

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.

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 bid, 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.

6. 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. Those requesting an opinion from the County Attorney are asked to communicate this request to the County Administrator in order to avoid duplicative opinions and legal fees.

7. Policy Enforcement

Following the issuance of an opinion pursuant to section 6, 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.

ADOPTED: May 2, 2024 - M-072-24

Attachment A
CONFLICT OF INTEREST AND POTENTIAL CONFLICT OF INTEREST
DISCLOSURE STATEMENT

