion of the hearing, the Ethics Committee shall go into deliberative session in order to consider all the evidence. The Ethics Committee shall issue a written decision.

ARTICLE 12. Severability.

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

Every Town of Ferrisburgh employee, appointee and elected official shall receive a copy of the Town's Ethics Policy. Each person will be requested to return a signature page stating they have received the Town of Ferrisburgh Ethics Policy.

Adopted this 20 day of August, 2013 at the Town of Ferrisburgh

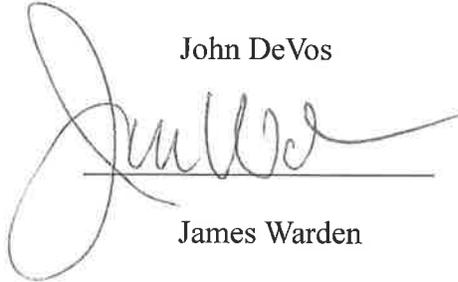
 _____

Loretta Lawrence

John DeVos

 _____

Sally Torrey

 _____

James Warden

 _____

James Benoit