

## **SAN JUAN COUNTY CONFLICT OF INTEREST POLICY**

[This document shall be incorporated into the San Juan County Personnel Policies and Procedures Manual as Appendix D.]

### **SECTION I. Overview**

San Juan County officers and employees individually commit themselves in their official capacity to ethical, businesslike, and lawful conduct, including appropriate use of their authority and decorum at all times. Officers and employees must avoid even the appearance of impropriety to ensure and maintain public confidence in the county. Officers and employees owe a fiduciary duty to the county and must not act in a manner that is contrary to that duty or to the interests of the county. Officers and employees must place the interests of the county over their own personal interests with respect to the governance, policy, strategic direction and operations of the county.

### **SECTION II. Policy**

It is the intent of the Board of San Juan County Commissioners to meet and exceed those protections against conflicts of interest contained in State law. Under this policy, a conflict of interest arises when an officer or employee has a personal interest in a matter that is or may be in conflict with or contrary to the county's interests and objectives to such an extent that the officer or employee is or may not be able to exercise independent and objective judgment within the context of the best interest of the county. For the purposes of this policy, an officer or employee's "personal interest" includes those of his or her relatives, business associates or other persons or organizations with whom he or she is closely associated.

The following provisions shall serve as a guide to officers with respect to the affairs of the county:

- A. County officers and employees shall not receive, accept, take or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from a person or entity if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment, or be considered as part of a reward for action or inaction. Officers and employees are required to submit a report to the county commission and the county's Internal Auditor of the actual or estimated value of any gifts or casual entertainment received as an officer that exceeds \$50.00.
- B. The complete confidentiality of proprietary business information must be respected at all times. Officers and employees are prohibited from knowingly disclosing such information, or in any way using such information for personal gain or advancement, or to the detriment of the county, or to individually conduct negotiations or make contacts or inquiries on behalf of the county unless officially designated by the county commission.

- C. Officers and employees are prohibited from acquiring or having a financial interest in any property that the county acquires, or a direct or indirect financial interest in a supplier, contractor, consultant, or other entity with which the county does business. This does not prohibit the ownership of securities in any publicly owned company except where such ownership places the officer in a position to materially influence or affect the business relationship between the county and such publicly owned company. Any other interest in or relationship with an outside organization or individual having business dealings with the county is prohibited if this interest or relationship might tend to impair the ability of the officer(s) to be independent and objective in his or her service to the county.
- D. If members of the immediate family of an officer or employee have a financial interest as specified above, such interest shall be fully disclosed to the county commission which shall decide if such interest should prevent the county from entering into a particular transaction, purchase, or engagement of services. The term “immediate family” means officer’s spouse, parent, dependent children, and other dependent relatives.
- E. When a conflict of interest exists, the officer or employee shall publicly declare the nature of the conflict and may recuse him or herself on any official action involving the conflict.
- F. Officers and employees may not realize, seek, or acquire a personal interest in a business that does business with the county.
- G. Officers and employees shall complete a Conflict of Interest Disclosure Form annually by the end of January. This Form shall be signed and notarized. Completed Forms shall be submitted to the clerk/auditor and made available to the public upon request.
- H. The clerk/auditor shall provide copies of all completed Forms to the County Commission Chair at the end of January each year.
- I. The Commission Chair shall review all completed forms and consider the disclosures. The Commission Chair should make changes to assignments, duties, or contracts deemed appropriate to eliminate or mitigate conflicts of interest within San Juan County.