

**TOWN OF ESSEX
ETHICS POLICY**

1. APPLICABILITY:

This policy shall apply to all public officials and staff of the Town of Essex.

2. POLICY STATEMENT:

Accepting a position as a public official or staff carries with it the responsibility to maintain the public trust while working to further the public interest. Maintaining public trust is critical to the continued operation of good government. Public decision-making should be open and accessible to the public-at-large. There are five principles to which public officials and employees should adhere to:

- (1) Public officials and staff should represent and work towards the public interest and not towards private/personal interests.
- (2) Public officials and staff should accept and maintain the public trust (i.e., must preserve and enhance the public's confidence.)
- (3) Public officials and staff should exercise leadership, particularly in the form of consistently demonstrating behavior that reflects the public trust.
- (4) Public officials and staff should recognize the proper role of all government bodies and the relationships between the various government bodies.
- (5) Public officials and staff should always demonstrate respect for others and for other positions.

3. DEFINITIONS:

- (a) **Business associate** – A business associate is a partner or other person with whom an individual has ongoing or recurring business transactions, to include an employer or employee.
- (b) **Ethics** – A set behavioral guidelines.
- (c) **Financial interest** – A financial interest may be defined as one or more of the following:
 - A self-proprietor, partner, business associate, shareholder (holding at least five percent of the outstanding shares of any class of shares), director, or managerial employee of an organization who has a matter for review before a public body;
 - An applicant or property owner who has a matter for review before a public body;
 - An adjoining landowner to a property owner that has a matter for review before the Planning Commission or Zoning Board of Adjustment.
- (d) **Immediate family** – Includes, but is not limited to spouses, household members, children, stepchildren, parents, grandparents, grandchildren, siblings, aunts or uncles, and in-laws.
- (e) **Official act or action** – Any legislative, administrative or judicial act performed by any elected or appointed officer or employee while acting on behalf of the municipality.
- (f) **Private/Personal interest** – A matter of direct or indirect material or financial benefit

accruing to an individual or a member of the individual's immediate family.

- (g) **Public body** – Means any Board, Committee, or Commission, elected or appointed.
- (h) **Public interest** – Means an interest of the community as a whole, conferred generally upon all residents of the municipality.
- (i) **Public officer** or **public official** -- Means a person elected or appointed to perform executive, administrative, legislative or quasi-judicial functions for the municipality.
- (j) **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.
- (k) **Staff** – Means a full or part-time employee of the Town of Essex, or a group of two or more full or part-time employees of the Town of Essex.

4. EX-PARTE COMMUNICATIONS: BOARDS, COMMISSIONS AND COMMITTEES:

A public official shall not communicate, directly or indirectly, with any party, party's representative, party's counsel, or any person interested in the outcome of a quasi-judicial proceeding before a public body while the matter before the public body is pending without providing notice and opportunity for all parties to participate. A public official who receives an ex parte communication on any issue relating to the proceeding shall place on the record all written communications received, all written responses to those communications, and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person making the ex parte communication.

5. INAPPROPRIATE USE OF PUBLIC POSITION:

Public officials and staff shall not use a public position to further a personal interest or the interest of an immediate family member.

Public officials and staff 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 public officials and staff have significant private/personal financial interest.

Public officials and staff are empowered to discharge specific statutory duties in the public interest and should not interfere with the statutory duties of others.

Public officials shall not attempt to influence staff recommendations regarding matters in which the public official has a private/personal or financial interest.

Public officials shall not use Town staff or resources to advance a private/personal or financial interest.

6. FAIR AND EQUAL TREATMENT:

Public officials and staff shall not 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.

Public officials and staff shall not request, use, or permit to be used, any publicly-owned or publicly-supported property, vehicle, equipment, labor, or service for his/her personal convenience or private advantage. This rule shall not be deemed to prohibit a public official or staff from requesting, using or permitting the use of such publicly-owned property, vehicle, equipment, or material which is provided for the use of public officials and staff conducting official municipal business.

Public officials and staff shall **NOT** discriminate on the basis of race, color, religion, national origin, or sex.

7. COMPLAINT OF ETHICS VIOLATION:

A person who believes that a public official or staff has violated any portion of this policy may send or deliver a signed, written complaint to the 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.

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.

8. DISTRIBUTION OF ETHICS POLICY:

The ethics policy will be distributed to all public officials and staff. The policy will be posted on the Town's website as well.

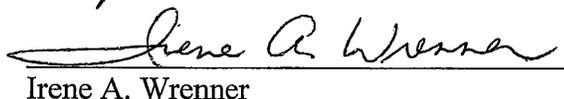
Approved by the Essex Selectboard on July 14, 2014.



Max G. Levy, Chair



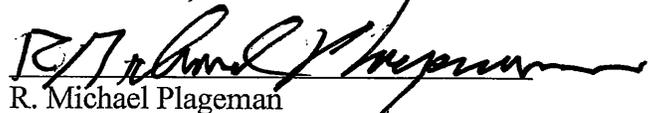
Andrew J. Watts, Clerk



Irene A. Wrenner



Brad M. Luck, Vice Chair



R. Michael Plageman