

**TOWN OF DEERFIELD**  
**CONFLICT OF INTEREST ORDINANCE**

**SECTION 1: AUTHORITY**

This conflict-of-interest Ordinance is adopted pursuant to the authority vested in the Town under RSA 31:39-a.

**SECTION 2: PURPOSE**

The purpose of this Ordinance is to establish a conflict-of-interest Ordinance applicable to all public servants of the Town of Deerfield, whether elected or appointed, full time or part time, paid or volunteer, and to ensure consistency in the application of the Ordinance among the various Boards, Commissions, and public servants of the Town of Deerfield. The Ordinance is intended to encourage a high level of public trust and confidence that public servants will always act in the public interest.

This Ordinance shall be known as the “Town of Deerfield Conflict of Interest Ordinance.”

**SECTION 3: DEFINITIONS**

As used in this Ordinance, the following terms shall have the following meanings:

**Board:** Any Board, committee, or commission, permanent or special, appointed or elected (unless the context indicates otherwise).

**Conflict of Interest:** A situation, circumstance or financial interest that has the potential to cause a private or personal interest to interfere with the proper exercise of a public duty. The conflict shall be immediate, definite, and capable of demonstration; not remote, uncertain, contingent, and speculative, that is, such that persons of ordinary capacity and intelligence would not be influenced by it.

**Family:** Any person who is related to a public servant in one of the following ways: spouse, domestic partner, parent, grandparent, child, grandchild, sibling, or similar relation to the individuals' spouse. This includes all persons who are members of the same household as the public servant in question, regardless of whether they are related by blood or marriage.

**Firm:** A sole proprietorship, joint venture, partnership, corporation or any other form of enterprise.

**Interest:** Any legal or equitable right, share, or claim, whether or not subject to an incumbrance or a condition, which is owned or held, in whole or in part, jointly or severally, including, but without limitation or right, share, or claim.

**Pecuniary:** Any advantage in the form of money, property, commercial interest or anything else, the primary significance of which is economic gain; it does not apply to economic advantage applicable to the public generally, such as reduction or increase in prosperity generally.

**Principals:** Those people who are the subject of the action or application that is before the Board or public servant.

**Public Servant:** All officials and officers of the Town, whether elected, appointed, paid, or unpaid.

**Recuse:** Removing or excusing oneself from participating in a specific action or discussion due to a conflict of interest. Recusal requires one to completely remove oneself from all further participation as a public servant in the matter in question.

#### **SECTION 4: CONFLICTS OF INTEREST**

A. Public Servants shall avoid legal conflicts of interest.

1. A public servant shall not participate in any matter in which the public servant, or

a member of the public servant's family, has a personal or pecuniary interest.

2. A public servant shall not participate in any matter in which a member of his or her family is a principal.

3. A public servant shall not participate in any matter in which his or her employer or employee is a principal.

4. A public servant shall not accept any gift or gratuity of anything more than nominal value.

5. No public servant shall use or attempt to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage for the public servant, his or her family, or any person or firm associated with the public servant, or member of the public servant's family.

6. No public servant shall appear on behalf of a client or friend or family member before the board of which the public servant is a member.

7. No public servant shall:

- (a) Coerce or attempt to coerce any public servant or municipal employee to engage in political activities;
- (b) Coerce or command a public servant or municipal employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, candidate, or person for political purposes.

## **SECTION 5: DUTY TO RECUSE**

Public servants have a duty to recuse themselves from participating in a specific action or discussion where they have a conflict of interest.

Public servants who have been recused may remain in the hearing room for the public input portion of the hearing and shall seat themselves with the other members of the public that are present. When recused, the recused person shall not participate in the discussions, unless she

or he clearly states for the record that she or he is doing so only as a general member of the public.

#### **SECTION 6: ADVISORY VOTE**

1. Prior to any vote, each public servant should give consideration to whether a potential violation of this conflict-of-interest Ordinance might exist. If the public servant is not sure whether a potential violation may exist, the public servant should disclose such facts to the Board.

2. When uncertainty arises as to the application of this conflict-of-interest Ordinance to a Board member in a particular circumstance the public servant shall disclose the nature of the possible conflict and the Board shall, upon the request of that member or another member of the Board, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to the commencement of any required public hearing. Such a vote shall be advisory and non-binding and may not be requested by persons other than Board members.

#### **SECTION 7: ADMINISTRATION**

1. The Select Board shall be responsible for administering this Ordinance. The Board shall be the sole arbiter of the terms of this Ordinance and its decisions shall be final.

2. Any resident of the Town who believes that a public servant has violated this Ordinance may report the alleged violation to the Select Board by using the attached form. This form shall be the only manner by which a complaint may be considered. The form shall be completed in detail.

3. The Select Board shall provide a copy of the complaint to the public servant who is alleged to have violated this Ordinance.

4. The Board shall, in the first instance, consider the complaint and determine whether a reasonable person could conclude the complaint states a claim that may rise to the level of a violation of this Ordinance. If the complaint does not state sufficient cause to proceed it shall be dismissed, and the resident and public servant alleged to have violated this Ordinance shall be advised of the decision, in writing.

5. If the Board determines the complaint could present a violation of this Ordinance, then it may investigate in any manner it sees fit. All documents and short descriptions of the results of interviews, if any, shall be made part of the record and shall be made public.

6. Upon completion of any investigation, the Board shall schedule a public hearing where the public servant shall have the right to make a presentation. The resident also shall have an opportunity to be heard but may not supplement the complaint as filed with the Board.

7. The Board shall issue a written decision.

8. All records shall be public documents and the hearing of the Board shall be a public proceeding.



With my signature I declare that the statements made are accurate and truthful.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Completed forms are to be returned to the Town Administrator.

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This policy shall be effective upon a vote of approval by the Town of Deerfield as it appears on the ballot in 2024.

Adopted By the Select Board: June 5, 2023

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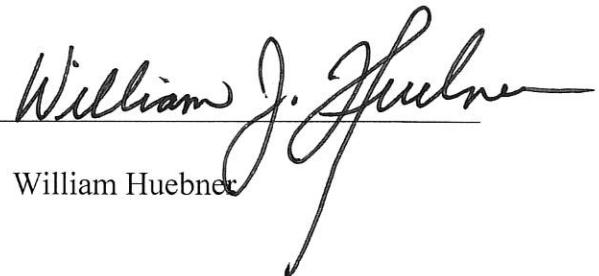
Richard Pitman, Chair



Frederick McGarry, Vice Chair

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Cynthia McHugh



William Huebner

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Stephen Barry