

The background features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. The shapes are primarily triangles and polygons, creating a dynamic, layered effect. The central text is set against a white background that is framed by these green shapes.

CONFLICT OF INTEREST AND ETHICS POLICY FOR ELECTED AND APPOINTED OFFICIALS

SOUTH BURLINGTON, VERMONT



PURPOSE

It is the purpose of the City's Conflict of Interest and Ethics Policy:

- To ensure that the business of the City will be conducted in such a way that no public officer of the City will gain a personal or financial advantage from his or her work for the City
- Preserve public trust in its officers
- To ensure that all decisions made by public officers are based on the best interests of the City.

CONFLICT OF INTEREST - WHAT IS IT?

1. A real or seeming incompatibility between a public officer's private interests and his or her public or fiduciary interests to the municipality he or she serves. A conflict of interest arises when there is a direct or indirect personal or financial interest of a public officer or a person or group closely tied with the officer including his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister-in-law, business associate, or employer or employee in the outcome of an official act or action, or any other matter pending before the officer or before the public body in which the public officer holds office. A conflict of interest may take any of the four following forms:
 - a) A direct financial conflict of interest arises when a public officer acts on a matter that has a direct financial impact on that officer.
 - b) An indirect financial conflict of interest arises when a public officer acts on a matter that has a financial impact on a person or group closely tied to the officer.
 - c) A direct personal conflict of interest arises when a public officer acts on a matter that has a direct impact on the officer in a non-financial way but is of significant importance to the officer.
 - d) An indirect personal conflict of interest arises when a public officer acts on a matter in which the officer's judgment may be affected because of a familial or personal relationship or membership in some organization and a desire to help that person or organization further its own interests.
2. A situation where a public officer has publicly displayed a prejudgment 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.
3. A situation where a public officer has not disclosed ex parte communication(s) related to a quasi-judicial proceeding that is before the body to which that officer belongs.

WHAT IS NOT A CONFLICT OF INTEREST

- ▶ A "conflict of interest" does not arise in the case of an official act or action in which the public officer has a personal or financial interest in the outcome, such as in the establishment of a tax rate, that is no greater than that of other persons generally affected by the decision.

CONDUCT PROHIBITED BY THE POLICY

A public officer shall not participate in any official act or action if he or she has a conflict of interest, whether real or perceived, in the matter under consideration.

CONDUCT PROHIBITED BY THE POLICY

- ▶ 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 that has an interest in an official act or action pending before the public body in which the public officer holds office.

CONDUCT PROHIBITED BY THE POLICY

- ▶ A public officer shall not accept gifts or other offerings for personal gain by virtue of his or her public office that are not available to the public in general.

CONDUCT PROHIBITED BY THE POLICY

- ▶ A public officer will not request or accept any reward, gift, or favor for taking an official act or action or advocating for or against an official act or action.

CONDUCT PROHIBITED BY THE POLICY

- ▶ A public officer shall not use resources unavailable to the general public— including but not limited to municipal staff time, equipment, supplies, or facilities— for private gain or personal purposes.



I BELIEVE I HAVE OR MAY HAVE A CONFLICT OF INTEREST - WHAT DO I DO?

1. DISCLOSE THE CONFLICT

- A public officer who, while serving on a public body, may have a conflict of interest, whether real or perceived, in a matter under consideration by that public body shall, prior to taking an official act or action or participating in any official act or action on the matter, publicly disclose at a public meeting or public hearing that he or she has an actual or perceived conflict of interest in the matter under consideration and disclose the nature of the actual or perceived conflict of interest. Alternatively, a public officer may request that another public officer recuse him or herself from a matter due to a conflict of interest, whether real or perceived.

I BELIEVE I HAVE OR MAY HAVE A CONFLICT OF INTEREST - WHAT DO I DO?

2. CONSIDERATION OF RECUSAL

- Once there has been a disclosure of an actual or perceived conflict of interest, other public officers shall be afforded an opportunity to ask questions or make comments about the situation. If a previously unknown conflict is discovered during a meeting or hearing conducted by a public body of the municipality, the public body shall take evidence pertaining to the conflict and, if appropriate, adjourn to an executive session to address the conflict.

I BELIEVE I HAVE OR MAY HAVE A CONFLICT OF INTEREST - WHAT DO I DO?

3. RECUSAL

- After taking the actions listed in Articles 6 and 7, a public officer, whether appointed or elected, shall declare whether he or she will recuse him or herself and explain the basis for that decision. If the public officer has an actual or perceived 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, he or she shall state why he or she believes that he or she is able to act in the matter fairly, objectively, and in the public interest. Otherwise, the public officer shall recuse him or herself from the matter under consideration. A public officer that recuses him or herself may, but not must, explain the basis for that decision.

I HAVE RECUSED MYSELF - NOW WHAT?

- ▶ A public officer who has recused himself or herself from participating in an official act or action by a public body shall not sit with the public body, deliberate with the public body, or participate in the discussions about that official act or action in any manner in his or her capacity as a public officer, though such member may still participate as a member of the public or private party, if applicable.
- ▶ The public body may adjourn the proceedings to a time, date, and place certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the total membership of the public body. The public body may then resume the proceeding with sufficient members present.

CONSEQUENCES

1. ELECTED OFFICERS

The City of South Burlington City Council may, in its discretion, take any of the following disciplinary actions against such elected officer as it deems appropriate:

- The chair of the City of South Burlington City Council may meet informally with the public officer to discuss the possible conflict of interest violation. This shall not take place in situations where the chair and the public officer together constitute a quorum of a public body.
- The City of South Burlington City Council may meet to discuss the conduct of the public officer. Executive session may be used for such discussion in accordance with 1 V.S. A. § 313(a)(4). The public officer may request that this meeting occur in public. If appropriate, the City of South Burlington City Council may admonish the offending public officer in private.
- The City of South Burlington City Council may admonish the offending public officer at an open meeting and reflect this action in the minutes of the meeting. The public officer shall be given the opportunity to respond to the admonishment.
- Upon majority vote in an open meeting, the City of South Burlington City Council may request (but not order) that the offending public officer resign from his or her office.

CONSEQUENCES

2. APPOINTED OFFICERS

The City of South Burlington City Council may choose to follow any of the steps available for Elected Officers. In addition to or in lieu of any of those steps, the City of South Burlington City Council may choose to remove an appointed officer from office, subject to state law.

Link to Current Policy

- ▶ https://www.southburlingtonvt.gov/government/conflict_of_interest_and_ethics_policy/index.php