



CASS COUNTY BOARD OF COMMISSIONERS

MEETING OF THE POLICY COMMITTEE

March 14, 2024

2:00 PM

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC COMMENT
4. ADDITIONS/DELETIONS TO AGENDA
5. APPROVAL OF AGENDA
6. OLD BUSINESS
 - a. Chief Deputy Salaries
 - b. Tax Sharing Policy
 - c. Conflict of Interest Policy
7. POLICIES
8. COMMITTEE MEMBER COMMENT
9. ADJOURNMENT



CASS COUNTY BOARD OF COMMISSIONERS

POLICY COMMITTEE

MEETING MINUTES

Thursday, February 8, 2024

1. The meeting was called to order at 2:06 p.m. by Administrator Newton.
2. Roll call was taken with Commissioner Lee, Commissioner Howie, Commissioner Locke, Administrator Newton, Finance Director Rentfrow and HR Director Daly present. Commissioner Marchetti was absent. Marketing & Communications Manager Neldon was present to take minutes. There were four visitors.
3. **PUBLIC/COMMITTEE MEMBER COMMENT**
 - a. Daly gave an update on the Employee Handbook. Daly met with Judge Bealor, Sarah Mathews and Dacia Kirkland to discuss approach to the handbook update. A software system was purchased to assist with this process, and another meeting is scheduled for March. Daly hopes to have a draft completed by April, then set up meetings with those who would like to provide input.
4. **ORGANIZATIONAL BUSINESS**
 - a. The committee agreed Commissioner Marchetti would continue as chair.
 - b. Meetings will continue to be held the second Thursday of each month at 2 p.m.
5. Locke moved, Lee seconded, CARRIED, to approve agenda as presented.
6. **OLD BUSINESS**
 - a. Travel Reimbursement Policy
 1. The committee agreed mileage should be counted starting from the starting point (either home or work) closest to the final destination).
 2. Sheriff Behnke reminded the committee that county vehicles are usually available to borrow for travel purposes. The committee agreed to encourage travelers to use a county vehicle when available, and to carpool whenever more than one person is traveling to the same place.
 3. Exceptions to the policy must be approved by supervisor, and should be outlined on the form provided.
 4. The committee agreed to move the policy forward to the Committee of the Whole.
7. **POLICIES**
 - a. **Chief Deputy Salaries**
 1. Administrator Newton shared an article from MAC and a sample policy from Grand Traverse County. He said he liked that the policy encouraged review of salaries at a consistent time each year. Others agreed.
 2. Finance Director Rentfrow questioned whether this policy should start at the salary committee. Commissioner Locke said this policy would provide a guideline to the salary committee for when to review.



CASS COUNTY BOARD OF COMMISSIONERS

3. Commissioner Lee liked the policy, said there was no need to reinvent the wheel, encouraged the policy to move forward to Committee of the Whole. Committee agreed. The policy will move forward to COW.

2. Tax Sharing Policy

1. Treasurer Anderson gave an overview of how tax sharing works, and said she is not sure all local units know they are supposed to communicate any tax sharing agreements with the County.
2. Administrator Newton pointed out that the current resolution does not include the Equalization Director, and asked if resolutions like this should be revised into more formal policies.
3. Commissioner Howie asked that Anderson present to the board of commissioners about tax sharing so all understand how the process works.
4. Commissioner Lee asked that Treasurer Anderson review the current resolution and sample policies provided, and provide any recommendations before the next meeting of the policy committee.

3. Conflict of Interest Policy

1. BOC Chair Jones requested at the January workshop that the BOC develop a Conflict of Interest Policy. The committee reviewed sample policies from other municipalities, and discussed whether the policy would be geared toward all elected officials, appointed officials, anyone elected or appointed.
 2. Finance Director Rentfrow said a policy outlining conflict of interest is needed for auditing purposes. Previously, any conflicts of interest were communicated by word of mouth. Having a written form outlining any conflicts would provide formal document to share in the event of conflict of interest.
 3. The committee agreed that any elected officials, department heads and individuals appointed to boards and commissions would be asked to fill out the form.
 4. Commissioner Howie asked how conflict of interest policy would apply to businesses like Market Van Buren, on which commissioners are appointed to serve on their board. The committee discussed whether commissioners appointed to serve on boards like these are asked to represent that business, or the board of commissioners and the county's best interests. Administrator Newton pointed out that the County could work with Market Van Buren to require that the BOC select the appointments to their board, rather than Market Van Buren selecting its appointments.
 5. Admin will work to draft a policy based on feedback.
8. No Committee Member comment was given.
 9. Commissioner Lee moved, Commissioner Locke seconded, CARRIED, to adjourn meeting at 3:23 p.m.

Legal article for dec 2023 magazine

Hed: Chief deputies of elected officials: When to establish pay, and how much?

Art: salary decision

By Matt Nordfjord/ Cohl, Stoker and Toskey P.C.

Questions frequently arise related to how salaries are established for elected County officers and their statutory chief deputies. The same legal requirements and restrictions regarding salaries apply to both, and include the chief deputies of the clerk, sheriff, prosecutor, register of deeds, treasurer, and drain commissioner. Each of these chief deputy positions, except for drain commissioner, is required by law (the chief deputy sheriff is called the undersheriff). Because the elected official works directly for the citizens of their county, their chief deputy carries the additional responsibility of having to “step in” if there is a vacancy in the office of the elected official.

The Board of Commissioners has the exclusive power to fix the compensation of county officers not otherwise provided by law. Const 1963, art. 7, §9. MCL 45.421(1) provides that the Board of Commissioners must set the salaries and that the salaries may not be reduced during the officer’s term of office:

The annual salary of each salaried county officer, which is by law fixed by the county board of commissioners, shall be fixed by the board before November 1 each year and shall not be diminished during the term for which the county officer has been elected or appointed, but may be increased by the board during the officer’s term of office.

Chief deputies of elected officers meet the test to be considered public officers enunciated in *Meiland v Cody*, 359 Mich 78 (1960). Chief deputies serve at the pleasure of the elected official they serve. Their term of office is, therefore, coterminous with the elected official who appointed them. The chief deputy’s salary may not be reduced during their current term of office. OAG, 1977-1978, No. 5384, p. 635 (September 27, 1978). The board has the authority to set what is, in effect, the minimum salary of the chief deputies for each four-year term of office, but once set the salary level set cannot be reduced during the term for which the chief deputy was appointed.¹ See *McQuaid v Bd of Auditors of Oakland Co*, 315 Mich 234; 23 NW2d 644 (1946). This is true even if a vacancy occurs during the term of office. OAG, 2003, No. 7128 (April 7, 2003). **If a vacancy occurs mid-term, the person appointed to fill the remainder of the term must be paid (at least) the same salary as was set by the Board for their office. Less experience on the job is not to be used as a factor in decreasing the salary mid-term. Pay-scales that result in reduced salary are not applicable.**

In contrast, like salaries for elected officials, salaries for chief deputies may be increased at any time as determined by the County Board. OAG, 1983-1984, No. 6149, p 109 (April 19, 1983). For example, a chief deputy hired mid-term must at a minimum be paid the salary that their immediate predecessor was

¹ The statute previously also barred salary increases during the term of office. Following a 1967 amendment, the Court of Appeals held that MCL 45.421(1) permits the BOC to increase the salaries of elected officers and their chief deputies without limitation as to the effective date of such increases. *Attorney General v Oakland Co*, 125 Mich App 157; 335 NW2d 654 (1983). Further, the Court held that the Nov. 1 date was continued by historical accident.

paid. If the Board wants to decrease pay, it must make the change before November 1 to take effect at the start of the next term of office.

*Note that the statute applies only to salaries, not fringe benefits which may be decreased or eliminated at any time. Scheduled pay increases for a predecessor in office are speculative and not binding. To address these issues in a manner which complies with the statute, it is recommended that counties adopt a written policy regarding adoption of salaries for chief deputies and elected officials.

SALARIES FOR ELECTED OFFICIALS & CHIEF DEPUTIES

PURPOSE

The purpose of the Salaries for Elected Officials and Chief Deputies Policy is to provide requirements and guidelines provided by the Michigan Legislature.

ELIGIBILITY CRITERIA

The County shall adhere to the requirements of MCL 45.421(1). Which states the annual salary of each salaried county officer, which is by law fixed by the county board of commissioners, shall be fixed by the board before November 1 of each year and shall not be diminished during the term for which the county officer has been elected or appointed, but may be increased by the Board of Commissioners (BOC) during the officer's term of office.

In keeping with the statute, the BOC will endeavor to address the salaries of the elected officials and chief deputies at the time it passes its annual budget, with the exception of the year prior to the commencement of a new term of office.

The "term of office" of each chief deputy will be co-terminus with the elected official under which they serve. The BOC may adjust salaries annually as follows:

YEARS OF SERVICE

- (0) In February of the year prior to January 1 of the commencement of the term of office, the BOC may increase or decrease the salary of any or all of the elected officials and chief deputies, effective on January 1 of the following year.
- (1) In the first year of office, after January 1 but prior to November 1, the BOC may increase the salary of any or all elected officials and chief deputies. The BOC shall not decrease any of their salaries.
- (2) In the second year of office, after January 1 but prior to November 1, the BOC may increase the salary of any or all elected officials and chief deputies. The BOC shall not decrease any of their salaries.
- (3) In the third year of office, after January 1 but prior to November 1, the BOC may increase the salary of any or all elected officials and chief deputies. The BOC shall not decrease any of their salaries.
- (4) In the fourth year of office, after January 1 but prior to November 1, the BOC may increase or decrease the salary of any or all the elected officials and chief deputies, effective on January 1 of the following year. (This is year 0 for the next term of office.)

The BOC will continue to repeat years 1-4 of this cycle.

During a term of office, the BOC shall not decrease the salary of an elected official and chief deputy position, even if the chief deputy is a "new hire" or "inexperienced." Chief deputies serve at the pleasure of their elected officials.

The following non-binding principles apply:

- a) The BOC may elect to increase salary at any time. It is not bound by the November 1 deadline.
- b) The BOC may adopt uniform pay scales for guidance; however, it is not required to follow them. The application of a pay scale shall not result in a decrease in salary from a predecessor in office.

c) Elected officials and chief deputies are not automatically entitled to cost-of-living adjustments. However, the BOC will endeavor to keep elected official chief deputy salaries competitive and in proportion to employees above and below them on the organizational chart. This may result in regular salary increases. The County recognizes the practical benefit and will endeavor for consistency with future changes in compensation under the policy to be consistent with changes approved for non-union employees' cost of living increases.

The principles set forth in this policy do not apply to non-salary compensation, which remains subject to change as otherwise provided by law.

This policy does not apply to others not specifically identified herein.

QUESTIONS

Questions regarding this policy should be directed to Human Resources.

Note: This policy may differ for those employees who are members of recognized unions, organizations, associations, or non-union positions with the County. Any questions related to the content of this policy, or its interpretation, should be directed to Human Resources.

TAX SHARING AGREEMENTS

WHEREAS, the State of Michigan has provided city and township governments with several tax capture and exemption programs that allow those governments to direct County property tax levies to economic development initiatives, historically with the concurrence with the County; and

WHEREAS, the county's tax levies for general fund operations and its special millages, which were enacted by the voters to support a variety of county programs, including the Council on Aging and Drug Enforcement Team have been captured by other local governments to support economic development plans, and

WHEREAS, some of the state's current tax capture and abatement statutes allow counties to exempt its taxes from capture or abatement, and to enter into agreements with the local unit to share tax levies, as summarized below:

Tax Capture:

Downtown Development Authority	PA 197 of 1975	MCL 125.1653, Sec. 3(3)
Local Development Financing Act (Smartzones)	PA 281 of 1986	MCL 125.2 154, Sec. 4 (3) ⁽¹⁾
Tax Increment Finance Authority Act (TIFA)	PA 450 of 1980	None ⁽²⁾
Historic Neighborhood TIFA Corridor	PA 530 of 2004	MCL 125.2857, Sec. 17(5)
Improvement Authority Act	PA 280 of 2005	MCL 125.2888, Sec. 18 (5)
Brownfield Redevelopment Financing Act	PA 381 of 1996	None

Opt-Out Provisions

Tax Abatement:

Industrial Facilities Property Tax Abatement Act	PA 198 of 1974	None
Neighborhood Enterprise Zone Act	PA 147 of 1992	None
Renaissance Zone Act	PA 376 of 1996	None
Personal Property Tax Abatement Act	PA 328 of 1998	None
Obsolete Property Rehabilitation Act	PA 146 of 2000	None
Commercial Rehabilitation Act	PA 210 of 2005	MCL 207.843, Sec. 3(5)

Notes: ⁽¹⁾ Except "Certified Technology Park"

⁽²⁾ MCL 125.1289, Sec. 29(1) - Effective 1/1/1987 no new authorities to be created or existing authorities expanded.

WHEREAS, the County has determined that participation in City and Township tax capture/tax exemption programs should adhere to certain guidelines concerning term, tax levies subject to capture or exemption, maximum level of County participation and determination of long-term financial benefit to accrue to Cass County government and its taxpayers; and

WHEREAS, the Cass County Board of Commissioners now wishes to establish a policy regarding the capture of county property tax revenues within new or expanded development districts under existing and future tax capture and tax abatement statutes; and

NOW THEREFORE BE IT RESOLVED that the Cass County Board of Commissioners adopts the following policy with respect to the capture or abatement of county property tax revenues within new or expanded economic development districts, including those under existing and future statutes that allow counties to exempt its tax levies from capture or abatement:

1. The County will not permit the capture of county property tax revenues in any new or amended development district unless the Cass County Board of Commissioners has approved a tax sharing agreement with the affected development district and the affected municipality.
2. The County will consider the approval of a tax sharing agreement for its general fund operating tax levy that meets the following conditions:

- a. The agreement must be for specifically defined public infrastructure projects which are directly related to the economic growth within that district. Economic growth is understood to be the creation, retention, and expansion of jobs and income.
 - b. Specifically defined public infrastructure projects must be for specific items of work, each of which is limited to a specific maximum dollar amount to be completed within a specified time period. The agreement shall specify the maximum amount of captured property tax revenues and the time over which those revenues may be captured. It shall also specify that any excess collections must be returned to the County Treasurer annually.
 - c. The affected jurisdiction must allow the capture and expenditure of its property tax revenues for the same period of time during which the County tax revenues are being captured and expended in the district.
 - d. If tax revenue is generated faster than anticipated due to growth within the district exceeding initial projections, the additional revenues may be used to decrease or call any bonds or other debt obligations related to the projects approved by the tax sharing agreement in proportion with funds from other taxing jurisdictions.
3. The County Clerk shall immediately forward any notice of creation or expansion of any economic development district to the Board of Commissioners and the Administrator/Controller. The Administrator/Controller shall be responsible for evaluating requests for the capture of county property tax revenues as to conformance with this policy, and shall recommend approval or disapproval of any such proposed agreement to the Board of Commissioners within the 60-day statutory requirement, and

BE IT FURTHER RESOLVED that the Cass County Board of Commissioners reserves the right when authorized by statute to exempt county taxes from capture or abatement for any reason that it so determines, and

BE IT FURTHER RESOLVED that a copy of any approved agreement shall be provided to the [County Equalization Director and the](#) County Treasurer who shall take the necessary steps to assure that captured property tax revenues collected in excess of the amounts permitted by the agreement are returned to the County on an annual basis, and

BE IT FURTHER RESOLVED that an initial rejection by the Board of Commissioners of such a request may be rescinded if and when a tax sharing agreement that meets the conditions of this policy is reached.

ADOPTED: 03/19/2009

TAX SHARING POLICY

- I. **Purpose.** This Policy is intended to establish guidelines under which Cass County will participate in tax sharing agreements with local units of government under existing and future tax capture and tax abatement programs.

It is the intent of the County Board of Commissioners to encourage the promotion of economic development through local and regional collaboration. The County Board of Commissioners' intent is to participate in tax increment financing programs in a manner that is not detrimental to other taxing jurisdictions, but ultimately increases tax base and revenues for every affected taxing jurisdiction.

The County Board of Commissioners encourages local units of government to meet with the County in advance of initiating or amending tax increment financing or tax abatement programs to allow for communication regarding program goals and coordination of program implementation.

- II. **Authority.** The Cass County Board of Commissioners will permit the capture of county property tax revenues, as allowed in various statutes, in any new or amended tax increment financing or tax abatement district contingent upon the approval of a tax sharing agreement with the affected development district and the affected municipality.

- III. **Responsibility.** The County Clerk shall immediately forward any notice of creation or expansion of any tax capture or tax abatement district to the Board of Commissioners, the County Administrator, and the County Treasurer.

The County Administrator shall be responsible for responding to such notice, indicating that Cass County wishes to enter into a possible agreement for capture or abatement of county tax revenues. The County Administrator shall be responsible for evaluating requests for the capture of county property tax revenues as to conformance with this policy and shall recommend approval or disapproval of any such proposed agreement to the Board of Commissioners within the 60-day statutory requirement.

The County Treasurer shall be responsible for assuring that captured property tax revenues collected in excess of the amounts permitted by any tax capture or tax abatement agreements, subject to Section 6.3(d), are returned to the County on an annual basis.

- IV. **Definitions.** "Tax capture or tax abatement district or plan" means any organization or plan established to capture the tax revenue of another jurisdiction on properties within a defined geographic area, including those authorized under the following statutes:

Tax Capture:

Downtown Development Authority	PA 197 of 1975
Local Development Financing Act (Smartzones)	PA 281 of 1986
Tax Increment Finance Authority Act (TIFA)	PA 450 of 1980
Historic Neighborhood TIFA Corridor Improvement Authority Act	PA 530 of 2004
Brownfield Redevelopment Financing Act	PA 280 of 2005
	PA 381 of 1996

Opt-Out Provisions

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MCL 125.2 154, Sec. 4 (3) ⁽¹⁾
None ⁽²⁾
MCL 125.2857, Sec. 17(5)
MCL 125.2888, Sec. 18 (5)
None

Tax Abatement:

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Renaissance Zone Act	PA 376 of 1996	None
Personal Property Tax Abatement Act	PA 328 of 1998	None
Obsolete Property Rehabilitation Act	PA 146 of 2000	None
Commercial Rehabilitation Act	PA 210 of 2005	MCL 207.843, Sec. 3(5)

- V. Application.** This policy applies to all requests for tax capture or tax abatement that permits the County the option to enter into an agreement that specifies the terms of a new or expanded tax capture or tax abatement district. This policy shall also apply to any existing or future tax capture or tax abatement programs in which the County is provided the statutory authority to enter into agreements with a new or expanded tax capture or tax abatement district.

It is understood that County participation in tax increment financing and tax abatement plans is based upon the expectation that economic development benefits and increased tax revenue will eventually be realized by all the participating jurisdictions.

VI. Policy:

1. The County will permit the capture of county property tax revenues in a new or amended development district, provided that the County Board of Commissioners approves a tax sharing agreement with the affected development district and the affected municipality.
2. The County will not permit the capture of special millages that have been approved by the electorate for specific purposes.
3. The County will consider the approval of tax sharing agreements for capture or abatement of its general fund operating tax levy under the following conditions:
 - (a) The agreement must be for specifically defined public infrastructure projects which are directly related to economic growth within that district. Economic growth is understood to be the creation, retention, and expansion of jobs and income.
 - (b) Public infrastructure projects must be for specific items of work, each of which is limited to a specific maximum dollar amount. The agreement shall specify the maximum amount of captured property tax revenues and the time over which those revenues may be captured. It shall also specify that any excess collections not used for the purposes specified in section 6.3(d) must be returned to the County Treasurer annually.
 - (c) The affected jurisdiction must allow the capture and expenditure of its property tax revenues for the same period during which the County tax revenues are being captured and expended in the district.
 - (d) If tax revenue is generated faster than anticipated due to growth within the district exceeding *initial* projections, the additional revenue from the captured county millage may be used to decrease or call any bonds or other debt obligations related to the projects approved by the tax sharing agreement in proportion with funds from other taxing jurisdictions.
4. The County Board of Commissioners reserves the right, when authorized by statute, to exempt county taxes from capture or abatement for any reason that it so determines.
5. A copy of any approved agreement shall be provided to the County Equalization Director and the County Treasurer.
6. An initial rejection by the Board of Commissioners of such a request may be rescinded if and when a tax sharing agreement that meets the conditions of this policy is reached.

CONFLICT OF INTEREST & ETHICAL STANDARDS OF CONDUCT

PURPOSE:

To help Elected and Appointed County Officials avoid action that may result in, or create the appearance of:

1. Using public office for private gain.
2. Giving improper preferential treatment to any person or organization.
3. Impeding government efficiency or economy.
4. A lack of independence or impartiality of action.
5. Making a government decision outside of official channels.
6. Adversely affecting the confidence of the public in the integrity of the County.

POLICY:

1. **Fair and Equal Treatment**

No Elected or Appointed County Official shall request, use, or permit the use of any consideration, treatment, advantage, or favor beyond that which is the general practice to grant or make available to the public at-large. All Elected and Appointed County Officials shall treat all citizens of the County with courtesy, impartiality, fairness, and equality under the law.

2. **Use of Public Property**

No Elected or Appointed County Official shall request, use, or permit the use of any publicly owned or publicly supported property, vehicle, equipment, material, money, labor or service for the personal convenience or the private advantage of themselves or any other person or entity, including his or her employer. This requirement shall not be deemed to prevent any Elected or Appointed County Official from requesting, using or permitting the use of such publicly owned or publicly supplied property, vehicle, equipment, material, labor or service which is made available by general practice to the public at large, or which is provided, as a matter of public policy for the use of the Elected and Appointed County Officials in the conduct of official business, as approved consideration for their services to the County.

3. **Matters Requiring Disclosure of Conflicts of Interest, Actual and Potential**

The following disclosure requirements are established to avoid both actual and potential conflict between the private self-interest and the public interest of Elected and Appointed County Officials:

- a. **Self Interest:** No Elected or Appointed County Official, either on his or her behalf or on behalf of any other person, shall have an interest in any business transaction with any public body of the County, unless the person shall first make full disclosure of the nature of such interest.
- b. **Dual Employment:** No Elected or Appointed County Official shall engage in employment with, or render services for, any person or entity which has business transactions with any public body of the County, without first making full disclosure of the nature and extent of the employment or services.
- c. When a conflict of interest is determined to exist following disclosure, an Elected or Appointed Official shall be disqualified from participating in the deliberations and/or voting on the matter.

4. **Prohibited Conduct and Conflicts of Interest**

- a. Divulging confidential information to any person not authorized to obtain such information.
- b. Benefiting financially from confidential information.
- c. Representing his or her individual opinion as that of the County or the Board of Commissioners as a whole.

- d. Misusing County personnel, resources, property, funds, or assets for personal gain or private employment purposes.
- e. Soliciting or accepting a gift or loan of money, goods, services, or other things of value which tend to influence the manner in which the Elected or Appointed County Official performs their official duties.
- f. Engaging in a business transaction which may cause the Elected or Appointed County Official or his or her employer to derive a personal profit or gain or benefit directly or indirectly as a result of their official position.
- g. Engaging in employment or rendering services that are incompatible or in conflict with the discharge of his or her official duties or that tend to impair his or her independence of judgment.
- h. Participating in policy making, the result of which potentially benefits them or their employer.
- i. Participating in contracts, loans, or grants involving a business entity or non-profit in which he or she has a substantial interest unless:
 - i. The contract is awarded pursuant to sealed, and;
 - ii. The Elected or Appointed County Official is not involved directly or indirectly or otherwise refrains from participation in the decision on the award of the contract, and;
 - iii. The Board of Commissioners, after reviewing the circumstances, determines the award of the contract would be in the best interest of the County.

5. Disclosure

Whenever a disclosure is required by this policy, it shall be made and filed in writing or electronically with the County Administration Office on the form attached as Attachment A, Conflict of Interest and Potential Conflict of Interest Disclosure Statement. Each Elected and Appointed Official will be required to sign the Conflict of Interest and Potential Conflict of Interest Disclosure Statement upon assuming office, as well as annually. A copy of the Conflict of Interest and Potential Conflict of Interest Disclosure Statement shall be sent to all Elected and Appointed County Officials no less than annually. In all cases, disclosures shall include:

- a. The identity of all persons involved in the interest. This includes family members, organizations in which Elected and Appointed County Officials or family members are officers, directors, or either directly or indirectly, stockholders or partners, and trusts and estates in which Elected and Appointed Officials or family members have a beneficial interest, or for which they act in a fiduciary capacity. Family members include spouses, parents, brothers, sisters, children, nieces, nephews, spouses of brothers, sisters, and children, and spouses' parents, brothers, and sisters.
- b. The source and amount of income or benefit, directly or indirectly derived from the interest that may be considered as resulting from employment, investment, or gift. The person required to file a disclosure statement in accordance with the provisions of this policy must verify, in writing, under penalty of perjury, the information in the statement is true and complete as far they know.
- c. If it is determined that a conflict exists, the affected Elected or Appointed County Official shall disclose the conflict on the record at an Open Meeting, shall recuse himself or herself from participating in the discussion and vote relating to the issue, and shall leave the room while the discussion and vote take place.

6. Duties of the County Attorney

The County Attorney shall examine all disclosure statements filed pursuant to this policy and report to the County Administrator any concerns or irregularities that may, in the judgement of the County Attorney, require further review. Acceptance of a Disclosure Statement by the County Attorney shall not constitute approval of the statement.

7. Request for Opinion from County Attorney

Any Elected or Appointed County Official may request that the County Attorney provide an advisory privileged legal opinion addressed to the entire Board of Commissioners interpreting the effect or application of this Policy generally, on conflicts or potential conflicts, disclosed or undisclosed, or on questions directly relating to the propriety of their conduct or the conduct or possible conflicts of another Elected or Appointed County Official in a particular situation.

8. Policy Enforcement

Following the issuance of an opinion pursuant to section 7, any request seeking enforcement of this Policy shall be presented to the Board of Commissioners. The Board of Commissioners shall have the authority to render a final decision, including but not limited to censure of the Official found to be in violation of this policy.

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