

**TOWN OF BRUNSWICK
CONFLICT OF INTEREST POLICY**

1. **Purpose.** The presence of an actual or perceived conflict of interest or bias within a public body undermines public confidence in the fairness and legitimacy of that body’s actions. It is therefore necessary to address any conflict of interest or source of bias as early as possible in any public meeting. This policy sets forth the process by which all public bodies of the Town of Brunswick shall identify, disclose, and address actual or perceived conflicts of interest or sources of bias among their members.

2. **Applicability.** This policy shall apply to all boards, commissions, committees, and authorities of the Town of Brunswick. This policy is intended to supplement and not supplant any relevant statutory provisions governing the handling of conflicts of interest or biases, or the policy of any board or committee to the extent it is more specific and at least as strict.

3. **Definitions.** The following terms shall have the following meanings unless otherwise indicated:
 - Bias or source of bias. “Bias” or “source of bias” means any inclination, predisposition, or prejudice in regard to any question or matter, including a disqualifying familial relation under 1 M.R.S.A. § 70(6), which may in actuality or appearance prevent a person from rendering an impartial decision on that question or matter.

 - Conflict of interest. “Conflict of interest” means any financial interest in a question or matter which may, in actuality or appearance, tempt a person to serve their personal interest over the public interest. Examples of interests which may cause a conflict of interest may include, but are not limited to:
 - i. Ownership of property, the value of which may be impacted by a development proposal being considered by the public body;
 - ii. Ownership of a business that competes with a subject business;
 - iii. An employment or independent contractor relationship with an applicant;
 - iv. Investment by the Member or a close family member thereof in the business under consideration.

 - Meeting. “Meeting” means a public proceeding as defined in 1 M.R.S.A. § 402(2)(C).

 - Member. “Member” means any individual elected or appointed to serve on a public body to which this policy applies, including any individuals serving as alternates or in a temporary capacity.

 - Public body. “Public body” has the same meaning as in 1 M.R.S.A. § 401 *et seq.* and includes any board, commission, committee, or authority of the Town of Brunswick.

4. Procedure.

- Identification of Conflict or Bias. All members of public bodies shall be responsible for understanding what constitutes a conflict of interest or source of bias under this policy and shall take reasonable measures to avoid the appearance of impropriety and identify their own actual or apparent conflicts of interest or sources of bias. Notwithstanding the above, all members of a public body shall also be responsible for identifying any actual or apparent conflicts of interest or sources of bias among other members of that public body.
- Disclosure of Conflict or Bias. At the commencement of each meeting or before taking up each question or matter requiring consideration or action, the chair or presiding officer of a public body shall request that all members disclose any actual or apparent conflicts of interest or sources of bias that may impact a member's ability to render an impartial decision on any question or matter that is or will be placed before the public body. A member who is aware of an actual or apparent conflict of interest or source of bias that may impact any member's ability to render an impartial decision on any question or matter that is or will be placed before the public body for its consideration or action shall disclose the same to the chair or presiding officer. Disclosures made in accordance with this subsection shall describe the nature and circumstance of a member's actual or apparent conflict of interest or source of bias but need not include additional details or information.
- Action by members and the public body.
 - i. *Voluntary recusal.* After an actual or apparent conflict of interest or source of bias regarding a question or matter before the public body has been disclosed to the chair or presiding officer, the affected member shall recuse him or herself from participation in the public body's consideration of that question or matter.
 - ii. *Exclusion by vote.* If for any reason, after an actual or apparent conflict of interest or source of bias has been disclosed to the chair or presiding officer, the affected member does not voluntarily recuse him or herself from consideration of the question or matter, the chair or presiding officer shall call for a vote on whether the member should be permitted to participate in consideration of the question or matter. If the matter under consideration is quasi-judicial in nature, the chair should ask the applicant and parties-in-interest whether they object to the member's participation. The member may be excluded from consideration of the relevant question or matter upon a majority vote of the remaining members and may not deliberate, vote upon, or otherwise participate in the question or matter as a member of the public body.
 - iii. *Member participation.* A member who has voluntarily recused him or herself or been excluded from a question or matter before the public body shall immediately leave the table or dais. The member may leave the room or join the audience but may only offer comment on the question or matter as a member of the public. The member shall follow the same procedure for comment as would a member of the public. The member shall not be

permitted to participate in the public body's deliberations and shall not be permitted to rejoin the public body at the table or dais until the question or matter before the public body is concluded.

iv. *Bias in legislative and advisory matters.* Where the public body is acting purely in a legislative or advisory fashion, such as making a recommendation on the budget or on any order or ordinance submitted or to be submitted to the Council, potential bias must be disclosed but will not disqualify the member from participating in the discussion or vote.

- Quorum. A member who has voluntarily recused him or herself or been excluded by vote of the public body from consideration of a question or matter shall not count toward quorum. Where the recusal or exclusion of a member would result in a lack of quorum, the chair or presiding officer may permit an alternate member to participate as a voting member of the public body or postpone consideration of or action upon the question or matter. The chair or presiding officer may not count the recused or excluded member toward the quorum requirement without authorization from the Town Attorney.

5. **Policy Distribution.**

This policy shall be posted on the Town's website, attached to the Town Council's Rules and Procedures, and distributed to each current member, and all future members, of any public body serving the Town of Brunswick

Proposed to Town Council: March 7, 2022

Approved by Town Council: March 7, 2022