

CONFLICT OF INTEREST POLICY BROOKINGS COUNTY, SOUTH DAKOTA

This Conflict of Interest Policy governs the activities of the Brookings County Board of County Commissioners, appointed board and committee members, appointed department heads, elected officials and staff of Brookings County. It is the duty of all members of the Board of County Commissioners, appointed board and committee members, appointed department heads, elected officials and staff to be aware of this policy, and to identify conflicts of interest and situations that may result in the appearance of a conflict and to disclose those situations, conflicts or potential conflicts to (1) the employee's supervisor in the case of staff members, (2) the chairperson of the appointed board/committee if on a board or committee, (3) the chairperson of the Board of County Commissioners if someone is an appointed or elected official or their Commission liaison or (4) other designated person, as appropriate. This policy provides guidelines for identifying conflicts, disclosing conflicts and procedures to be followed to assist Brookings County to manage conflicts of interest and situations that may result in the appearance of a conflict.

Definitions

- *Apparent Conflict of Interest:* One in which a reasonable person would think that the decision-maker's judgment is likely to be compromised.
 - *Closely Associated With:* In a close relationship or position in time or space.
 - *Conflict of Interest:* A situation in which financial or other personal considerations have the potential to compromise or bias professional judgment and objectivity.
 - *Employee:* A person who works for another in return for financial or other compensation.
 - *Family Member:* Two or more people related by marriage, blood relation or adoption.
 - *Financial Interest:* Any financial interest in or relationship or prospective relationship with an entity, including, but not limited to, ownership of stocks, bonds, partnerships or other equity interests, rights to patent or lease payments, receipt of consulting fees, salary, loans, gifts, compensation for serving on boards of directors, or other forms of remuneration.
 - *Personal Interest:* To one person's interest or advantage. The pursuit of one's interest. Self-interest.
 - *Position of Authority:* One with a position of power, influence and authority over another.
 - *Potential Conflict of Interest:* A situation that may develop into a conflict of interest.
1. **What is a conflict of interest?** A conflict of interest arises when a board or committee member, appointed department head, elected official, or staff member has a personal interest that conflicts with the interests of Brookings County or arise in situations where a board or committee member, appointed department head, elected official, or staff member has divided loyalties (also known as a "duality of interest"). The former can result in situations that result in inappropriate financial gain to employees and persons in authority at Brookings County. Similarly, situations or transactions arising out of a conflict of interest can result in either inappropriate financial gain or the appearance of a lack

of integrity in Brookings County's decision-making process. Both results are damaging to Brookings County and are to be avoided.

- *Example #1:* An employee or person in a position of authority may benefit financially from a transaction between Brookings County and an applicant for permits or other special consideration by Brookings County or others closely associated with the board/committee/department head/elected official/staff member may be affected financially. Family members, or their businesses, or other persons or the businesses of persons with whom the board/committee/department head/elected official/staff member is closely associated, could benefit from similar transactions.
- *Example #2:* A conflict of interest could be a direct or indirect *financial interest* such as those described above, or a *personal interest* such as the situation where a board member of Brookings County is also a board member of another nonprofit or for-profit entity in the community with which Brookings County collaborates or conducts business.

2. **Who might be affected by this policy?** Brookings County takes a broad view of conflicts and board/committee/department head/elected official/staff members are urged to think of how a situation/transaction would appear to outside parties when identifying conflicts or possible conflicts of interest.
3. **Disclosure of conflicts.** Board and committee members, appointed department heads, elected officials and staff shall disclose conflicts as they arise as well disclose those situations that are evolving that may result in a conflict of interest. Advance disclosure must occur so that a determination may be made as to the appropriate plan of action to manage the conflict. Staff should disclose to their supervisor and board/committee members should disclose to their chairperson as soon as the person with the conflict is aware of the conflict/potential conflict or appearance of a conflict exists. Board of County Commission members should report conflicts or potential conflicts to the chairperson of the Commission.
4. **Procedures to manage conflicts.** For each interest disclosed, the full board/committee should determine whether the board/committee should: (1) take no action or (2) disclose the situation more broadly and invite discussion/resolution by the full board/committee to what action to take, or (3) refrain from taking action and otherwise avoid the conflict. In most cases the broadest disclosure possible is advisable so that decision-makers can make informed decisions that are in the best interest of Brookings County.
 - When the conflict involves a decision-maker, the person with the conflict ("interested party"): (1) must fully disclose the conflict to all other decision-makers; (2) may not be involved in the decision of what action to take (e.g. – may not participate in a vote).
 - In some cases the person with the conflict may be asked to recuse themselves from sensitive discussion so as not to unduly influence the discussion of the conflict.
 - In all cases, decisions will be made only by persons without an identifiable conflict of interest.
 - The fact that a conflict was managed and the outcome will be documented in the minutes of board/committee meetings if the conflict was related to a board/committee member, and reported by the board/chairperson of the board/committee or direct supervisor if the conflict was related to an appointed department head/elected official/staff member.
 - All members of an appointed or elected board/committee, as well as department heads should monitor proposed or ongoing transactions of the designated organization or employees and staff (e.g. – contract with vendors and collaborations with third parties) for conflicts of interest

and disclose them to the board/committee chairperson, commission chair, as appropriate, whether discovered before or after the transaction has occurred.

5. Outside compensation, gifts, gratuities. All members of the Board of County Commissioners, appointed board and committee members, appointed department heads, elected officials and staff are prohibited from receiving any outside compensation, gift, or gratuity, for the performance of County duties except as follows:

- Awards for meritorious public contributions publicly awarded.
- Receipt of honoraria or expenses paid for papers, talks, demonstrations, or appearances made by employees with the approval of the employee's department head or the Board of County Commission.
- Receipt of social amenities, ceremonial gifts, or advertising gifts, worth less than \$100 in value.

Effective this ____ day of _____, 20____

Michael Bartley, Chairperson
Brookings County Commission

TO: ALL EMPLOYEES, COMMISSIONERS, BOARD/COMMITTEE MEMBERS, AND ELECTED AND APPOINTED DEPARTMENT HEADS

All staff, appointed board/committee members, appointed department heads, elected officials and members of the Board of County Commissioners are expected to review and implement this policy in all matters involving your work with Brookings County.

Please indicate your receipt of this document by signature below. Your signature will be your acknowledgement of receipt and agreement to comply by the dictates of this common sense approach to conflict management.

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Return this portion to your department head.

The undersigned hereby acknowledges receipt of the Conflict of Interest Policy this _____ day of _____, 20____.

Signature: _____

Printed Name: _____