

Article 11. Enforcement.

A. Progressive Consequences for Failure to Follow the Conflict of Interest Procedures. In cases where an elected public officer has engaged in any of the prohibited conduct listed in Article 5, or has not followed the conflict of interest procedures in Articles 6 through 10 above, the Board may take progressive action to discipline such elected officer as follows:

1. The Board or a designated member shall meet informally, in private, with the public officer to discuss possible conflict of interest violation.
2. The Board 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(4). The public officer may request that this meeting occur in public. If appropriate, the Selectboard may admonish the offending public officer in private.
3. If the Board decides that further action is warranted, the board 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 verbally and in writing, which shall be maintained as part of the official record.
4. Upon majority vote, the Board may request that the offending public officer resign from the board.

B. Enforcement Against Appointed Officers. The Board may choose to follow any of the steps articulated in Article 11A. In addition to or in lieu of any of those steps, the Board may choose to remove an appointed officer from office, subject to state law.

Article 12. Exception. The recusal provisions of Article 6 shall not apply if the Board 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 13. Effective Date. This policy shall become effective immediately upon its adoption by the Board.

Revised by the Selectboard, November 2017

Signatures:

Denise Wheeler, Chair



John Brabant, Vice-Chair



Rose Pelchuck, Member



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.

Article 8. Recusal.

A. Recusal of Appointed and Elected Officers. 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 who recuses himself or herself may explain the basis for that decision, but is not required to do so.

Notwithstanding the expectation set out in this policy that public officials, whether elected or appointed, will recuse themselves in cases of real or perceived conflict, each member of an elected public body is independently elected and answers only to the voters. Therefore, unless there is a local ordinance or charter provision that states otherwise, the remaining members of the body may not force recusal. They may only express their opinion about the subject and/or privately or publicly express concerns with or about a fellow member who they believe fails to handle conflicts appropriately.

B. Recusal of Appointed Officers. The failure of an appointed public officer to recuse himself or herself in spite of a conflict of interest may be grounds for discipline or removal from office.

Under Vermont state law, the Zoning Administrator may only be removed by the Board for cause and after being afforded with procedural due process protections, including notice and a reasonable opportunity to be heard.

Article 9. Recording. The minutes of the meeting or the written decision from the hearing shall document the actions taken in Articles 6 through 8.

Article 10. Post-Recusal Procedure.

- A. A public officer who has recused himself or herself from serving on a public body in a particular proceeding shall not sit with the public body, deliberate with the public body, or participate in that proceeding, hearing, or discussion as a member of the public body in any capacity, though such member may still participate as a member of the public.
- B. The public body 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 total membership of the public body. The public body may then resume the proceeding with sufficient members present.

Sharon Winn Fannon, Member



Clif Emmons, Member


