

## **CONFLICT OF INTEREST POLICY**

The Kent County Board of Commissioners has the primary responsibility for determining if county personnel have a direct or indirect involvement in material transactions with outside parties that may not be beneficial to the County. In furtherance of this effort, it is desirable to obtain written statements from all key Management Pay Plan (MPP) employees, elected officials, and board, commission or committee appointees of the County concerning potential conflicts of interest.

Key MPP employees (“MPP employees”), elected officials (“elected officials”), and board, commission, or committee appointees (“appointees”) are those persons associated with the County who, by virtue of their duties, are in a position to do any one or more of the following: 1) bind the County in a contractual manner, 2) order or recommend the ordering of various goods and services, or participate in formulation of county policy, 3) supervise or control the dispensation of County goods and services, 4) supervise or control accounting or financial recordkeeping for any County department. By virtue of the discretionary power granted to such personnel to ensure the efficient functioning of the County, conflict of interest situations may arise. For this reason, these personnel are required to adhere to the County’s conflict of interest policy whereby potential conflicts may be reviewed by the Legislative and Human Resources Committee and the Board of Commissioners to ensure that transactions are conducted in the best interests of the County.

The listing of personnel, referenced as Attachment A and incorporated by reference herein, of County personnel are considered key MPP employees, elected officials and board, commission, or committee appointees for purposes of this policy. Each of the listed personnel will be required to sign the Conflict of Interest Statement, referenced as Attachment B and incorporated by reference herein, and make required disclosures upon employment with Kent County or, in the case of elected officials, upon assuming office, or in the case of appointees of boards, commissions and committees, sign the Conflict of Interest Statement, referenced as Attachment C and incorporated by reference herein, within 10 days of appointment by the Board of Commissioners. The signed copy is deemed to indicate that the individual understands the policy and will follow the policy while he or she is employed, appointed, or holding elected office on behalf of the County. In addition, a copy of the Conflict of Interest Statement will be sent to all the listed personnel in Attachment A by the 31st of January of each year. The copy of the policy will serve as a reminder of the provisions of the policy and will give each individual a yearly opportunity to disclose conflicts.

If a conflict of interest situation of the type described in the Statement should develop at any time, and where the conflict is expected to be ongoing, a statement outlining the details shall be filed with the County Administrator/Controller. It shall be the duty of the individual seeking a waiver of the conflict of interest to fully cooperate and disclose requested information to the Administrator. After reporting the potential conflict of interest, the individual should take no further action with regard to the conflict unless approval is granted by the Administrator, or if the Administrator recommends referral of the matter for action to the Legislative and Human Resources Committee (LHR), upon approval of LHR. Action – specific conflicts and one-time abstentions may be handled in accordance with procedures outlined in the Board’s Legal Handbook / Conflict of Interest Statement and Disclosure sections.

## CONFLICT OF INTEREST STATEMENT

To key MPP Employees, Elected Officials and County Appointees to Boards or Commissions of Kent County:

The County respects the right of its employees, elected officials, and appointees in their endeavors outside their County employment or office which are private in nature and which in no way conflict with or reflect upon the County. These personnel have been carefully selected for their integrity and judgment. The County expects that no employee, elected official or appointee will use his or her position with the County for personal gain. However, to avoid any misunderstanding in County dealings, the following policy statement is promulgated:

### Policy Statement

1. County personnel must avoid incurring any kind of financial or personal obligation which might affect their judgment in dealing for the County with outside firms or individuals. Personnel must examine their own activities and those of their families to be sure that no condition exists which creates a conflict of interest with respect to transactions with the County.
2. For the purposes of this statement, whenever County personnel are asked to review their actions for possible conflicts of interest, the wording used shall be deemed to mean that they must review and disclose conflicts of interest involving themselves and any of the following persons or groups:
  - a) Family members.
  - b) Organizations in which county personnel or family members are officers, directors, or either directly or indirectly, stockholders or partners.
  - c) Trusts or estates in which county personnel or family members have a beneficial interest, or for which they act in a fiduciary capacity.

For purposes of this disclosure statement, family shall be defined to include spouses, parents, brothers, sisters, children, nieces, nephews, spouses of brothers, sisters, and children, and spouses' parents, brothers, and sisters. However, employees, elected officials and appointees are considered responsible for knowing and reporting only those potential conflict of interest situations involving their spouses or other family members they constructively control. Potential conflict of interest situations involving other family members must be reported only if the employee has personal knowledge of those individuals' affairs. MPP employees, elected officials and appointees are not required to affirmatively research the financial backgrounds of members of their families beyond their spouses and those whom they constructively control.

3. The following situations have strong potential for conflict of interest and must be disclosed in writing:
  - a) Holding a financial interest (including stockholder, partner, joint venture, or creditor, guarantor, or director) in a firm which provides services, supplies, materials or equipment to the County, or in a firm to which the County provides services.

Note: The holding of any security of a publicly owned corporation (i.e., one whose stock is registered with the Securities and Exchange Commission) not exceeding 1% of the outstanding value of the security in question will not be deemed to present a potential conflict of interest.

- b) Speculating or dealing in equipment, supplies, materials or property purchased by the County, or speculating or dealing on one's own account in services or products provided by the County.
- c) Borrowing money (either singularly or in accumulation) in excess of one hundred dollars (\$100) within a twelve-month period from any supplier or customer or from any individual or firm with whom the county does business. Mortgages securing real property which is the principal residence of the County employee, official or appointee or his or her spouse, and retail installment transactions which are transacted with recognized financial institutions, need not be included.
- d) Acceptance of gifts or favors by the County employee, official or appointee, or his or her family, or acceptance of entertainment or other personal obligations, from an outside organization or individual (excluding family members) which are substantial enough to be likely to influence an ordinary person in the selection of goods and services for the County is prohibited. This does not apply to acceptance of perishable or consumable gifts of nominal value, or reasonable personal entertainment, but care must be exercised to ensure that acceptance of such items does not create an actual or perceived obligation. For purposes of this statement, any gift, favor, entertainment, or other personal obligation valued at over twenty-five dollars (\$25), or any aggregation of such gifts valued in excess of fifty dollars (\$50) within a twelve-month period, shall be deemed substantial. All such substantial gifts shall be returned to the donor with an explanation that County policy will not permit acceptance of the gift.
- e) Acquiring, by purchase or lease, real estate in which it is known the County has an interest, or which may improve in value because of the County's interest in adjoining property.
- f) Misusing information to which the County employee, official or appointee has access by reason of his or her position, including unauthorized disclosure of confidential information to competitors or others, such that either the County employee, official or appointee or the recipient of the information is likely to receive a financial benefit or the County will suffer a financial detriment.
- g) Any outside employment as required under Section 16(a) of the Human Resources Policies and Procedures Manual as adopted by the Board of Commissioners' resolution no. 7-13-00-02.

Subsections (4), (5), and (6) below apply to all MPP employees as a condition of employment, and appointees as a condition of appointment. Elected officials are encouraged to comply with subsections (4), (5), and (6) but are not required to do so.

- 4. Employees and appointees must disclose potential conflicts of interest pursuant to this Policy in writing to the County Administrator/ Controller. Thereafter, the employee or appointee should suspend further activities related to the potential conflict unless continuation of such activities is approved by the County Administrator/Controller.
- 5. It is the responsibility of the Legislative and Human Resources Committee of the Board of Commissioners to act on statements of potential conflict, determine if a conflict exists, and take any action necessary to protect the County's interests. Where the Legislative and Human Resources Committee determines that a conflict of interest exists, it shall notify the affected employee or appointee of necessary corrective action before any penalty or remedy is imposed by the County.

Failure to disclose a conflict will be subject to penalty or remedial action to be determined based upon the seriousness of the conflict and the performance record of the employee or appointee involved. Decisions of the Legislative and Human Resources Committee may be appealed to the Board of Commissioners by the affected employee or appointee.

6. This statement and policy shall be enforced independently of the County's normal disciplinary procedures. Conflicts of interest may be deemed to violate other provisions of County policy, in which case they will be remedied in accordance with those provisions. Conflicts of interest that are not the subject of other County policies may be remedied in accordance with this statement and policy.
7. The foregoing statement is to be understood to refer to all county affairs and any of the County's pension, retirement, savings or similar plans with which MPP employees, elected officials or appointees may be involved.

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Board of Commissioners Resolution No. 10-25-12-103

## **Attachment A**

### Conflict of Interest Policy Key MPP Employees, Elected Officials and Board, Commission or Committee Appointees

#### **BOARD OF COMMISSIONERS**

Community Liaison and Communications Director  
Executive Assistant to the Board

#### **BOARDS, COMMISSIONS, AND COMMITTEES**

##### **ALL APPOINTEES**

#### **BUREAU OF EQUALIZATION**

Equalization Director  
Equalization Deputy Director  
Assistant Equalization Director – Allegan County

#### **CENTRAL SERVICES**

Central Services Supervisor

#### **CIRCUIT COURT**

Circuit Court Administrator  
Deputy Circuit Court Administrator  
Finance Division Director

#### **KENT COUNTY COMMUNITY ACTION**

Kent County Community Action Director  
Community Action Program Manager

#### **COOPERATIVE EXTENSION**

Director of Cooperative Extension  
(no longer a County employee)

#### **COUNTY ADMINISTRATOR**

County Administrator/Controller  
Deputy County Administrator  
Corporate Counsel  
Assistant Corporate Counsel II  
Assistant to the County Administrator  
Communications and Public Relations Director  
Indigent Defense Administrator/Attorney

#### **COUNTY CLERK/REGISTER OF DEEDS**

County Clerk/Register of Deeds  
Chief Deputy County Clerk  
Chief Deputy Register of Deeds  
Chief Deputy Circuit Court Clerk

Elections Director

**DRAIN COMMISSION**

Drain Commissioner

Deputy Drain Commissioner

**FACILITIES MANAGEMENT**

Facilities Management Director

Facilities Manager

Facilities Manager (Projects)

**FISCAL SERVICES**

Fiscal Services Director

Fiscal Services Deputy Director

Accounting Manager

Financial Supervisor

Budget Director

Risk Manager

**FLEET SERVICES**

Fleet Services Supervisor

**FRIEND OF THE COURT**

Friend of the Court

Assistant Friend of the Court

Operations Unit Manager

**HEALTH DEPARTMENT**

Medical Director

Administrative Health Officer

Deputy Administrative Health Officer

Finance Division Director

P.H. Division Directors (3)

    Environmental Health

    Nursing Administration

    Clinical Services

Medical Examiner

**HUMAN RESOURCES**

Human Resources Director

Employment Manager

Benefits/Compensation/HRIS Manager

EEO/Compliance/Employee Relations Manager

Retirement Services Manager

**INFORMATION TECHNOLOGY**

Information Technology Director

Deputy Director for Technology

Information Security Officer  
Team Leader  
Customer Service Coordinator

**JUVENILE DETENTION**

Juvenile Detention Center Superintendent  
Detention Center Assistant Superintendent

**KENT COUNTY VETERANS SERVICES**

Veterans Affairs Manager

**PARKS DEPARTMENT**

Parks Superintendent  
Parks Operations Manager

**PROBATE COURT**

Probate Register

**PROSECUTOR'S OFFICE**

Prosecuting Attorney  
Chief Assistant Prosecutor  
Administrator-Prosecutor's Office

**PUBLIC WORKS**

Public Works Director  
Finance Division Director  
WTE Operations Manager  
Solid Waste Operations Manager  
Environmental Compliance Manager  
Office Manager  
Resource Recovery/Recycling Manager  
Marketing and Communications Manager

**PURCHASING**

Purchasing/Fleet Services Manager  
Purchasing Supervisor

**SHERIFF/JAIL**

Sheriff  
Undersheriff  
Chief Deputy  
Sheriff's Administrative Officer  
Facilities Management Director

**63<sup>RD</sup> DISTRICT COURT**

District Court Administrator  
Deputy District Court Administrator

**TREASURER'S OFFICE**

County Treasurer

Deputy County Treasurer

**Attachment B**

CONFLICT OF INTEREST STATEMENT

I have read and understand this Conflict of Interest Statement. There are no present or potential conflicts of interest other than those listed below. I have and will continue to observe the Conflict of Interest Policy. If in future, circumstances warrant a disclosure of a conflict of interest situation, I will submit an amended Statement within 10 days of my knowledge of the situation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

DISCLOSURES: (Indicate none if applicable. Otherwise please provide a brief explanation of the conflict).

**Attachment C**

COUNTY BOARD, COMMISSION OR COMMITTEE APPOINTEE

CONFLICT OF INTEREST STATEMENT

I have read and understand this Conflict of Interest Statement. There are no present or potential conflicts of interest other than those listed below. I have and will continue to observe the Conflict of Interest Policy. If in future, circumstances warrant a disclosure of a conflict of interest situation, I will submit an amended Statement within 10 days of my knowledge of the situation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Board/Commission/Committee

Within 10 days of appointment to a County board, commission or committee, an appointee must read and sign the statement agreeing to abide by the County's conflict of interest policy. Failure to sign the statement may result in an appointee's inability to serve on his/her board, commission or committee.

DISCLOSURES: (Indicate none if applicable. Otherwise please provide a brief explanation of the conflict).