TOWN OF CAVENDISH

POLICY REGARDING CONFLICT OF INTEREST

ARTICLE 1. 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 or employee 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 2. DEFINITIONS

For the purposes of this policy, the following definitions shall apply:
"Conflict of interest" means a direct personal or pecuniary interest of a public officer, appointed or elected; or any employee; or the officer or employee's spouse, household member, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending or action before the officer or 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, decisions or actions 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.

ARTICLE 3. CONFLICT OF INTEREST IN FINANCIAL MATTERS

A public official shall not participate in any public business before a public body which affects his/her financial interest except as may be allowed following a review under Section 5. Public business shall mean participating in the award of a contract, seeking or opposing a permit from a public body on which the official sits as the authority to grant or deny such permit, soliciting employment from the Town, or otherwise requesting some status, right, or benefit from the Town that has financial value. This shall not include supporting or opposing the passage of a legislative measure unless such measure relates substantially to the public official's private/personal interest rather than to the public interest.

ARTICLE 4. CONFLICT OF INTEREST IN MATTERS OF VOTING

No member of any Town of Cavendish Board, commission or committee shall vote on any matter where there is a direct financial interest or any direct personal interest, without the consent of the majority of his/her fellow board, commission, or committee members given in public session.

ARTICLE 5. DISCLOSURE

A public officer or employee 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 she/he believes that she/he is able to act in the matter fairly, objectively and in the public interest. Such disclosure documents will be submitted to the Town Manager for the purpose of establishing the date, time and place for review by the legislative body. The legislative body will review the disclosure documents and render a decision as to whether or not the conflict situation warrants the exclusion of the public officer or employee from the matter at issue.

No part of this policy precludes a town officer or employee from simple recusal and voluntary withdrawal from participation in the matter at issue so as to avoid any potential for conflict.

Policy Adopted this 20th day of DECEMBER, 2004

Town of Cavendish
Board of Selectmen

Suzanne W. Meaney, Chair

James I. Ballantine

Daniel W. Churchill

Robert W. Glidden

George Timko