

## **CONFLICT OF INTEREST POLICY**

City of Vergennes

**Article 1. Authority.** Under the authority granted in 24 V.S.A. § 2291(20), the City Council of Vergennes hereby adopts the following policy concerning conflicts 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 member of the City Council, hereinafter referred to as "Member", will gain a personal or financial advantage from his or her decisions and so that the public trust in members of the City Council will be preserved. It is also the intent of this policy to insure that all decisions made by the City Council are based on the best interest of the community at large.

**Article 3. Definitions.** For the purposes of this policy, the following definitions shall apply:

A. **Conflict of interest** means any of the following:

1. A direct or indirect personal or financial interest of a Member, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, father or mother in law, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending before the City Council;
2. A situation where a Member has publicly displayed a pre-judgment of the merits of a particular quasi-judicial proceeding. This shall not apply to a Member's particular political views or general opinion on a given issue; or
3. A situation where a Member has not disclosed ex parte communications with a party in a quasi-judicial proceeding.

B. **Emergency** means an imminent threat or peril to the public health, safety or welfare.

C. **Official action** means any legislative, administrative or judicial act performed by a member of the City Council while acting on behalf of the municipality.

D. **Member** means a Member of the City Council.

E. **Public interest** means an interest of the community as a whole, conferred generally upon all residents of the municipality.

F. **Quasi-judicial proceeding** means a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunities to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, the result of which may be appealable by a party to a higher authority.

### **Article 4. Disqualification.**

- A. A Member shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.
- B. A Member 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 a cause, proceeding, application or other matter

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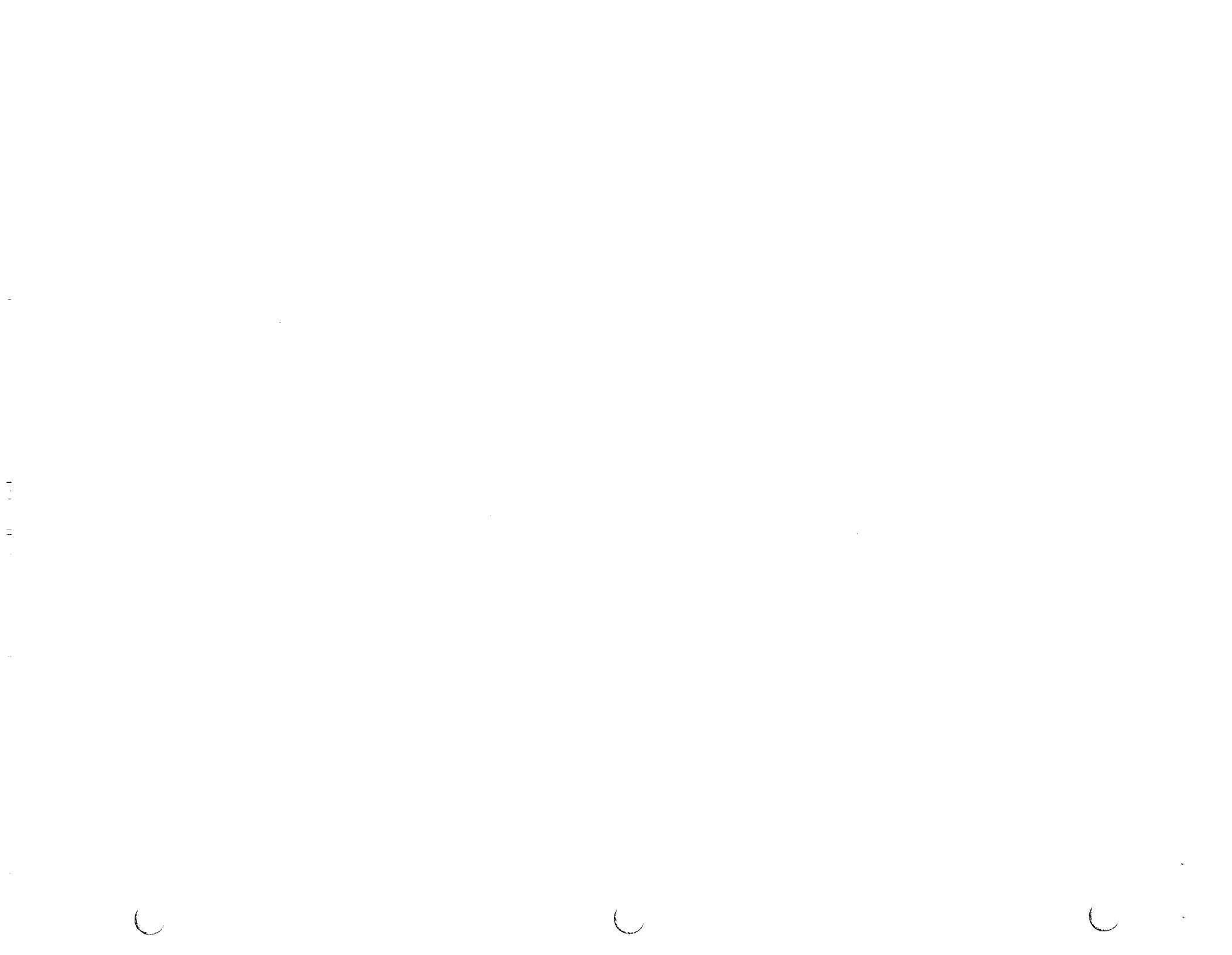
pending before the City Council if he or she has a conflict of interest in the matter under consideration.

- C. A Member shall not accept gifts or other offerings for personal gain by virtue of their office that are not available to the public in general.
- D. A Member shall not use resources not available to the general public, including but not limited to City employee staff time, equipment, supplies, or facilities for private gain or personal purposes.

**Article 5. Disclosure.** A Member 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 disclose to the City Council 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 6. Recusal.**

- A. Unless a Member has determined that he or she has a conflict of interest but believes that he or she is able to act fairly, objectively and in the public interest as set forth in Article 5, a Member shall recuse him or herself from any matter and may remove oneself from a particular board proceeding.
  1. Any person may request that a member recuse him or herself due to a conflict of interest. Such request shall not constitute a requirement that the member recuse him or herself;
  2. A Member who has recused him or herself from a proceeding shall not deliberate with the City Council or participate in that proceeding as a Member in any capacity and may remove oneself from a particular board proceeding;
  3. If a previously unknown conflict is discovered, the City Council may take evidence pertaining to the conflict and, if appropriate, adjourn to a short deliberative session to address the conflict; and
  4. The City Council may adjourn the proceedings to a time certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the City Council. The City Council may then resume the proceeding with sufficient members present.
- Article 7. Enforcement; Progressive Consequences for Failure to Follow the Conflict of Interest Procedures.** In cases where the conflict of interest procedures in Articles 5 and 6 have not been followed, the City Council may take progressive action to discipline an offending Member. In the discipline of a Member, the City Council shall follow these steps in order:
  - A. The Mayor shall meet informally, in private, with the Member to discuss a possible conflict of interest violation. If the matter involves the Mayor, the Senior Alderman, as chosen by the City Council shall meet informally, in private, with the Mayor to discuss a possible conflict of interest violation.
  - B. The City Council may meet to discuss the conduct of the Member. (Executive session may be used for such discussion, in accordance with 1 V.S.A. § 313(4).) The Member may request that this meeting occur in public. If appropriate, the City Council may admonish the offending Member in private.



- C. If the City Council decides that further action is warranted, the City Council may admonish the offending Member at an open meeting and reflect this action in the minutes of the meeting. The Member shall be given the opportunity to respond to the admonishment.
- D. Upon majority vote, the City Council may request that the offending member of the City Council resign from the City Council.

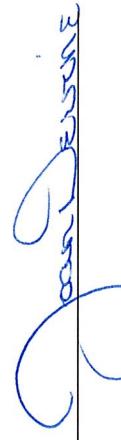
**Article 8. Exception.** The recusal provisions of Article 6 shall not apply if the City Council determines that an emergency exists and that actions of the City Council otherwise could not take place. In such cases, a Member who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Article 5.

**Article 9. Effective Date.** This policy shall become effective immediately upon its adoption by the City Council.

**Article 10. Annual Review.** This policy shall be reviewed by the City Council annually at the first regular meeting in March at which time it may be amended, repealed, or readopted. Unless repealed, this policy shall be signed by the members of the City Council.



Signatures:



Attest:

Signed at the regular City Council meeting held on March 26, 2019

