

## **Conflict of Interest Policy**

### **Windham County Natural Resources Conservation District**

**ARTICLE 1. Authority.** Under the authority granted in 24 V.S.A. Chapter 59 and 24 V.S.A. § 2291(20), the Windham County Natural Resources Conservation District (District) hereby adopts the following civil ordinance concerning conflict of interest.

**ARTICLE 2. Purpose.** The purpose of this ordinance is to ensure that the business of this municipality will be conducted in such a way that no public official of the District will gain a personal or pecuniary advantage from his or her work for the district and so that the public trust in district officials will be preserved.

**ARTICLE 3. Definitions.** For the purposes of this ordinance, 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. "District" means the Windham County Natural Resources Conservation District as chartered by the Vermont Secretary of State.
- c. "Emergency" means an imminent threat or peril to the public health, safety or welfare.
- d. "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 district.
- e. "Public body" means the District or any officially recognized and formed sub committee or group created by and authorized to act on behalf of the District.
- f. "Public office" or "public official" means an elected or appointed Supervisor of the District or an officially appointed Associate Supervisor of the District.

### **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 of 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 public officer who is an appointee, the person or public body, which appointed the public officer, shall have the authority to order that officer to recuse him or herself from the matter.

## **ARTICLE 5. Disclosures.**

- 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 the District, 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.
- 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 District.

## **ARTICLE 6. Ethic review board.**

- a. The Natural Resources Conservation Council, under the authority of the 10 VSA Chapter 31, § 708 shall act as a review board for petitions filed in cases of conflict of interest with the District.

## **ARTICLE 7. Hearing before the NRCC board.**

- a. Any resident of the district who believes that an officer should recuse him or herself from a matter because of a conflict of interest or that the officer should provide a disclosure statement regarding his or her conflict of interest in the matter may file a complaint with the NRCC.
- b. Upon receipt of the complaint, the NRCC shall set a date for a hearing within thirty (30) days. Personal notice shall be given to each member of the committee, including each alternate, to the complainant and to the respondent complained about. Notice of the hearing shall be posted in at least three public places within the district and shall be published in the newspaper of record at least seven days prior to the hearing date.
- c. The NRCC shall consider the matter at a public hearing. Oral testimony shall be taken under oath. The complainant and respondent shall have the 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.
- d. At the conclusion of the hearing, the NRCC shall go into deliberative session in order to consider all the evidence. The NRCC shall issue a written decision as to whether the official shall be required to recuse him or herself from the matter and state the reasons for that decision.

## **ARTICLE 8. Enforcement.**

- a. Refusal to comply with the decision of the NRCC shall be considered a violation of this ordinance. The legislative body or the NRCC, acting on behalf of the District, may seek

injunctive relief in superior court, which may include, but not be limited to an order to negate any vote or other action taken by the officers in the matter.

- b. In addition to any other remedies provided by law, the NRCC may publicly censure a public officer who violates this ordinance.

**ARTICLE 9. Exception.** The provisions of article 4 shall not apply if the legislative body of the district determines that an emergency exists and that actions of the public body otherwise could not take place. In such cases, a public officer who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Article 5.

**ARTICLE 10. Severability.** If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

**ARTICLE 11. Effective Date.** This ordinance shall become effective 60 days after its adoption by the Windham County Natural Resources Conservation District. If a petition is filed under 24 VSA § 1973, that statute shall govern the effective date of this ordinance.

Signatures:

Margaret S. Kluge  
Synda A. Corse  
J. Sweig  
Pat Dolan

District Chair  
District Supervisor  
District Supervisor  
District Supervisor  
District Supervisor

Date:

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Updated on 6-16-15

