

TUSCOLA COUNTY CONFLICT OF INTEREST POLICY

I. APPLICATION

The provisions of this Conflict of Interest Policy shall be applicable as outlined in Section II below. Nothing in the Policy shall be interpreted as denying any employee his/her rights under the law. In every proceeding with regard to these standards, fundamental due process shall be provided. Employees and officials must faithfully discharge their duties to the best of their ability without regard to age, race, creed, sex, national origin, or political belief. The public interest must be their primary concern and their conduct in official affairs should be above reproach.

II. REGULATIONS

1. A County Commissioner shall disclose his or her relationship or interest on a matter where he or she has a conflict of interest or where he or she believes there is a reasonable appearance of a Conflict of Interest.
2. A County Commissioner shall refrain from deliberating and shall abstain from voting if he or she believes that he or she has a conflict of interest.
3. If a County Commissioner believes that there is a reasonable appearance of a conflict of interest but that no conflict actually exists, then he or she shall disclose that potential conflict and, if choosing to deliberate or vote on the matter, explain why he or she feels that he or she can still weigh the merits of the matter fairly and objectively and vote in the best interests of the public.
4. An employee or appointed official shall disclose his or her relationship or interest on a matter where he or she has a conflict of interest or where he or she believes there is a reasonable appearance of a conflict of interest. Such disclosure shall be made to the employee's direct supervisor or head of the official's appointed board. An employee or appointed official shall refrain from involvement in any cause, proceeding, application, grant, contract or other matter involving a conflict of interest or reasonable appearance of a conflict of interest.
5. Confidential Information - An employee or elected or appointed official shall not divulge any confidential information to any unauthorized person or release any such information in advance of the time prescribed for its authorized release for his/her own personal gain or for the gain of others.
6. Personal Business - An employee or elected or appointed official shall not be a party, directly or indirectly, to any contract between himself or herself and the County, unless disclosure and approval is made as required by MCL 15.322 (Contracts of Public Servants with Public Entities).
7. Favors - An employee or elected or appointed official shall not grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.
8. Gifts – An employee or elected or appointed official shall not accept any gifts valued over \$50.00 which are made to him or her in his or her public capacity or reasonably could be interpreted as having been given to that person in his or her public capacity.

9. County Personnel or Property – An employee or elected or appointed official shall not use County personnel, property, or funds for personal gain or benefit.
10. Representation of Private Interests – An employee or elected or appointed official shall not directly or indirectly solicit any contract between himself or herself and the County, committee, board, commission or authority he or she represents, unless disclosure and approval is made as required by MCL 15.322 (Contracts of Public Servants with Public Entities).
11. Responsible Use of County Assets - All employees and elected and appointed officials shall protect County assets, such as equipment, supplies, cash, inventory, and information against misuse and/or misappropriation.
12. Compliance with Ethics Statutes – Commissioners, employees and appointed officials shall comply with all applicable provisions of Michigan’s State Ethics Act (MCL 15.341 et seq.), Incompatible Offices Act (MCL 15.181 et seq.), the Contracts of Public Servants with Public Entities Statute (MCL 15.301 et seq.) and any other applicable law.
13. Reporting of Familial Relationships – The County will track familial relationships among employees, Commissioners and appointed officials. The County Controller/Administrator is responsible for working with department heads to ascertain existing familial relationships and comply with any resulting reporting obligations related to such relationships.

III. DEFINITIONS

Conflict of Interest means any of the following:

- a) A direct personal interest of the Commissioner, a current business partner of the Commissioner, a Commissioner’s immediate family member, or a Commissioner’s immediate family member’s current business partner in the outcome of a cause, proceeding, application, or other matter pending before the body.
- b) A direct financial interest of: the Commissioner, a current business partner of the Commissioner, a Commissioner’s immediate family member, or a Commissioner’s immediate family member’s current business partner in the outcome of a cause, proceeding, application, or other matter pending before the body.
- c) A direct personal interest of the employee or appointed official, a current business partner of the employee or appointed official, immediate family member, or an immediate family member’s current business partner in the outcome of a cause, proceeding, application, grant, contract or other matter involving the County or its appointed bodies.
- d) A direct financial interest employee or appointed official, a current business partner of employee or appointed official, an employee or appointed official’s immediate family member, or an immediate family member’s current business partner in the outcome of a cause, proceeding, application, grant, contract or other matter involving the County or its appointed bodies.

Current Business Partner: a person or company with which the Commissioner, employee or

appointed official— or such Commissioner, employee or appointed official’s immediate family member— is sharing business ownership or management. This would also include the employer of a Commissioner, employee or appointed official’ immediate family member.

Direct: an interest—whether personal or financial—is direct if it is all of the following: (1) not common to other members of the Board, body or other employees, (2) connected to the individual, his or her immediate family member, or current business partner without conjecture, and (3) connected to the individual, his or her immediate family member, or current business partner without multiple intervening parties or factors.

Disclose: a full and honest description of the relationship or interest that underlies the conflict of interest or reasonable appearance of a conflict of interest. This disclosure must take place either (1) in writing prior to an open meeting where the matter or cause is to be deliberated or acted upon, (2) during the open meeting but prior to the matter or cause being deliberated or acted upon, or (3) as soon as the Commissioner, employee or appointed official learns of the relationship or interest underlying the conflict of interest or reasonable appearance of a conflict of interest.

Familial Relationship: those relationships where persons are related by blood or affinity to the fourth degree of consanguinity (children, grandchildren, parents, grandparents, great grandparents, great-great grandparents, siblings, uncles, aunts, great uncles and aunts, nephews, nieces, grandnephews and nieces, and cousins).

Financial Interest: a pecuniary interest that could accrue gain or suffer loss due to the outcome of the cause, proceeding, application, or other matter. Financial interest includes, but is not limited to:

- (1) Any interest as a partner, member, employee, or contractor in or for a co-partnership or other unincorporated association;
- (2) Any interest as a beneficiary or trustee in a trust;
- (3) Any interest as a director, officer, employee, or contractor in or for a corporation;
- (4) Any legal or beneficial ownership of 10% or more of the total outstanding stock of a corporation;
- (5) Any legal or beneficial ownership of any real property.

Gift: the term “gift” does not include promotional items of nominal value such as calendars or pens. “Gift” also does not include “give-away” items or prizes that are provided at conferences, seminars, formal training sessions, so long as such items are equally available to all attendees. “Gift” also does not include any donations that have been made to a County office or department for the general use by the office, or persons served by the office.

Immediate Family Member: a Commissioner, employee or appointed official’s spouse, domestic partner, child, parent, grandparent, sibling, aunt or uncle, or brother or sister-in-law.

Personal Interest: an interest where a non-financial benefit would inure to the Commissioner, employee, appointed official such as individual’s immediate family member, or current business partner.

IV. REPORTING PROCESS

All employees, elected and appointed officials have a responsibility for reporting concerns about potential unethical behavior. Such concerns and/or questions about whether actions are considered unethical or a violation of this Policy can be reported to the County Controller/Administrator. If the concerns are related to the County Controller/Administrator they can be reported to the Chair of the Board of Commissioners.

It shall also be a violation of this policy for any informant to make a baseless allegation of unethical behavior that is made with reckless disregard for truth and that is intended to be disruptive or to cause harm to another individual. Any violation of this section will result in disciplinary action.

V. INVESTIGATIVE PROCEDURE

Allegations of violations of this Policy shall be promptly investigated by an individual or a team of individuals designated by the County Controller/Administrator. The results of this team's investigation shall be communicated in writing to the County Controller/Administrator and/or other appropriate designated personnel.

VI. ENFORCEMENT

Any employee or appointed official who violates the provisions of this Code shall be subject to disciplinary action up to and including discharge.

VII. IMPLEMENTATION

1. As an expression of the standards of conduct for employees and appointed and elected officials are expected by the public, this Conflict of Interest Policy is intended to be self-enforcing. It therefore becomes most effective when employees and appointed and elected officials are thoroughly familiar with it and embrace its provisions.
2. For this reason, ethical standards shall be included in the regular orientations for newly elected and appointed officials as well as newly hired employees. At the first organizational meeting of the County of Commissioners in January of each year, County Commissioners' entering office shall be provided with a copy of this Policy and an acknowledgment of receipt of the Policy.
3. The County Controller/Administrator shall post and/or distribute this policy in accordance with County procedures and applicable collective bargaining agreements, and the Policy will go into effect pursuant to those procedures and agreements. This Policy is effective immediately for Commissioners and appointed officials.