

TOWN OF CALAIS
CONFLICT OF INTEREST POLICY
Adopted by Town of Calais Selectboard
To supersede all previous versions
Amended and approved November 20, 2017

Article 1. Authority. Under the authority granted in 24 V.S.A. § 2291(20), the Calais Selectboard hereby adopts the following policy concerning conflict 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 public official of the municipality will gain a personal or financial advantage from his or her work for the municipality and so that the public trust in municipal officials will be preserved. It is also the intent of this policy to ensure that all decisions made by municipal officials are based on the best interest of the community at large.

Article 3. Application. This policy applies to all public officers and individual members of a public body as the terms are defined below.

Article 4. Definitions. For the purposes of this policy, the following definitions shall apply:

- A. Board means the members of the Calais Town Selectboard.
- B. **Conflict of interest** means any of the following:
 - 1. A direct or indirect personal or financial (pecuniary) interest of a public officer, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, civil union partner, 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;
 - 2. A situation where a public officer has publicly displayed a prejudgment of the merits of a particular quasi-judicial proceeding that is before the board on which the public officer sits. This shall not apply to a member's particular political views or general opinion on a given issue; and
 - 3. A situation where a public officer fails to disclose ex parte communications with a party in a proceeding before the board.

A 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, such as in the establishment of a tax rate, that is no greater than that of other persons generally affected by the decision.

- C. **Emergency** means an imminent threat or peril to the public health, safety or welfare.
- D. **Ex Parte Communication** means direct or indirect communication between a member of a public body and any party, party's representative, party's counsel or any person interested in the outcome of a quasi-judicial proceeding, that occurs outside the proceeding and concerns the substance or merits of the proceeding.
- E. **Official act or action** means any legislative, administrative or quasi-judicial act performed by any elected or appointed officer or employee while acting on behalf of the municipality.
- F. **Public body** means any board, council, commission or committee of the municipality.
- G. **Public interest** means an interest of the community as a whole, conferred generally upon all residents of the municipality.
- H. **Public officer or public official** means a person elected or statutorily-appointed to perform executive, administrative, legislative or quasi-judicial functions for the municipality.
- I. **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, and which results in a written decision, the result of which is appealable by a party to a higher authority.

Article 5. Prohibited Conduct.

- A. A public officer shall not participate in any official action if he or she has a conflict of interest in the matter under 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 a cause, proceeding, application, or other matter pending before the public body in which the public officer holds office.
- C. 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.
- D. 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.

Article 6. Disclosure. A public officer who has reason to believe that he or she has or may have a conflict of interest in a particular matter shall, prior to participating in any official action on the matter, take the following action:

- A. Publicly disclose at a public meeting or public hearing of the body that he or she has an actual or perceived conflict of interest in the matter under consideration; and
- B. 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. Such request shall not be considered an order for the officer to recuse him or herself.

Article 7. Consideration of Recusal. Once there has been a disclosure of an actual or perceived

Taxpayers who wish to request abatement should take immediate action to request a hearing. Filing the abatement application does not stay the collection of your property tax.

After the taxpayer files the paperwork to request a hearing, the Board of Abatement will notify the taxpayer of the date, time, and place of the hearing. The taxpayer is responsible for supplying evidence to support the abatement request.

The board is under no obligation to grant any abatement request and may choose to abate all, part, or none of the taxes, interest, and penalties due.

Adopted in consultation with Selectboard, September 2015
Revised by the Selectboard, November 2017

Denise Wheeler, Chair



John Brabant, Vice-Chair



Rose Pelchuck, Member



Sharon Winn Fannon, Member



Clif Emmons, Member


