

Gila County Human Resources	Policy Number: BOS-HRS-140	Page
CONFLICT OF INTEREST	Replaces: BOS-HRS-007	1 of 4
	Adopted: 08-05-14 Revised:	

I. PURPOSE:

To ensure compliance with ARS §38.501-511 which is designed to preserve and promote integrity and eliminate conflict of interests in the workplace.

II. APPLICABILITY:

All Gila County public/elected officials and employees.

III. POLICY:

- A. Annually all public/elected officials and employees shall review this policy and complete a Conflict of Interest Questionnaire and, if needed, a Conflict of Interest Statement.
- B. Any public/elected official or employee who has, or whose relative has, a substantial interest in any contract, sale, purchase, service, or decision of Gila County shall promptly make known that interest.

SIGNATURE:

CHAIRMAN, BOARD OF SUPERVISORS

DATE

Gila County Human Resources	Policy Number: BOS-HRS-140	Page
CONFLICT OF INTEREST	Replaces: BOS-HRS-007	
	Adopted: 08-05-14 Revised:	2 of 4

IV. PROCEDURES

A. Definitions Specific to this Policy

1. **Relative** – A relative means the spouse, child, child’s child, parent, grandparent, brother or sister of the whole or half blood and their spouses and the parent, brother, sister or child of a spouse.

2. **Substantial Interest** – A substantial interest specifically means any pecuniary (monetary) or proprietary (ownership) interest, either direct or indirect, other than a remote interest. Any substantial interest of a public/elected official or employee or their relative must be disclosed by the public/elected official or employee, who must also refrain from participating in any manner in the relevant contract, purchase, or decision. A substantial interest of a relative is considered a substantial interest of the public/elected official or employee.

3. **Remote Interest** – 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 include the interests of:
 - a. A non-salaried officer of a nonprofit corporation;
 - b. A landlord or tenant of the contracting party;
 - c. An attorney of a contracting party;
 - d. A member of a nonprofit cooperative marketing association;
 - e. Ownership of less than three percent of the shares of a corporation, provided the total annual income from dividends, including the value of stock dividends, from the corporation does not exceed five percent of the total annual income of such public/elected official or employee and any other payments made to him/her by the corporation do not exceed five percent of his/her total annual income;
 - f. A public/elected official or employee being reimbursed for his/her actual and necessary expenses incurred in the performance of official duty;
 - g. A recipient of public services generally provided by the incorporated city or town, political subdivision or state department, commission, agency, body or board of which he/she is a public/elected official or employee, on the same terms and conditions as if he/she were not a public/elected official or employee;

Gila County Human Resources CONFLICT OF INTEREST	Policy Number: BOS-HRS-140	Page
	Replaces: BOS-HRS-007	
	Adopted: 08-05-14 Revised:	3 of 4

- h. A public school board member when the relative involved is not a dependent, as defined in ARS §43.1001, or a spouse;
 - i. A public/elected official or employee, or that of a relative of a public/elected official or employee, unless the contract or decision involved would confer a direct economic benefit or detriment upon the public/elected official, employee or his relative, of any of the following:
 - a. Another political subdivision;
 - b. A public agency of another political subdivision;
 - c. A public agency except if it is the same government entity.
 - j. A member of a trade, business occupation, profession or class of persons consisting of at least ten members which is no greater than the interest of the other members of that trade, business, occupation, profession or class of persons.
2. Other pertinent definitions can be found in ARS §38.501

B. General

- 1. Arizona law requires that any Gila County public/elected official or employee who has, or whose relative has, a substantial interest in any contract, sale, purchase, service or decision of Gila County make that 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.
- 2. 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.
- 3. 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, public/elected officials and 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.

C. Responsibility

- 1. Public/elected officials and employees are responsible for:
 - a. Annual review of this policy, the completion of the Conflict of Interest Questionnaire form and the Conflict of Interest Statement form, if necessary;

Gila County Human Resources CONFLICT OF INTEREST	Policy Number: BOS-HRS-140	Page
	Replaces: BOS-HRS-007 Adopted: 08-05-14 Revised:	4 of 4

- b. Sending a copy of said forms annually to the Human Resources Department;
 - c. Adherence to Gila County’s Standards of Conduct policy.
2. Any public/elected official or 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:
- a. Make known that interest via completion of the above mentioned forms; and
 - b. Refrain from voting or participating in their official capacity in any manner in the contract sale, purchase, service, or decision should there be a conflict of interest.
3. The Human Resources Department shall:
- a. Annually send a reminder to all employees to review this policy, complete a Conflict of Interest Questionnaire, and if needed a Conflict of Interest Statement.
 - b. File the submitted Questionnaires and Statements in the official records of the County.

D. Discipline

- 1. Employee violations of ARS §38-501 *et. seq.*, this policy, or departmental procedures in this regard shall be subject to discipline up to an including termination.
- 2. Public/elected officials and employees who violate ARS §38-501 *et. seq.* may be subject to criminal prosecution and forfeiture of employment, as provided by law.

E. Forms

- 1. Relevant forms are attached to this policy:
 - a. Conflict of Interest Questionnaire
 - b. Conflict of Interest Statement (Elected/Public Official or Employee)
 - c. Conflict of Interest Statement (Relative)