

DRAFT

ADDISON COUNTY REGIONAL PLANNING COMMISSION
EXECUTIVE BOARD MEETING

December 19, 2013

BUSINESS MEETING:

The Addison County Regional Planning Commission's Executive Board held its monthly meeting at the regional planning commission's office in Middlebury with the Chair, Harvey Smith, presiding.

ROLL CALL

Bridport Andrew Manning
Bristol Bill Sayre
Bristol Chico Martin
Lincoln Steve Revell
Middlebury David Hamilton
Monkton Thea Gaudette
New Haven Harvey Smith

STAFF: Adam Lougee, Director

Harvey opened the meeting at 6:25.

MINUTES

The board did not meet in November and did not review minutes.

TREASURER'S REPORT

The Board reviewed the Treasurer's report. Adam noted it is largely the same as the one presented to the full commission last week, with only minor changes. **Steve Revell moved to accept the Treasurer's report as presented. Thea Gaudette seconded the motion, which all approved.**

BUSINESS

Conflict of Interest. Harvey noted the only item of business on the E-Board's agenda for this meeting is ACRPC's conflict of interest policy. Harvey noted that both he and Bill may or may not have conflicts of interest with respect to the Vermont Gas project. However, he also noted that this discussion was about ACRPC's policies in general, not about that specific project. He asked if the executive Board agreed with this assertion. All agreed that the discussion of the conflict of interest provisions of ACRPC's bylaws would be discussed in general without relationship to any one project.

The question that Harvey then outlined for the Board was, should the Board make a recommendation to the full commission to try to define what constituted a "conflict of interest" or should it leave its policy as it stands.

The Board then engaged in a broad policy discussion. It agreed that the most important goal in this process was to ensure that the public continued to have faith in the integrity of the Commission as an institution. It was also noted that the Commission valued an open dialogue, the flow of information and participation by all of its Commissioners (delegates and alternates) and members of the public on all matters of public policy that it considered.

The Board debated what should constitute a conflict of interest and looked at several policies from other organizations, including the State legislature, VLCT and a non-profit organization. Several members lobbied for a broad definition of what should constitute a conflict and strict prohibition against any type of participation if a conflict is found, like the example provided by the Vermont League of Cities and Towns.

Others expressed concern that broad policies did not work in a small community like Addison County. They noted that often times many commissioners will have a conflict if the rules are defined to broadly. That will hinder the flow of information and discussion. They felt that the test could be linked to whether the conflict was so overriding that it impaired the independent judgment of the Commissioner. They also felt that this standard could be reviewed on a consistency basis, (i.e. did the commissioner vote differently than they had in similar past situations.) They noted that planning, especially when it involves creating regulations, can have a significant impact on landowners. Yet, we cannot exclude landowners from voting on regulatory provisions.

Another felt that mere financial relationship should not constitute a conflict. The conflict occurs when one has the ability to create an extraordinary financial interest for oneself greater than that of the general public. They also felt that those with a fiduciary duty to an interested party have a conflict.

After a significant time trying to define a conflict for the Commission, the Executive Board concluded that now was not the proper time to do so. Any change could be perceived as an attempt to manipulate the bylaws towards a desired end. They therefore chose not to amend or clarify the bylaws at the current time.

Under the current Commission bylaws governing conflict of interest, the burden is on a member to identify a conflict. If they are undecided, they can put the matter to the vote of the Commission. The Commission then votes to determine what constitutes a conflict, if necessary. The Board will emphasize that conflicts must be real and significant. The Commission will need to exercise its judgment to defend the integrity of the Commission. It must balance that against its duty to respect the judgment of each of its commissioners. Ultimately, the vote of the Commission should work to ensure a just and balanced result.

ADJOURNMENT

Thea moved to adjourn. Steve seconded the motion. All approved and the meeting adjourned at 8:30 p.m.

Respectfully submitted by: Adam Lougee