

JUPD CONFLICT OF INTEREST POLICY

SECTION 1: Purpose

The purpose of this Policy is to ensure that the business of the Jericho Underhill Park District (hereinafter referred to as JUPD) will be conducted in such a way that no JUPD Trustee will gain personal or pecuniary advantage from his/her work for the JUPD and so that the public trust in JUPD will be preserved.

SECTION 2: Definitions

- a. "Conflict of interest" means direct or indirect, real or perceived, personal or pecuniary interest of a JUPD Trustee, his/her spouse, household member, family member, business associate, employer or employee, personal friend, in the outcome of a cause, proceeding, application or any other matter pending before the JUPD Trustee or before the JUPD Board of Trustees. "Conflict of interest" does not arise in the case of votes or decisions in which the JUPD Trustee has a personal or a pecuniary interest in the outcome no greater than that of other persons generally affected by the decision, such as adopting a bylaw or setting a tax rate.
- b. "Official act or action" means any JUPD Board discussions, voting, discretionary legislative and/or administrative act performed by the JUPD Trustee while acting on the behalf of JUPD.
- c. "Public interest" means an interest of the community as a whole, conferred generally upon all residents of Jericho and Underhill.
- d. "JUPD Trustee" means any person serving on the JUPD Board of Trustees whether elected or appointed.
- e. "emergency" means an imminent threat or peril to the public safety, health or welfare.

SECTION 3: Disqualifications

- a. A JUPD Trustee shall not participate in any official action if s/he has a conflict of interest in the matter under consideration.
- b. A JUPD Trustee shall not personally or through any member of his/her household, business associate, employer/employee appear for or negotiate in a private capacity on behalf of any person or organization in any cause, proceeding, application in which the JUPD Trustee holds office or is employed.

SECTION 4: Disclosure

- a. Any JUPD Trustee who has reason to believe that s/he cannot act fairly or objectively due to a conflict of interest shall immediately inform the JUPD Board and recuse him/herself from the matter under consideration.

- b. Any JUPD Trustee who has reason to believe that s/he has or may have a conflict of interest but believes that s/he is able to act fairly, objectively and in the public interest in spite of the conflict of interest shall, prior to participating in any official action on the matter, prepare a statement describing the matter under consideration, the nature of the potential conflict of interest and why s/he believes that s/he is able to act in the matter fairly, objectively, and in the public interest.
- c. The JUPD Board of Trustees shall have the authority to inquire of any JUPD Trustee about a possible conflict of interest, and to recommend that the Trustee recuse him/herself from the matter if the JUPD Trustee Board determines by a majority vote that the JUPD Trustee has a conflict of interest. The Trustee in question must absent him/herself from that vote.
- d. The JUPD Board of Trustees has the authority to require any JUPD Trustee who it determines has a conflict of interest but who, the JUPD Board believes is able to act fairly, objectively and in the public interest in spite of the conflict, prior to participating in any official action on the matter, to prepare a statement describing the matter under consideration, the nature of the potential conflict of interest and why s/he believes that s/he is able to act in the matter fairly, objectively, and in the public interest.
- e. The statement required by subsections (b) and (d) above shall be signed by the JUPD Trustee and filed as part of the minutes of the JUPD Board of Trustees meeting.

SECTION 5: Enforcement

- a. In cases where the conflict of interest procedures in Sections 3 and 4 have not been followed, the JUPD Board of Trustees may take progressive action to discipline the offending JUPD Trustee. In the discipline of a JUPD Trustee, the JUPD Trustees shall follow these steps in order:
 - 1. The JUPD Chair shall meet informally, in private with the JUPD Trustee to discuss possible conflict of interest violation. In the case where the Chair is the offending Trustee, the Vice Chair shall meet with him/her.
 - 2. The JUPD Board of Trustees may meet to discuss the conduct of the JUPD Trustee. Executive session may be used for such discussion, in accordance with 1 V.S.A § 313(4). The Trustee may request that this meeting occur in public. If appropriate, the JUPD Board may admonish the offending Trustee in private.
 - 3. If the JUPD Board decides that further action is warranted, it may admonish the offending Trustee in an open meeting and reflect this action in the minutes of the meeting. The Trustee shall be given the opportunity to respond to the admonishment.

4. Upon majority vote, the JUPD Board may request that the offending Trustee resign from the JUPD Board.

SECTION 6: Exceptions

- a. The JUPD Board may waive the above recusal and written statement requirements in order to act in a state of emergency.
- b. If the JUPD Board determines that the delay occasioned by Section 4 written statement requirement would adversely affect public interest, it may require the written statement at a later date.
- c. The disclosure of a conflict of interest cannot be waived under this Section and a Trustee who has reason to believe s/he has a conflict shall disclose it as provided in Section 4 subject to the written statement provision of above Section 6(b).

SECTION 7: Annual Statement

Each JUPD Trustee shall annually sign a statement which affirms the s/he:

- a. Has received a copy of the Conflict of Interest Policy
- b. Has read and understands the policy
- c. Has agreed to comply with the policy
- d. Understands that the proper operation of a democratic government requires the JUPD Trustees be independent, impartial and responsible to the people; that Jericho Underhill Park District decisions and policy be made through proper channels and structure; that public office not be used for personal gain; that a Trustee's conflict of interest whether real or perceived undermines public faith in JUPD; and that the public have confidence in the integrity of the Jericho Underhill Park District

SECTION 8: Severability

If any section of this policy is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this policy.

SECTION 9: Effective Date

This policy shall become effective 60 days after its adoption by the JUPD Board of Trustees.

Signatures:

Olivia Oka Story 6-18-2014
[Signature] 6-18-14

Marym Gibson 6-18-14

Marie Lynch 6/18/14

James D. Mastigian 6/18/14

Andrew French 6/18/14

Robert M. Maylor 6/18/14

Date: _____