

**TOWN OF STOWE, VT
SELECTBOARD ETHICS & FRAUD POLICY FOR
PUBLIC OFFICIALS, EMPLOYEES & VOLUNTEERS**

Section 1. PURPOSE: to provide ethics policy guidance to Public Officials, Employees and Volunteers consistent with the conflict of interest provision set out in Section 1004 of the Town Charter, subject to any specific provisions of Vermont law or the Charter to the contrary.

Section 2. POLICY STATEMENT

Accepting a position as a Public Official, Employee or Volunteer carries with it the acceptance of a public trust that the Public Official, Employee, or Volunteer will work to further the public interest and not towards private/personal interest. Maintaining that public trust is critical to the continued operation of good government. In addition, public decision making should be open and accessible to the public at large. Actions in breach of this policy in derogation of the public trust shall be addressed consistent with law and this policy.

Section 3. DEFINITIONS

The following words shall have the following meanings:

- (1) **Business Associate** is a partner or other person with whom an individual has ongoing or recurring business transactions.
- (2) **Conflict of Interest** is a situation where a Public Official, Employee or Volunteer is directed by two or more competing interests, one of which is the public interest and the other is a private/personal interest. Specific conflict of interest situations are specified in Section 4.
- (3) **Employee** shall mean provisional, regular full-time, regular part-time and irregular employees.
- (4) **Ethics** are a set of rules that guide behavior as defined in this Policy.
- (5) **Ex parte communication** shall mean direct or indirect oral or written communication between a public official serving on a quasi-judicial body and any party, party's representative, party's counsel or any person interested in the outcome of any quasi-judicial proceeding, that occurs outside of a public proceeding, and concerns the substance or merits of the proceeding. Ex parte communication normally distributed by the staff before a proceeding shall not be considered ex parte communication.
- (6) **Fraud** is intentional perversion of truth in order to induce another to part with something of value or surrender a legal right.

- (7) **Immediate Family** shall consist of grandfather, grandmother, mother, father, brother, sister, aunt, uncle, nephew, niece, son, daughter, grandchild, spouse, civil union partner and in-laws, to include all such relatives by virtue of blood, marriage, civil union, adoption or legal guardianship.
- (8) **Material** is of real importance or great consequence, substantial, requiring serious consideration by reason of having a bearing on the outcome of an unsettled matter.
- (9) **Official Act or Action** is any legislative, administrative, appointive, or discretionary act of any public official of the Town (in his/her official capacity), or of any agency, board, committee or commission thereof.
- (10) **Private/Personal Interest** is something that is of direct or indirect material or financial benefit accruing to an individual or a member of the individual's immediate family.
- (11) **Public Body** means any board, commission or committee of the municipality.
- (13) **Public Interest** is the interest of the community as a whole conferred generally upon all members of the public.
- (14) **Public Official(s)** means a person elected or appointed to perform executive, administrative, legislative or quasi-judicial functions for the municipality.
- (15) **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 may be appealed by a party to a higher authority.
- (16) **Recusal** is stepping aside from public office or duty during discussion and vote when a conflict of interest exists (as specified in Section 10).
- (17) **Volunteer** is someone who is not a public official or employee who provides service to the Town of Stowe for a nominal fee, stipend or no compensation at all.

Section 4. CONFLICT OF INTEREST

Public officials, Employees, or Volunteers are deemed to have a conflict of interest if they act contrary to any of the following rules:

- (1) **Acceptance of Gifts and Favors:** Public Officials, Employees, or Volunteers shall not accept anything of economic value, such as money, service, gift, loan, promise, gratuity, or favor from any person, business or organization involved in a contract or transaction with the Town, or from any person, business organization that would be materially

advantaged or disadvantaged by an official action under consideration by the Employee or body of which a public official or volunteer is a member, such that the item accepted could be considered as payment for a special act or treatment. This provision shall not apply to:

- (a) Attendance at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of Town business, or where official attendance by the public official as a Town representative is appropriate;
 - (b) An award publicly presented in recognition of public service;
 - (c) Occasional, non-pecuniary gifts of insignificant value; and
 - (d) Election contributions which are given in accordance with applicable state and federal laws.
- (2) **Appointment of Immediate Family Member or Business Associate:** Public Officials shall not participate in the appointment, vote for appointment, or discuss any appointment involving an immediate family member or business associate, to any Town office or position. This is not meant to prevent a citizen from voting for elected Town offices.
- (3) **Employment Conflicts:** No employee shall be hired, promoted or transferred whenever such a situation would result in that person being in a position to directly supervise or receive direct supervision of an immediate family member. This is not meant to preclude temporary promotions when an employee is serving as an active department head. Dating shall be prohibited between co-workers in power-differentiated relationships where one of the parties has decision-making authority over the terms or conditions of employment of the other party, including performance appraisals.
- (4) **Contractual Arrangements:** In any contract with the Town, no Public Official, regular full-time employee, regular part-time employee, or volunteer shall recommend or participate in an award of a contract if they have a private/personal interest as defined in this Policy that is of direct or indirect material or financial benefit accruing to an individual or a member of the individuals immediate family.
- (4a) **Federal Funding:** No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities , favors, or anything of monetary value from contractors or parties to subcontracts, except as outlined in section 4 (1)

(a),(b),(c),(d). Violations will be subject to corrective action up to and including dismissal or removal from office/appointment.

- (5) **Quasi-judicial Conflict:** A member serving on a public body acting in a quasi-judicial manner shall recuse themselves if they are an applicant or an immediate family member is an applicant before that public body.
- (6) **Use of Confidential Information.** Public officials, Employees or Volunteers shall not, without authorization, disclose or use confidential information acquired in the course of official duties. Public officials, Employees or Volunteers shall not use any confidential information acquired in the course of official duties to further their private/personal interest.
- (7) **Special or Unusual Relationships.** Whenever a Public Official, Employee or Volunteer has special or unusual (beyond being casual or reasonably common) relationship with a party to an official action of the public body on which the official sits, the Public Official, Employee or Volunteer shall disclose the relationship and the public body may advise as to whether the Public Official, Employee, or Volunteer should recuse themselves.

Section 5. EX-PARTE COMMUNICATIONS

Ex parte communications are prohibited in any quasi-judicial matter(e.g., matter involving the issuance of a permit or approval). Quasi-judicial body members who have received written ex parte communications shall place in the record copies of all written communications received as well as all written responses to those communications. Quasi-judicial body members who have received oral ex parte communications shall state on the record at the proceeding the substance of all oral communications received, all responses made and the identity of each person making the ex parte communication.

Section 6. INAPPROPRIATE USE OF PUBLIC POSITION

Public Officials, Employees or Volunteers shall not use their public position to further a private/personal interest or the interest of an immediate family member.

Public Officials, Employees or Volunteers shall not use the powers or prestige obtained through election, appointment or employment, to influence the decision of a subordinate on a matter where the official has significant private/personal or financial interest.

Public Officials, Employees or Volunteers are empowered to discharge specific statutory duties in the public interest and should not interfere with the statutory duties of others.

Public Officials, Employees or Volunteers shall not attempt to influence Town staff's recommendations regarding matters in which the Public official, Employee or Volunteer has a personal/private or financial interest.

Public Officials, Employees or Volunteers shall not commit fraud or misuse Town staff or resources to advance a personal/private or financial interest or deny someone of rights that are protected by the Constitutions of the United States or the State of Vermont.

Section 7. FAIR AND EQUAL TREATMENT

No Public Official, Employee or Volunteer shall grant or make available to any person any

consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

No Public Official, Employee or Volunteer shall request, use, or permit to be used, any publicly-owned or publicly supported property, vehicle, equipment, labor, or service for the personal convenience or the private advantage of themselves or any other person. This rule shall not be deemed to prohibit a Public Official, Employee or Volunteer from requesting, using or permitting the use of such publicly-owned property, vehicle, equipment, or material which is provided as a matter of stated policy for the use of Town Public Officials, Employees or Volunteers in the conduct of official Town business.

No Public official, Employee or Volunteer shall discriminate on the basis of race, color, religion, national origin, gender or sexual orientation.

Section 8. HARASSMENT

No Public Official, Employee or Volunteer shall harass other persons sexually or otherwise in the course of their duties.

Section 9. TRANSPARENCY

All public bodies shall follow the Vermont Open Meeting Law.

All meetings of Public Bodies shall be posted and public notice provided in accordance with the Vermont Law. - Notice of meetings of public bodies shall be posted in the Akeley Building, Stowe Free Library and Public Safety Facility at least 48 hours in advance for regular meetings. Meeting minutes of public bodies shall be posted within five days of the meeting on the town's web site (www.townofstowevermont.org). - Minutes of all meetings of public bodies shall be provided to the Town Clerk for record keeping purposes.

Section 10. DISCLOSURE AND RECUSAL PROCEDURES

Whenever a matter comes before a public body on which any of the conflicts of interest of this Policy shall exists, the following provisions shall apply:

- (1) Public Officials, Employees or Volunteers shall disclose to the relevant public body the nature of the conflict of interest in open session prior to any consideration of the matter

by

said public body.

- (2) Public Officials, Employees or Volunteers who recuse themselves or have been ordered to recuse themselves by the appointing body from a proceeding shall not sit with the board, deliberate with the board, or participate in that proceeding as a board member in any capacity.
- (3) Providing that the member recuses themselves and is not acting as a Public Official or Volunteer on a public body, the foregoing shall not be construed as restricting the official from testifying or representing themselves or a client. In such cases, the member shall act only in his / her individual capacity and not in any official capacity on behalf of the Town. An employee may not represent a client before a public body.

Section 11. COMPLAINT OF ETHICS VIOLATION

A person, who believes that an appointed Public official, Employee or Volunteer of the Town has violated any portion of this policy, may send or deliver a signed, written complaint to the Town Manager. The complaint shall include the name of the person alleged to have committed the violation and the specifics of the act(s) which constitute the violation. The Manager shall forward the complaint to the appropriate public official(s) for resolution. In accordance with Section 408 of Stowe Town Charter, the Selectboard may "Inquire into the conduct of any officer, commission or department and investigate all municipal affairs." If the alleged violation involves an employee, it will be handled in accordance with the Personnel Rules, IBEW Agreement, or Police Association Agreement as applicable.

Any complaint against the Town Manager shall be reduced to writing, signed and sent or delivered to the Chair of the Selectboard, and must contain all of the information specified in the preceding paragraph.

Any complaint against an elected official shall be directed to the elected official. A person may ask an elected body to reconsider a matter that they believe involved an unethical act by an elected official. However, an elected official is only responsible to the voters, and a fellow board member may not require that the elected official recuse themselves or otherwise take formal corrective action against another elected official. Elected officials may be subject to recall in accordance with Section 401 of the Stowe Town Charter.

Section 12. RETALIATION

Any person who reports an alleged violation of this policy shall not be retaliated against or otherwise disciplined for reporting it, provided that the information is not conveyed inaccurately with malicious intent. Neither inaccuracies in reports of alleged violations of this policy, nor actual or perceived malicious intent with which an alleged violation is reported shall absolve a Public Official, Employee or Volunteer from any personal wrongdoing in violation of this policy or otherwise.

Section 13. DISTRIBUTION OF ETHICS POLICY

All Public Officials, Employees or Volunteers existing at the adoption of this Policy shall receive a copy and sign an acknowledgement form indicating that they have received and understand this Policy. Once signed, the signatory shall return the acknowledgement form to the Town Manager.

Upon being elected, appointed, hired, or volunteering the Public official, Employee or Volunteer shall receive this Policy and sign an acknowledgement form indicating that they have received it and understand it. Once signed it shall be returned to the Town Manager.

**TOWN OF STOWE, VT
ETHICS & FRAUD POLICY
FOR
PUBLIC OFFICIALS, EMPLOYEES & VOLUNTEERS
ACKNOWLEDGEMENT FORM**

I, _____, acknowledge that:
(Please PRINT name clearly)

- (a) I received a copy of the Town of Stowe's Ethics & Fraud Policy;
- (b) I have been given an opportunity to ask questions about said policy and I have been provided with satisfactory information in response to my questions;
- (c) I acknowledge that I understand the Town of Stowe's Ethics & Fraud Policy and I agree that I will comply with all of the provisions of said policy.

Dated this _____ day of _____, 20____.

Signature

Department, Board/Commission serving for Town of Stowe
(please PRINT clearly)