

Gila County Policy DISCLOSURE OF CONFLICT OF INTEREST	Policy Number: BOS-HRS-007	Page
	Adopted by BOS 12-13-2005 (Former Number: BOS-4-2005)	1 of 1
	Revised: 00-00-2012	

I. PURPOSE:

The purpose of this policy is to ensure compliance with A.R.S. § 38-501 through §38-511. It is designed to preserve and promote the integrity of the workplace throughout Gila County.

DEPARTMENTS AFFECTED: All Gila County Divisions/Departments and Elected Offices.

II. POLICY:

Annually, all public officers and employees shall complete a Conflict of Interest Questionnaire and a Conflict of Interest Statement for submittal to and consideration of the Board of Supervisors. Employee includes all persons employed on a full-time, part-time, and contract basis.

SIGNATURES:

CHAIRMAN, BOARD OF SUPERVISORS

DATE

+ See attached administrative procedures.

GILA COUNTY DISCLOSURE OF CONFLICT OF INTEREST PROCEDURES

I. DEFINITIONS:

A. Relative

Relative includes spouse, child, child's child, parents, grandparents, brother or sister of the whole or half blood and their spouses and the parent, brother, sister or child of a spouse, a substantial interest of a relative is considered a substantial interest of the employee.

B. Substantial Interest

A substantial interest is any interest that confers a pecuniary (monetary) or proprietary (ownership) interest, either direct or indirect, which is not a remote interest. Any substantial interest of an employee or an employee's relative must be disclosed by the employee, who must also refrain from participating in any manner in the relevant contract, purchase, or decision.

C. Remote Interest Defined

Remote interests do not need to be disclosed and do not prevent participation in an official capacity because they are not considered significant enough to influence a public decision maker. Remote interests are:

1. Employee or employee's relative is a non-salaried officer of a non-profit corporation
2. Employee or employee's relative is a landlord or tenant of a contracting party
3. Employee or employee's relative is an attorney of a contracting party
4. Employee or employee's relative is a member of a non-profit cooperative marketing association
5. Employee or employee's relative owns less than 3 percent of the shares for a for-profit corporation, provided the total annual income from dividends, including the

value of stock dividends, from the corporation, does not exceed 5 percent of the corporation to the person do not exceed an additional 5 percent of his/her total family income.

6. Employee or employee's relative is reimbursed for actual and necessary expenses incurred in the performance of official business
7. Employee or employee's relative is a recipient of public services generally available to the public
8. Employee or employee's relative is a public officer or employee of another public agency unless the action of that agency would confer a direct economic benefit or detriment upon the employee or employee's family
9. Employee or employee's relative is a member of a trade, business, occupation or professional association or class of persons consisting of at least 10 members whose interest is no greater than the interest of any other member of that or similar groups

II. PROCEDURES:

A. General Requirements and Objective

Arizona law requires that any Gila County public officer or employee who has, or whose relative has, a substantial interest in any contract, sale, purchase, service of decision of Gila County to make the interest known in the County's official records; and to refrain from any participation in an official capacity in the contract, sale, purchase service or decision. (A.R.S. § 38-501 *et seq.*). Employee includes all persons employed on a full-time and contract basis.

The object of conflict of interest statutes is to remove or limit the possibility of personal influence which might bear upon an official's decision.

B. Responsibilities of Employees

Any employee who has, or whose relative has, a substantial interest in any contract, sale, purchase, service or decision of Gila County shall promptly do two things:

1. make known that interest in the files maintained by the Chief Deputy Clerk of the Board of Supervisors; and

2. refrain from voting or participating in the employee's official capacity in any manner in the contract, sale, purchase, service or decision

C. Appearance of Impropriety and the Gila County Standard of Conduct Policy

It is important to recognize that the appearance of a conflict of interest may also damage public trust and confidence in local government and may impair Gila County's ability to conduct its legitimate operations. For this reason, employees are required to scrutinize their actions to avoid situations where their official acts appear to affect their own or their relatives' private or business interests. All County employees must adhere to Gila County's Merit System Rules and Policies – Rule 6 – Standards of Conduct.

D. Violations

Violations of A.R.S. § 38-501 *et. seq.*, this policy or departmental procedures shall be handled in accordance with the Gila County Merit System Rules and Policies. Employees who violate A.R.S. § 38-501 *et. seq.*, may also be subject to criminal prosecution and forfeiture of employment, as provided by law.

CONFLICT OF INTEREST QUESTIONNAIRE

Date _____

Office/Department _____

Elected Official/Employee _____

Title _____

Pursuant to Arizona Revised Statutes § 38-501 thru § 38-511, every public officer or employee of Gila County who has a "substantial interest" in any contract, sale, purchase, service or decision involving any department or elected official of Gila County government, shall "make that interest known in the official records of Gila County" and shall refrain from voting upon or otherwise participating in any manner in such contract, sale, purchase, service or decision.

All elected officials and employees of Gila County government shall complete, sign, and return this Questionnaire to the Clerk of the Board of Supervisors.

If the answer to any of the following questions is in the affirmative (Yes), then the elected official or employee must "make known the substantial interest" by filing the Gila County Conflict of Interest Statement with the Clerk of the Board of Supervisors:

- 1. Do you OR any of your relatives have currently or expect to have within the next 12 months, a substantial interest in any contract, sale, purchase, or service with Gila County government including any of its elected officials? YES ___ or NO ___
2. Do you OR any of your relatives currently or expect to have within the next 12 months, a substantial interest in any decision of Gila County government including any of its elected officials? YES ___ or NO ___
3. Do you OR any of your relatives currently supply any equipment, material, supplies or services (outside of services related to your employment) to Gila County government including any of its elected officials and/or have you or any of your relatives received the award or contract without going through a public competitive bidding process? YES ___ or NO ___

Definitions per Arizona Revised Statutes § 38-501- § 38-511:

RELATIVES specifically mean, spouse, child, grandchild, parent, grandparent, brother, sister, of the whole or half blood, and their spouses and the parent, brother, sister, or child of a spouse.

SUBSTANTIAL INTEREST specifically means, any pecuniary (monetary) or proprietary (ownership) interest, either direct or indirect, other than a remote interest.

OTHER PERTINENT DEFINITIONS can be found in A.R.S. § 38-502.

I have read, and signed this one (1) page Conflict of Interest Questionnaire this ___ day of ___, 20___, and I understand that I must file a Conflict of Interest Statement with the Gila County Clerk of the Board of Supervisors if I answer YES to any of the above questions.

Signature

GILA COUNTY
CONFLICT OF INTEREST STATEMENT
(Elected Official/Employee)

Date _____
Office/Department _____
Elected Official/Employee _____
Title _____

NOTICE OF A SUBSTANTIAL INTEREST IN A GILA COUNTY
CONTRACT, SALE, PURCHASE, SERVICE, OR DECISION

Pursuant to A.R.S. § 38-501 through § 38-511, I, _____,
hereby make known my substantial interest as described below:

(Attach additional documentation if necessary.)

1. I currently have or expect to have within the next 12 months, a substantial interest in a contract, sale, purchase, or service with Gila County government including any of its elected officials, as follows:

2. I currently have or expect to have within the next 12 months, a substantial interest in a decision of Gila County government including any of its elected officials, as follows:

3. State statute states that, "no public officer or employee of a public agency shall supply to such public agency any equipment, material, supplies or services, unless pursuant to an award or contract let after public competitive bidding, except that: Political subdivisions other than school districts may purchase through their governing bodies, without using public competitive bidding procedures, supplies, materials and equipment not exceeding three hundred dollars in cost in any single transaction, not to exceed a total of one thousand dollars annually, from a member of the governing body if the policy for such purchases is approved annually."

I hereby file this **Conflict of Interest Statement** with the Clerk of the Board of Supervisors and agree to refrain from voting or otherwise participating in any manner as an elected official or employee in such contract, sale purchase, service or decision.

Signed the _____ day of _____ 20__

Received by:

Name and Title

Elected Official/Employee

Signature

Date

GILA COUNTY
CONFLICT OF INTEREST STATEMENT
(Relative)

Date _____

Office/Department _____

Elected Official/Employee _____

Title _____

NOTICE OF A SUBSTANTIAL INTEREST IN A GILA COUNTY
CONTRACT, SALE, PURCHASE, SERVICE, OR DECISION

Pursuant to A.R.S. § 38-501 through § 38-511, I, _____
hereby make known my relatives' substantial interest as described below:

(Attach additional documentation if necessary.)

1. My relative currently has or expects to have within the next 12 months, a substantial interest in a contract, sale, purchase, or service with Gila County government including any of its elected officials, as follows:

2. My relative currently has or expects to have within the next 12 months, a substantial interest in a decision of Gila County government including any of its elected officials, as follows:

RELATIVES specifically mean, spouse, child, grandchild, parent, grandparent, brother, sister, of the whole or half blood, and their spouses and the parent, brother, sister, or child of a spouse.

I hereby file this **Conflict of Interest Statement** with the Clerk of the Board of Supervisors and agree to refrain from voting or otherwise participating in any manner as an elected official or employee in such contract, sale, purchase, service or decision.

Signed the _____ day of _____ 20____

Received by:

Name and Title

Elected Official/Employee

Signature

Date