

Osceola County Board of Supervisors
Conflict of Interest Policy

1. Effective Date

This Policy takes effect on September 15, 2017.

2. Definitions

For the purposes of this Policy, the following terms have the following meanings.

2.1 Board

The Osceola County Board of Supervisors, and any/all committees and/or subcommittees convened under its general or special authority. This term shall also be construed to include all subcommittees formed under the same authority.

2.2 Board Member

A voting or nonvoting member of the board, or one of its committees and/or subcommittees.

2.3 Compensation

Direct or indirect remuneration, whether pecuniary or otherwise, as well as gifts or favors that are not insubstantial.

2.4 Conflict of Interest

Any private interest or concern of a board member which directly or indirectly, through business, investment, or family, affects the judgment of the board member in a manner which is, or could become, adverse to the interests of the Board or might have the appearance of doing so, including, but not limited to:

- 1) An ownership, investment, or compensation interest in an entity with which the Board has a transaction or arrangement;
- 2) A potential ownership, investment, or compensation interest in an entity with which the Board is negotiating a transaction or arrangement;
- 3) A past ownership, investment, or compensation interest, in any way active or effective within the last five years, in an entity with which the Board is negotiating a transaction or arrangement;
- 4) Receipt of a gift from any entity or individual with which the Board has a transaction or arrangement;
- 5) Receipt of a gift from any entity or individual with which the Board later has or negotiates a transaction or arrangement.
- 6) Performing a decision-making or oversight role for an entity or individual with which the board is negotiating a transaction or arrangement.

2.5 Disclosure

A written description of a Board Member's actual or possible conflict of interest that includes all material facts related thereto and is submitted to the Board for consideration and inclusion in the meeting minutes.

2.6 Gifts

A rendering or other delivery, effective or otherwise, of anything of value, in return for which legal consideration of equal or greater value is not given and received.

2.7 Family

Parents, siblings, spouse, domestic partner(s), significant other(s), children, and grandchildren, whether related biologically, through marriage, or through domestic partnership.

2.8 Significant Other

An individual with whom a board member is romantically involved.

2.9 Material Facts

The knowledge presently held, or circumstances reasonably foreseen, by a member, which a reasonable person would consider important when considering a conflict of interest.

3. Applicability

This Policy applies to the County Board of Supervisors, and any/all committees, subcommittees, or other formulations of the Board convened under its authority.

4. Board Member Duties & Responsibilities

Board members occupy positions of public trust. Board members are obligated to discharge their duties in the good faith pursuit of the public good, and with undivided loyalty to the Board upon which they serve. When acting in the course of their duties, they must discharge said duties solely in the best interests of the Board and the public. Board members must act without regard to the interests of any other organization with which they are associated or individual with whom they have a relationship. Board members must refrain from taking part in any Board matter if they cannot act with undivided loyalty to the Board and in the public good.

5. Purpose

The purpose of this Policy is to:

- 5.1 Protect the Board, the public, and Board Members when they are contemplating taking action which might benefit the private interests of a Board Member.

- 5.2 Prevent the private interests of Board Members from influencing the performance of their duties.
- 5.3 Supplement, but no replace, any applicable state or federal laws governing conflict of interest applicable to the Board or its Members.

6. Goals

This Policy's goals are to:

- 6.1 Raise board member awareness of the possible existence of conflicts of interest.
- 6.2 Educate board members on the types of relationships and situations which may give rise to an actual or possible conflict of interest.
- 6.3 Encourage board members to be proactive in identifying and voluntarily disclosing to the Board actual or possible conflicts of interest.
- 6.4 Establish a regular process for board members to follow when an actual or possible conflict of interest arises.
- 6.5 Make clear to the public that conflicts of interest are disclosed, managed, and prohibited when appropriate.

7. Prohibited Conduct

Board Members are forbidden from:

- 7.1 Participating in Board deliberations or board action relating to a matter in which the Board Member has a conflict of interest.
- 7.2 This section has been removed in the interest of avoiding any duplication or possible conflict with Iowa Code 68B.22, also known as the 'Iowa Gift Law.' However, that law should be considered fully integrated, and adopted herein for the purposes of this Policy.
- 7.3 Engaging in employment or other activity that involves the use of evidences or credentials of board membership, board facilities, board equipment, or board supplies to give the Board Member or the Board Member's family an advantage, appearance of advantage, or pecuniary benefit that is not available to other similarly situated individuals, or the general public.
- 7.4 Engaging in employment or other activity that involves the receipt of, promise of, or acceptance of compensation by a Board Member or the Board Member's family from any individual or entity relating to the Board Member's performance of any act which the

Board Member would be required or expected to perform as part of the Board Member's duties.

8. Required Board Member Disclosure Procedure

8.1 A Board Member who believes that he or she has an actual or possible conflict of interest must promptly disclose such to the Board. This requirement also applies to situations in which current, or prospective, Board transactions or business may render a past act of a Board Member a potential conflict of interest.

8.2 A Board Member's disclosure must include all material facts regarding the Board Member's actual or possible conflict of interest.

8.3 If the Board Member has a conflict of interest, the Board Member's disclosure must voluntarily recuse the Member from any deliberations or votes on the matter before the Board that gives rise to the Member's conflict of interest.

8.4 If, after making a full and complete disclosure of all material facts giving rise to an actual or possible conflict of interest, the Member wishes to address the board on the matter concerning the conflict of interest, the Member may do so, if and only if the following requirements are met:

a) The Member must make clear that he or she is addressing the Board only as a member of the general public, and in no way is operating in his or her official capacity.

b) The Member begins and ends his or her statement by explicitly stating that he or she is not acting in his or her official capacity.

c) The Member clearly and fully explains all potential gains, monetary or otherwise, which the Member or his/her family may realize or receive as a result of the Board's action or inaction on the matter in question.

d) The Member's conflict, recusal, and statement as a member of the public are all noted in the Minutes of the meeting in question.

8.5 If, after the posting of a Board agenda, a member of the general public wishes to address the Board regarding a perceived conflict, that member of the public may do so, provided they 1) give notice (verbally or in writing) to the Board regarding their intention to do so, and 2) time and logistical constraints for the meeting do not render such an address impracticable. The Board may waive these requirements at its discretion.

9. Board Member Affirmation

9.1 New Board Members. Promptly after a Board Member's appointment or election to the Board, the Board Member must sign a statement which affirms such Member has:

1) Received a copy of this Policy;

- 2) Read and understands this Policy;
- 3) Agrees to comply with this Policy; and
- 4) Documented and disclosed in writing any conflicts, actual or possible, of which the Board Member is presently aware.

9.2 Annual Re-Affirmation by Sitting Board Members.

Each Board Member must annually sign a statement which affirms such Member has:

- 1) Received a copy of this Policy;
- 2) Read and understands this Policy;
- 3) Agrees to comply with this Policy; and
- 4) Documented and disclosed in writing any conflicts, actual or possible, of which the Board Member is presently aware.
- 5) Documented and disclosed in writing any conflicts, actual or possible, which may have arisen in the past year as result of action undertaken by the Board.

10. Interplay with Legal Requirements.

This Policy is an addition to, and does not in any way supersede, any requirements, obligations, or duties which may exist under state or federal law.

11. Questions or Comments

Please direct any questions, comments, or other inquiries regarding this Policy to:

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