**City of Burlington**

ARTICLE 46. CONTRACT BETWEEN CITY AND OFFICERS

**133** **Conflicts of** **interest.**

(a)    No city officer shall participate in any fashion or cast a vote on any matter in which either a direct or indirect conflict of interest is present. Nor shall a city officer participate or vote on any question in which such participation or vote would reasonably create in the mind of an objective person the appearance of a direct or indirect conflict of interest. The presence of a circumstance as above enumerated shall be regarded as a conflict of interest situation. In the event a conflict of interest situation arises, the affected city officer shall at the first opportunity formally declare the existence of the conflict of interest situation. Thereafter, such officer shall not participate in any fashion at any level, formally or informally, in the discussion of the matter, nor cast a vote of any kind at any level with respect to the matter to which the conflict of interest situation applies. For the purposes of this section, the following definitions shall be applicable:

(1)    Direct Conflict of Interest shall mean a situation in which the city officer has a direct and immediate financial interest in a matter which is officially before such officer or before a board of which such officer is a member. Such financial interest shall be regarded as present if the city officer is either the self-proprietor of the organization seeking to do business with the city or an officer, partner, professional associate, shareholder holding at least five (5) percent of the outstanding shares of any particular class of shares, director or managerial employee of such organization. It shall also be regarded as present if the city officer serves as legal counsel, accountant, architect or consulting engineer, or has another such professional relationship with such organization. For purposes of this subsection, doing business with the city shall mean contracting within the city, seeking or opposing a permit or similar permission for a particular activity, seeking or opposing a legal enactment or some amendment thereof, soliciting employment with the city or otherwise requesting some status, right or benefit from the city that has a financial value. Doing business with the city shall not include supporting or opposing the passage of a legislative measure unless such measure relates substantially to the city officer’s business or business organization rather than to a broad scope of private and public interests which may include the private financial interests of the city officer.

(2)    Indirect Conflict of Interest shall mean a situation in which the city officer is a spouse, parent, child, brother, sister, grandparent or grandchild, uncle, aunt, niece, nephew or first or second cousin of an individual who would have a Direct Conflict of Interest were such city officer involved in the situation.

(3)    City Officer shall mean the mayor, a member of the city council, a member of the board of school commissioners, a commissioner appointed by the city council, with mayor presiding, a superintendent or corresponding department head of a city department or any city official who is appointed by the mayor subject to the approval of the city council.

(b)    The proscribed appearance of a conflict of interest shall be deemed to be present when either the city officer formally announces the existence of such or two-thirds of the whole number of the city council, or in the case of a city officer in the school department two-thirds of the whole number of the board of school commissioners, shall vote in a particular situation that such a conflict of interest situation exists for a particular city officer. In such a proceeding, the mayor shall preside and vote as a member of the city council, but no city council or school board member shall participate or vote if such officer is the subject of the discussion as to whether a conflict of interest situation exists.

(c)    Any city officer who violates the provisions of this section shall be regarded as guilty of bad conduct. City officers other than the mayor, members of the city council, and members of the board of school commissioners shall be subject to removal or suspension in accordance with the procedures set out in this city charter and applicable state statutes. The mayor or a member of the city council shall be subject to official censure upon affirmative vote of two-thirds of the whole number of the city council with the mayor presiding and voting as a member thereof. A member of the board of school commissioners shall be subject to official censure upon the affirmative vote of two-thirds of the whole number of such board. Provided, neither the mayor, a member of the city council nor a member of the board of school commissioners shall participate in such discussion and vote if such individual is the subject of the discussion.

(d)    While not proscribed by the precise requirements of this section, a city officer is also requested to consider declaring a conflict of interest situation and not participating in any matter where as a result of close personal friendship with an applicant or for any other reason unrelated to the merits of the matter, the city officer is not able to consider the matter at issue without being influenced and guided by such friendship or other reason unrelated to the merits of the matter. Further, a city officer who holds less than five (5) percent of the shares of any particular class of shares in any organization seeking to do business with the city is also requested to declare his or her ownership of such shares when voting on a matter in which he or she would have a conflict of interest if the percentage of ownership were five (5) percent or greater.

**City of Burlington Personnel Policy Manual:**

**12.4 ANTI-NEPOTISM/CONFLICT OF INTEREST**

The City recognizes that employing relatives in positions where one is responsible for

supervising or evaluating the work performance of another relative has the potential to

create a conflict of interest in the workplace.  The purpose of this policy is to prevent

those conflicts from occurring in any way.  Therefore, it is the policy of the City that no

relatives shall be hired or transferred under the following conditions:

a. When one close relative would supervise or evaluate the other; or

b. When one close relative would supervise or evaluate the immediate supervisor of the

other.

Unless advance written approval is obtained by the Human Resources Director, no close

relative will be employed within the same division of a department.

Close relative is defined as, parent, grandparent, spouse, party to a civil union, domestic

partner, child, sibling, grandchild, aunt, uncle, niece, nephew, parent-in-law,

brother/sister-in-law, step-parent, step-child, and any other person closely related or

living with the employee.

An employee who becomes the relative or domestic partner of another employee or who

resides with another department employee, is required to immediately report the change

to the Department Head. The employee will not be required to leave city employment

solely as a result of that change in circumstances.  However, the employee will be subject

to disciplinary action, up to and including dismissal, if any favoritism or other

inappropriate action occurs which is attributable to the relationship with the other

employee.

Where a conflict of interest has arisen during employment, the employee and the City

must take all reasonable and practicable measures to address conflicts of interest,

including, but not limited to, changes in supervision, work location, and/or work shift to

avoid the conflict or the appearance thereof. Any steps taken by the City will not be

subject to the grievance procedure.