

## **CONFLICT OF INTEREST POLICY**

### **SOUTH GEORGIA FIRE DISTRICT**

**Article 1. Authority.** Under the authority granted in 24 V.S.A. § 2291(20), the Prudential Committee of the South Georgia Fire District (the “District”) hereby adopts the following policy concerning conflicts of interest.

**Article 2. Purpose.** The purpose of this policy is to ensure that the business of the District will be conducted in such a way that no public official, agent or employee of the District will gain a personal or financial advantage from his or her work for the District and so that the public trust in District officials will be preserved. It is also the intent of this policy to insure that all decisions made by District officials are based on the best interest of the District and its members.

**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 interest of an elected or appointed District official, 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, in the outcome of a cause, proceeding, application or any other matter pending before the District official or before the Prudential Committee or any committee established by the Prudential Committee;
2. A direct or indirect financial interest of a District official, 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, in the outcome of a cause, proceeding, application or any other matter pending before the District official or before the Prudential Committee or any committee established by the Prudential Committee;
3. A situation in which a District official has publicly displayed a prejudgment of the merits of a particular quasi-judicial proceeding. This shall not apply to a District official’s particular political views or general opinion on a given issue; and
4. A situation in which a District official 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** means any elected or appointed officer, employee or agent of the District.

D. **Official act or action** means any legislative, administrative or judicial act performed by any elected or appointed District official while acting on behalf of the District

E. **Prudential Committee** includes the Prudential Committee of the District and any board, council, commission or committee established by the Prudential Committee.

F. **Public interest** means an interest of the community as a whole, conferred generally upon all residents and members of the District

- G. **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 is appealable by a party to a higher authority.

**Article 4. Disqualification.**

- A. Except as provided in Article 5 below, a District official shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.
- B. A District official 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 Prudential Committee or any committee thereof.
- C. In the case of a District official who is an appointee, the Governing Board shall have the authority to order that official to recuse him or herself from the matter.
- D. District officials shall not accept gifts or other offerings for personal gain by virtue of their office that are not available to the public in general.
- E. District officials shall not use resources not available to the general public, including but not limited to staff time, equipment, supplies, or facilities for private gain or personal purposes.

**Article 5. Disclosure.** A District official 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 an actual, perceived or potential conflict of interest shall, prior to participating in any official action on the matter under consideration, disclose in open session to the Prudential Committee or committee 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. The District official's participation in considering and acting upon the matter before the Prudential Committee or a committee thereof may be approved upon a Prudential Committee finding in the record that the District official's continued participation is fair to the District and its members, and will not result in an improper or undue benefit accruing to the District official.

**Article 6. Recusal.**

- A. Except as provided in Article 5 above, a District official shall recuse him or herself from any matter in which he or she has a conflict of interest, pursuant to the following:
1. Any person may request that a District official recuse him or herself due to a conflict of interest. Such request shall not constitute a requirement that the District official recuse him or herself, but shall be referred to the Prudential Committee for adjudication and resolution as set out in Article 5.
  2. A District official who has recused him or herself from a proceeding shall not sit with the Prudential Committee or committee thereof, deliberate with the Prudential Committee or committee thereof, or participate in that proceeding as a Prudential Committee or committee member in any capacity;

3. If a previously unknown conflict is discovered, the Prudential Committee may take evidence pertaining to the conflict and, if appropriate, adjourn to a short deliberative session to address the conflict; and
4. The Prudential Committee 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 Prudential Committee. The Prudential Committee may then resume the proceeding with sufficient members present.

In the case of a District official who is an appointee, the Prudential Committee shall have the authority to order the District official to recuse him or herself from the matter.

**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 Prudential Committee may take progressive action to discipline an offending District official. In the discipline of a District official, the Prudential Committee shall follow these steps in order:

- A. The Chair shall meet informally, in private, with the District official to discuss possible conflict of interest violation.
- B. The Prudential Committee may meet to discuss the conduct of the District official. Executive session may be used for such discussion, in accordance with 1 V.S.A. § 313(4). The District official may request that this meeting occur in public. If appropriate, the Prudential Committee may admonish the offending District official in private.
- C. If the Prudential Committee decides that further action is warranted, the Prudential Committee may admonish the offending District official at an open meeting and reflect this action in the minutes of the meeting. The District official shall be given the opportunity to respond to the admonishment.
- D. Upon majority vote, the Prudential Committee may request that the offending District official resign from the Prudential Committee.

**Article 8. Exception.** The recusal provisions of Article 6 shall not apply if the Prudential Committee of the District determines that an emergency exists and that actions of the Prudential Committee otherwise could not take place. In such cases, a District official 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 Prudential Committee of the South Georgia Fire District..

Approved and adopted at a regular meeting of the Prudential Committee of the South Georgia Fire District held on the 18 day of April, 2019.

ATTEST:



Clerk, South Georgia Fire District