

TOWN OF OPHIR, ORDINANCE 94- 4

AN ORDINANCE ADOPTING CONFLICT OF INTEREST REGULATIONS

WHEREAS, it is in the interest of the Town of Ophir to define conflict of interests and regulations governing situations involving conflicts of interest; and,

WHEREAS, conflict of interest regulations will preserve and enhance the integrity of the Town of Ophir, its boards, commission, and other public bodies;

NOW, THEREFORE, BE IT ORDAINED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR THAT THE FOLLOWING CONFLICT OF INTEREST REGULATIONS ARE ADOPTED AS LAW IN THE TOWN OF OPHIR:

SECTION 1. INTENT

The intent of this ordinance is to define conflicts of interest and protect the integrity of the General Assembly, Planning and Zoning Commission, Ophir Environmental Commission, and any other official boards, commissions, or public bodies of the Town of Ophir.

SECTION 2. DEFINITIONS

A. "Conflict of Interest" means any direct or indirect financial interest, or due to pertinent personal relationships, or direct personal benefit, which may conflict with, interfere, or otherwise influence the performance of official duties and decision making in the public's interest. "Conflict of Interest" includes, but is not limited to, contracts with the Town of Ophir, and official decisions or approvals sought from any public body of the Town of Ophir, which directly affect one's property or pending application before the public body.

B. "Direct Personal Benefit" means a right, privilege, permit, or beneficial use granted or approved by a public body of the Town of Ophir which benefits an individual or a clearly identifiable group and does not generally benefit all qualified electors of the Town of Ophir equally.

C. "Public Body" means the General Assembly and any board or commission of the Town of Ophir.

D. "Public Challenger" means any qualified elector of the Town of Ophir who challenges a public official for failure to declare a conflict of interest.

E. "Public Interest" means the interest of the Town of Ophir as a whole, except the Ophir-Environmental Commission, in which case, "Public Interest" means the interest of residents and property owners both within the Town of Ophir and in the Ophir Valley as defined by Ordinance 93-4.

F. "Public Official" means any member of a public body and any person elected or appointed by the General Assembly or elected or appointed by any commission or

board of the Town of Ophir.

G. "Significant Conflict of Interest" means an issue before the General Assembly which directly benefits a clearly identifiable group of qualified electors. A significant conflict of interest is deemed to exist when five or more public officials are disqualified from voting due to conflict of interests.

SECTION 3. DECLARATION REQUIRED

In the event that a public official has a conflict of interest, he or she shall declare such conflict publicly to the public body of which he or she is a voting member. In the event that any public official is aware that he or she could be construed as having a conflict of interest, he or she shall disclose such interest to the public body of which he or she is a member.

SECTION 4. DISQUALIFICATION FROM VOTING

The declaration of a conflict of interest with respect to an agenda item shall disqualify the public official from voting on that agenda item. The public official shall also be prohibited from voting on any motions directly arising out of the discussions. The disqualification of a public official shall not preclude establishment of a quorum.

SECTION 5. DETERMINATION OF CONFLICT OF INTEREST

In the event that any public official is unsure that a conflict of interest exists or if a public challenger challenges the public official for failure to declare a conflict of interest, such official or public challenger shall declare the possibility of a conflict of interest to the public body of which the public official is a member. The public body shall, at that time, hear all available facts, statements from public challengers and a statement from the public official whose interest is in question. The public body shall make a determination of whether a conflict of interest exists by a majority vote. The member whose interest is to be determined shall not be allowed to vote on the determination. The decision of the public body shall be final.

SECTION 6. SPECIAL ELECTION


A special election shall be called by the General Assembly to decide issues which are deemed to involve significant conflict of interests. The General Assembly may declare an issue to involve significant conflict of interests by majority vote.

SECTION 7. GUIDELINES

A. Public officials should avoid any conflicts of interest or the appearance of conflicts of interest. Public officials shall strive to resolve all actual and potential conflicts of interest in an open and honest manner before the public body on which the official sits in order to maintain and uphold the integrity of the public body. Elected or appointed officials shall disclose any apparent or potential conflicts of interest prior to the election or appointment, or prior to accepting the position.

B. All public officials should avoid the receipt of any compensation, gift, payment of expenses, reward, gratuity or any item of value tendered by a person or entity where such person or entity has an interest in some particular matter pending before a public body. The receipt of any item or act of greater than \$50 (fifty dollars) value by a public official by any person or entity with a matter pending before a public body, shall be reported at the next meeting of the appropriate public body and shall be deemed to be an adequate basis for determining that a conflict of interest exist.

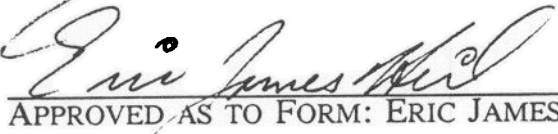
FIRST READING HEARD, APPROVED, AND ADOPTED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR THIS 22ND DAY OF MARCH, 1994.


BY: PAUL MACHADO, TOWN MANAGER

3 / 23 / 94
DATE


ATTEST: LAWRENCE VAN HOEY

3 / 23 / 94 TOWN
DATE SEAL


APPROVED AS TO FORM: ERIC JAMES HEIL

3 / 23 / 94
DATE