

TOWN OF BRISTOL, VERMONT

SELECTBOARD POLICY: CONFLICT OF INTEREST

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Effective Date: [Adoption date — to be completed]

Supersedes: Selectboard Policy Regarding Conflict of Interest, April 23, 2012

Adopted By: Bristol Selectboard

Next Review: 2029

Authority: 24 V.S.A. §2291(20); 24 V.S.A. Chapter 60

Amendment History

Version 1.0 — April 23, 2012. Original adoption — Selectboard Policy Regarding Conflict of Interest. Adopted by Bristol Selectboard.

Version 2.0 — [Adoption date]. Full ground-up revision superseding the 2012 policy. Incorporates 24 V.S.A. Chapter 60 (Municipal Code of Ethics, Act 171, 2023 Adj. Sess.); adds training, ethics liaison, public posting, advisory opinion, and whistleblower provisions; adopts Bristol Document Formatting Standard v2.1 (X.00 numbering, PART grouping, shall/may convention, gender-neutral language, consolidated definitions). Adopted by Bristol Selectboard.

Version 2.1 — [Working revision, 2026-05-10]. Adds §6.12 (Recurring Departmental Affiliations) addressing the Selectboard/Bristol Fire Department membership overlap and analogous recurring affiliations, with annual disclosure and category-specific recusal triggers. Not yet adopted.

Version 2.2 — [Working revision, 2026-05-11]. Adds introductory framework to §11.00 distinguishing complaint-triggered from board-initiated review. Revises §11.07 to separately address disciplinary action for appointed versus elected officers, adding an elected-officer admonishment procedure with vote requirement and right to respond. Revises §11.08 to clarify that formal action may not be taken in executive session and must be taken and recorded in open session. Adds §11.09 governing complaints involving sitting Selectboard members, including required recusal, independent reviewer option, and Vermont State Ethics Commission referral. Updates document formatting to Bristol Document Formatting Standard v2.2 (bold-label metadata block, paragraph-format amendment history, bold-prefix OPEN callouts). Not yet adopted.

Table of Contents

Right-click and select 'Update Field' to generate the Table of Contents.

PART I — FOUNDATIONAL PROVISIONS

1.00 Authority

1.01 The Bristol Selectboard (Selectboard) adopts this policy under 24 V.S.A. §2291(20).

1.02 This policy meets or exceeds the minimum standards established by 24 V.S.A. Chapter 60 (Municipal Code of Ethics).

2.00 Purpose

2.01 This policy ensures that Bristol's municipal officers make decisions in the public interest and prevents personal or financial gain from public service.

2.02 This policy establishes standards for identifying, disclosing, and managing conflicts of interest. It sets forth prohibited conduct, recusal procedures, and complaint processes for all municipal officers.

3.00 Definitions

As used in this policy, the following terms have the meanings assigned below.

Advisory body means a public body that does not have supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or budgetary matters.

Business associate means an individual or entity with whom a municipal officer is affiliated in a professional, commercial, or financial capacity, including as a partner, officer, director, employee, agent, contractor, or co-investor.

Confidential information means information that is exempt from public inspection and copying under 1 V.S.A. §315 et seq., or is otherwise designated by law as confidential.

Conflict of interest means a direct or indirect interest of a municipal officer, or a known interest of a member of the officer's immediate family, household, or business associate, in the outcome of a matter pending before the officer's public body, or that conflicts with the proper discharge of the officer's duties. A conflict of interest does not include any interest no greater than that of other individuals generally affected by the outcome of a matter. *See 24 V.S.A. §1991(5).*

Domestic partner means an individual in an enduring domestic relationship of a spousal nature with the municipal officer. *See 24 V.S.A. §1991(8).*

Emergency means an imminent threat or peril to public health, safety, or welfare.

Ex parte communication means a direct or indirect communication between a member of a public body and any party, that party's representative or counsel, or any person interested in the outcome of a quasi-judicial proceeding, which occurs outside a public proceeding and concerns the substance or merits of the proceeding.

Immediate family means a municipal officer's spouse, domestic partner, or civil union partner; child or foster child; sibling; parent; or such relations by marriage, civil union, or domestic partnership; or any individual claimed as a dependent for federal income tax purposes. *See 24 V.S.A. §1991(10).*

Municipal officer means any person elected, appointed, or employed to perform executive, administrative, legislative, or quasi-judicial functions for the Town, including all positions identified in 24 V.S.A. §1991(12).

Official act or action means any legislative, administrative, or judicial act performed by any elected or appointed officer or employee while acting on behalf of the Town.

Public body means any board, commission, or committee of the Town, as further defined in 1 V.S.A. §310.

Quasi-judicial proceeding means a matter in which the legal rights of one or more persons granted party status are adjudicated, all parties have opportunities to present evidence and cross-examine witnesses, and which results in a written decision appealable to a higher authority.

Recusal means complete removal of oneself from participation in a matter because of a real or apparent conflict of interest. Recusal includes refraining from discussion, voting, deliberation, and any direction of others regarding the matter.

4.00 Scope

4.01 This policy applies to all Bristol municipal officers as defined in §3.00.

PART II — STANDARDS OF CONDUCT

5.00 Duty to Avoid Conflicts of Interest

5.01 A municipal officer shall avoid any conflict of interest and any appearance of a conflict of interest in their official capacity.

5.02 The appearance of a conflict is assessed from the perspective of a reasonable person with knowledge of the relevant facts. *See 24 V.S.A. §1992(a).*

6.00 Prohibited Conduct

6.01 Participation While Conflicted

A municipal officer shall not participate in any official action by the Selectboard or other public body if they have a conflict of interest in the matter under consideration. *See 24 V.S.A. §1992(b).*

6.02 Prejudgment in Quasi-Judicial Proceedings

A municipal officer shall not participate in any official action if they have publicly displayed a prejudgment of the merits of a particular quasi-judicial proceeding before their public body. This provision does not apply to an officer's political views or general opinion on an issue.

6.03 Directing Unethical Conduct

A municipal officer shall not direct any individual to act in a manner that would benefit the officer in relation to a conflict of interest, create a conflict or appearance of a conflict for the officer or the directed individual, or otherwise violate this policy. *See 24 V.S.A. §1993(a).*

6.04 Preferential Treatment

A municipal officer shall act impartially and shall not unduly favor or prejudice any person in the course of official business. An officer shall not give, or represent an ability to give, undue preference or special treatment to any person based on wealth, position, status, or personal relationship with the officer, unless otherwise permitted or required by State or federal law. *See 24 V.S.A. §1993(b).*

6.05 Misuse of Position

A municipal officer shall not use their official position for the personal or financial gain of the officer, a member of the officer's immediate family or household, or the officer's business associate. *See 24 V.S.A. §1993(c).*

6.06 Misuse of Confidential Information

A municipal officer shall not use nonpublic or confidential information acquired during official business for personal or financial gain, for themselves, a member of their immediate family or household, or their business associate. *See 24 V.S.A. §1993(d).*

6.07 Misuse of Government Resources

A municipal officer shall not use, or permit another person to use, Town materials, funds, property, personnel, facilities, or equipment for any purpose other than official business, unless expressly permitted by State law, ordinance, or written Town policy.

An officer shall not engage in, or direct another person to engage in, work other than official duties during working hours, except as permitted or required by law or written Town policy. *See 24 V.S.A. §1993(e).*

6.08 Gifts

No person may offer or give to a municipal officer or candidate, or to the officer's or candidate's immediate family, anything of value, including a gift, loan, political contribution, reward, or promise of future employment, based on any understanding that the officer's or candidate's vote, official action, or judgment would be, or had been, influenced.

A municipal officer or candidate shall not solicit or accept anything of value on such an understanding.

This provision does not apply to lawful campaign contributions under 17 V.S.A. Chapter 61, or to activities prohibited by 13 V.S.A. Chapter 21. *See 24 V.S.A. §1993(f).*

6.09 Unauthorized Commitments

A municipal officer shall not make unauthorized commitments or promises purporting to bind the Town, unless otherwise permitted by law. *See 24 V.S.A. §1993(g).*

6.10 Benefit from Contracts

A municipal officer shall not benefit from any contract entered into by the Town and the officer, the officer's immediate family, or an associated business of the officer or the officer's immediate family, unless:

A. The benefit is no greater than that of other individuals generally affected by the contract; B. The contract is an employment contract with the Town; C. The contract was awarded through an open and public competitive bidding process; or D. The total value of the contract is less than \$2,000.

A municipal officer whose official duties include executing a contract from which they would benefit shall recuse themselves from the contract award process. *See 24 V.S.A. §1993(h); 24 V.S.A. §1992(b)(2)(B).*

6.11 Appearance Before the Body

Nothing in this policy prohibits a municipal officer from appearing before the Selectboard or other public body in their individual capacity, as a member of the public, in a matter in which they have a personal interest.

An officer doing so shall recuse themselves as a member of the body and shall not sit with the public body during deliberations on the matter. The officer may make a presentation and answer questions, but may not participate in deliberations leading to a decision.

Officers shall exercise due care to ensure that the frequency of such appearances does not hamper the body's ability to conduct business due to recurring recusals.

6.12 Recurring Departmental Affiliations

Bristol's small population and reliance on volunteer service mean that municipal officers, including Selectboard members, frequently hold concurrent affiliations

with Town departments, boards, contractors, or other Town-supported organizations. The most common recurring example is concurrent service on the Selectboard and as an active member of the Bristol Fire Department (BFD), but the same framework applies to other departmental, board, contractor, or organizational affiliations.

A. Disclosure. A municipal officer with an active affiliation under this subsection shall disclose the affiliation in writing on taking office and again on each January 1 thereafter. The disclosure shall name the affiliation, describe the officer's role, and state any compensation received. Disclosures shall be filed with the Town Clerk and made available for public inspection for the duration of the officer's service plus a minimum of five years.

B. Triggering matters — Selectboard / Bristol Fire Department. A Selectboard member who is also an active member of the BFD has a conflict of interest under §3.00 and shall recuse under §7.00 from any official action of the Selectboard concerning:

1. Setting or adjusting the salary, stipend, or compensation framework of the Fire Chief, Assistant Fire Chief, or paid on-call firefighters (POCFFs);
2. Appointment, reappointment, discipline, or removal of the Fire Chief or Assistant Fire Chief;
3. Approval of BFD equipment purchases, capital expenditures, or facility decisions above the threshold established by the Selectboard's purchasing policy;
4. Approval of the BFD annual budget line and any in-year amendments to it;
5. Adoption or amendment of BFD residency, response-time, training, or performance standards;
6. Adoption or amendment of the POCFF classification framework, including any decision regarding FLSA classification or stipend structure;
7. Adjudication of complaints, grievances, or disciplinary matters involving any individual BFD member; and
8. Any other matter in which the officer's BFD membership creates a direct or indirect personal or financial interest under §3.00.

C. Triggering matters — other recurring affiliations. The categories in subsection B apply by analogy to other recurring departmental, board, contractor, or organizational affiliations. A municipal officer with such an affiliation shall recuse from official action concerning compensation, personnel, budget, equipment, standards, and adjudication for the affiliated department, board, contractor, or organization.

D. Nonrecurring matters. Routine matters that affect the affiliated department only as part of general municipal operations, and in which the officer has no greater interest than other individuals generally affected, do not require recusal. *See 24*

V.S.A. §1991(5). Examples include adoption of Town-wide policies that apply uniformly across departments, general municipal budget approval for non-departmental line items, and ceremonial actions.

E. Nonrecusal procedure. An officer who determines good cause to proceed despite a triggering matter under subsections B or C shall follow §7.03 (nonrecusal statement) and §7.04 (filing requirements). Nonrecusal is not available where the officer's duties include executing a contract from which the officer or their immediate family would benefit. *See §6.10; §7.03.*

F. Quorum preservation. Where recusals under this subsection prevent a quorum, §7.07 governs.

PART III — RECUSAL AND PROCEEDING DESPITE A CONFLICT

7.00 Recusal

7.01 General Duty

A municipal officer who has a conflict of interest or the appearance of one shall immediately recuse themselves from the matter. The officer shall not take further action, participate in any way, or act to influence a decision regarding the matter. The officer shall make a public statement explaining the recusal.

After recusal, an officer who is a party to a contested hearing or litigation may act only in their individual capacity as a member of the public.

7.02 Procedure for Recusal

An officer who recuses themselves shall not sit with the public body or participate in the proceeding as a member of the body in any capacity, including during deliberations.

7.03 Nonrecusal: When an Officer May Proceed Despite a Conflict

Notwithstanding §7.01, an officer may continue to act in a matter involving a conflict of interest or appearance of conflict if the officer first determines that good cause exists to proceed.

Good cause exists if:

A. The conflict is amorphous, intangible, or otherwise speculative; B. The officer cannot legally or practically delegate the matter; or C. The action is purely ministerial and does not involve substantive decision-making.

An officer who determines good cause to proceed shall submit a written nonrecusal statement to the Selectboard that:

A. Describes the matter requiring action; B. Describes the nature of the potential or actual conflict of interest; C. Explains why good cause exists to proceed; D. Is written

in plain language with sufficient detail to be understood by the public; and E. Is signed by the municipal officer.

Notwithstanding this subsection, a municipal officer whose duties include executing a contract from which the officer or their immediate family would benefit shall always recuse themselves from the contract award process. *See §6.10.*

Notwithstanding the foregoing, a municipal officer shall not continue to act in a matter involving a conflict of interest or the appearance of one if authority granted to another official or public body under law is exercised to preclude the officer from acting in the matter. *See 24 V.S.A. §1992(b)(2)(C).*

7.04 Filing Requirements for Nonrecusal Statements

If the conflict concerns an official act outside a public meeting, the nonrecusal statement shall be filed with the Town Clerk and made available to the public for the duration of the officer's service plus a minimum of five years. *See 24 V.S.A. §1992(b)(3).*

If the conflict concerns an official act considered at a public meeting, the nonrecusal statement shall be filed as part of the minutes of that meeting. *See 24 V.S.A. §1992(b)(4).*

7.05 Mid-Meeting Conflict Discovery

If, during a public meeting, an officer becomes aware of a conflict of interest or the appearance of one and determines good cause to proceed, the officer may proceed after announcing and fully stating the conflict on the record. The officer shall submit a written nonrecusal statement under §7.03 within five business days after the meeting. The meeting minutes shall be amended to reflect the submitted written nonrecusal statement. *See 24 V.S.A. §1992(b)(5).*

If a previously unknown conflict is discovered during consideration of a matter and the officer determines to recuse themselves, the officer shall recuse at that time. Consideration of the matter may continue.

7.06 Peer Inquiry

Other members of a public body may inquire of any officer about a possible conflict of interest or appearance of one, and may recommend that the officer recuse themselves. *See 24 V.S.A. §1992(c).*

Any person may request that an officer recuse themselves. Such a request does not require the officer to do so.

Elected officers decide for themselves whether to recuse from a pending matter. For an appointed officer or employee, the appointing body may order recusal. If an appointed officer declines a recusal request, the requesting party may appeal to the appointing body, which may order recusal. Action on the matter shall be recessed to a time certain to allow the appointing body to determine the question.

7.07 Quorum Preservation

If the number of members with a conflict is sufficient to prevent a quorum, members with conflicts may participate in the decision, provided each officer publicly states and records the nature of their conflict in the minutes before any vote is taken.

The public body may recess to a time certain if, after recusals, it cannot take action due to lack of quorum.

7.08 Ex Parte Communications

A municipal officer shall disclose all ex parte communications with any party in quasi-judicial proceedings before the public body on which they serve. Disclosure shall be made publicly at the next meeting of the public body at which the matter is considered.

7.09 Confidential Information

Nothing in this policy requires a municipal officer to disclose confidential information or information otherwise privileged under law. *See 24 V.S.A. §1992(d).*

8.00 Emergency Exception

8.01 The recusal provisions of §§6.00 and 7.00 do not apply if the Selectboard determines that an emergency exists and that actions could not otherwise take place.

8.02 In such cases, the municipal officer shall disclose the conflict or appearance of conflict under §7.00 as soon as practicable.

PART IV — TRAINING, LIAISON, AND COMPLAINTS

9.00 Ethics Training

9.01 All Selectboard members, all members of quasi-judicial bodies, and the Town Administrator shall complete Municipal Code of Ethics training within 120 days of taking office.

9.02 The Town shall make a reasonable effort to provide ethics training to all other municipal officers.

9.03 Continuing training shall be completed every three years after initial training is satisfied.

9.04 Training conducted by, or approved by, the Vermont State Ethics Commission satisfies this requirement.

9.05 The Town Clerk shall maintain a training log for all municipal officers who have completed ethics training. *See 24 V.S.A. §1995(a)-(b); §1996(2).*

10.00 Ethics Liaison

10.01 The Selectboard shall designate an ethics liaison who is an existing municipal employee or Selectboard member.

10.02 The ethics liaison is the point of contact for communications with the Vermont State Ethics Commission and for ethics complaints referred by the Commission.

10.03 The Selectboard shall record the designation by vote and include the name of the designated liaison in the minutes.

10.04 The Town Clerk shall notify the Vermont State Ethics Commission in writing of the identity of the designated liaison, and of any change in designation, within 30 days of such designation or change.

10.05 The Selectboard shall designate the ethics liaison by vote at the same meeting as adoption of this policy, or as soon as practicable thereafter. *See 24 V.S.A. §1995(e).*

11.00 Ethics Complaints

Two paths exist for addressing officer conduct under this Part. Under the complaint-triggered path (§§11.02–11.06), any person may file a written complaint alleging a violation of this policy with the Town Clerk. This path is designed for concerns raised by third parties, including members of the public, employees, and other municipal officers. Under the board-initiated path, the Selectboard may, on its own motion, place a matter of officer conduct on a properly noticed agenda and take action under §11.07 without a formal complaint having been filed. Board-initiated review is appropriate where the facts are not in material dispute and no investigation is required. Where investigation is warranted under either path, the Selectboard shall designate an independent reviewer or refer the matter to the Vermont State Ethics Commission for guidance before proceeding.

11.01 The Town of Bristol maintains procedures for receiving and investigating ethics complaints against municipal officers, adopted in accordance with 24 V.S.A. §1997.

11.02 The Town Clerk is designated as the municipal officer to receive complaints alleging violations of this policy.

11.03 All complaints shall be submitted in writing using the Town's Ethics Complaint Form, available from the Town Clerk.

11.04 The Town Clerk shall maintain a record of all complaints received and the disposition of each complaint for the duration of the subject officer's service plus a minimum of five years.

11.05 Upon request of the Vermont State Ethics Commission, the Town Administrator or Town Clerk shall provide the Commission with a summary of

complaints received and their dispositions, excluding personally identifiable information. *See 24 V.S.A. §§1996(3)–(5).*

11.06 The Selectboard, or its designee, shall review complaints consistent with 24 V.S.A. Chapter 60. Complaints may also be submitted to the Vermont State Ethics Commission, which may refer them to the Town for action. The Ethics Commission does not prosecute or enforce complaints against municipal officers; local procedures govern.

11.07 Disciplinary Action

A. Appointed officers and employees. In cases where an appointed officer or employee is alleged to have violated this policy, the appointing body may review the matter. Before taking any disciplinary action, the appointing body shall provide the officer with written notice of the alleged violation and an opportunity to respond in writing or at a properly noticed meeting. Forms of action include private or public admonishment, request for resignation, or removal from office in accordance with applicable law.

B. Elected officers. In cases where an elected officer is alleged to have violated this policy, the Selectboard may, by the affirmative vote of four of its five members at a properly noticed meeting, issue a private or public admonishment. Before any vote is taken, the officer subject to admonishment shall have an opportunity to respond on the record. A private admonishment shall be memorialized in writing and filed with the Town Clerk. A public admonishment shall be recorded in the minutes of the meeting at which it is issued. Nothing in this subsection confers authority to remove an elected officer from office. Removal of an elected officer is governed solely by applicable Vermont law.

11.08 Executive Session

The Selectboard may convene in executive session to discuss officer conduct under 1 V.S.A. §313(a)(4). No formal action, including any vote to issue an admonishment, may be taken in executive session. Any formal action shall be taken in open session and recorded in the minutes. The officer whose conduct is at issue has the right to request that all discussion take place in public and to respond to any admonishment before a vote is taken. *See 1 V.S.A. §§310–314.*

11.09 Complaints Involving Sitting Selectboard Members

A. A Selectboard member who is the subject of a complaint under this Part shall recuse themselves from all aspects of the review, including deliberations and any vote on the matter.

B. Where recusal of one or more members prevents a quorum for purposes of conducting a review, or where the remaining members determine that the

circumstances of the complaint create an appearance of partiality, the Selectboard may:

9. Designate independent counsel or an external reviewer who shall be selected by affirmative vote of the remaining members at a properly noticed meeting, and who shall have no prior involvement in the matter and no relationship with any party that would create an appearance of partiality, to conduct the investigation and report findings to the remaining members; or
10. Refer the matter to the Vermont State Ethics Commission for guidance under 24 V.S.A. §1994.

C. The officer subject to review retains the right under §11.08 to request that proceedings be conducted in public and to respond to any admonishment before a vote is taken.

[OPEN — V2-Q1] Town counsel shall confirm before adoption whether this Selectboard policy satisfies the form requirement of 24 V.S.A. §1997, which requires complaint investigation and enforcement procedures to be adopted by ordinance, rule, or personnel policy. A companion enforcement document in one of those forms may need to be adopted concurrently. *See change log SV2-Q1 for options.*

12.00 Public Posting

12.01 The Town Clerk shall post the following on the Town of Bristol's website, and shall maintain a current copy available for public inspection at the Town Clerk's office:

A. The Vermont Municipal Code of Ethics (24 V.S.A. Chapter 60); B. This policy and any amendments to it; and C. The Town's ethics complaint investigation and enforcement procedures.

12.02 If the Town's website becomes unavailable, the Town Clerk shall ensure copies are distributed to all municipal officers and made available to the public upon request. *See 24 V.S.A. §1996(1).*

PART V — STATE RESOURCES AND PROTECTIONS

13.00 Vermont State Ethics Commission

13.01 Municipal officers may contact the Vermont State Ethics Commission for confidential advice regarding their own conduct under the Municipal Code of Ethics.

13.02 The Commission does not enforce this policy but may provide guidance and training resources.

13.03 Officers may request a written advisory opinion from the Executive Director on any question related to their duties under Chapter 60. *See 24 V.S.A. §1994(b).*

13.04 Vermont State Ethics Commission contact information:

Vermont State Ethics Commission 6 Baldwin Street, Montpelier, VT 05633-7950
802-828-7187 ethicscommission@vermont.gov
<https://ethicscommission.vermont.gov/>

14.00 Whistleblower Protection

14.01 Vermont law prohibits retaliation against municipal employees who, in good faith, report a violation of law or ethics, refuse an illegal order, or assist in a proceeding related to such a report.

14.02 No municipal officer, department head, or supervisor shall engage in any retaliatory action against a protected employee for engaging in such protected activity. *See 24 V.S.A. §1998.*

[**OPEN — V2-Q2**] Town counsel and the Town Administrator shall confirm before adoption whether this provision is adequately addressed by existing Town personnel policy, or whether additional procedures are required. *See change log §V2-Q2.*

PART VI — ADMINISTRATION

15.00 Amendments and Review

15.01 The Selectboard may amend this policy by majority vote at any regular or special meeting, provided that public notice has been given in accordance with 1 V.S.A. §312.

15.02 The Selectboard shall review this policy at least once every three years, or sooner if Vermont law changes in ways that affect its requirements.

16.00 Effective Date

16.01 This policy takes effect upon adoption by the Bristol Selectboard.

16.02 This policy supersedes the Selectboard Policy Regarding Conflict of Interest adopted April 23, 2012, in its entirety.

17.00 Severability

17.01 If any provision of this policy, or the application of any provision to any person or circumstance, is held invalid, the remaining provisions shall continue in full force and effect.

ADOPTION

Adopted by the Bristol Selectboard: _____

Date: _____

Selectboard Chair: _____

*Supersedes: Selectboard Policy Regarding Conflict of Interest, adopted April 23, 2012.
DRAFT V2.2 — Not yet adopted.*