

## **ORDINANCE:**

### **CONFLICTS OF INTEREST DEFINED & REGULATED:**

#### **SECTION I : DECLARATION OF POLICY:**

Where government is based on the consent of the governed, every citizen is entitled to have complete confidence in the integrity of that government. Each local officer/employee of the Town, whether elected or appointed, including paid or unpaid members of various Town boards, commissions, committees, or agencies (hereinafter referred to as "Town Official"), must earn and honor that trust by his or her conduct in all official actions. It is the purpose of this ordinance to ensure fair consideration of any application or matter to be voted upon, and also to ensure the appearance of fair consideration so as to maintain public confidence in the integrity of Town government.

#### **SECTION II : CATEGORIES FOR DISQUALIFICATION:**

A Town Official shall be disqualified to act on a matter before a Town board, commission, committee or agency (hereinafter called the "Town Board") because of a conflict of interest as follows:

- A) FINANCIAL INTEREST: When the Town Official has a direct personal financial interest in a matter before the Town Board. Such interest includes, but is not limited to, an ownership interest, a mortgage interest, a creditor or debtor interest or relationship.
- B) RELATED BY BLOOD OR MARRIAGE: When the Town Official is directly related by blood or by marriage to the person requesting action, or opposing action on a matter before the Town Board. Directly related shall mean spouse, parent, child, brother, sister, uncle, aunt, niece, nephew, grandparent, or grandchild.
- C) EMPLOYMENT RELATIONSHIP: When the Town Official, or a member of the Town Official's family (family shall mean husband, wife, or child) has an employment relationship with the person requesting action or opposing action on a matter before the Town Board.
- D) ABUTTER: When the Town Official is an abutter to the land which is the subject matter or action requested or to be taken by the Town Board.
- E) GIFTS: When the Town Official has taken, for personal use, from any person, any fee, gift, or other valuable item in the course of the Town Official's work or in connection therewith, when such gift or valuable item is given in the hope of, or expectation of, receiving a favor or better treatment than that accorded to other persons requesting action or opposing action on a matter before the Town Board.

One or more of the above grounds for disqualification may apply, for example, relationship by blood or marriage to an abutter.

#### **SECTION III : DISCLOSURE:**

A Town Official shall be under a duty to disclose that a conflict of interest, as defined in Section II above, exists when a matter is before the Town Board of which the Town Official is a member or participant. Thereafter, the Town Official shall withdraw from

the Town Board considering such matter, shall not sit with the remainder of the Town Board, shall not participate in any deliberative sessions on such matter, and shall not vote on such matter. The Town Official may remain in the room where the Town Board is meeting, and may participate in the discussion, but only as a member of the general public.

**SECTION IV : CHALLENGE PROCEDURE:**

- A) Any person may inquire into the possible conflict of interest of any Town Official on any matter requiring official action, stating the grounds for the inquiry.
- B) Such challenged Town Official shall be obligated to inform the person if any conflict of interest exists.
- C) If the person making the inquiry is not satisfied with the challenged Town Official's response he may require the presiding officer of the Town Board (in the case of a Town employee, "Town Board" shall mean the appointing Board) to call for a vote as to whether or not the challenged Town Official shall be disqualified to take the official action. A majority of the remaining Town Board members, including alternates, shall determine whether or not the challenged Town Official may be allowed to take the official action.

**SECTION V : APPEAL PROCEEDINGS:**

Appeals under this ordinance shall be governed by RSA 31:39-a.

**SECTION VI : ORDINANCE PROVIDED TO TOWN OFFICIAL:**

Upon taking his/her position, the Town Official, as defined above, shall be furnished by the Town Clerk with a copy of this Ordinance. Each such person shall sign a written acknowledgment that he/she has been provided with such a copy. The acknowledgment shall be filed by the Town Clerk with the Town Official's appointment papers.

**SECTION VII : EFFECTIVE DATE:**

This ordinance shall be effective as of the date of adoption by the Windham Town Meeting. Notwithstanding the foregoing, this ordinance shall exempt affected Town Officials who are in office or employed by the Town at the time this ordinance is adopted for a period of ninety (90) days.

**Adopted at Town Meeting - March 13, 1987**

**Amended by Board of Selectmen - September 28, 1992**

**Alfred E. Seifert**  
**Peter G. Chulack, Sr.**  
**Elizabeth A. Dunn**  
**Frederic H. Noyles**  
**Andre Dufour**  
 Board of Selectmen

**Re-codified and affirmed by the Board of Selectmen - May 11, 1998**