

<b>Gila County Policy</b> <b>DISCLOSURE OF CONFLICT OF INTEREST</b>	<b>Policy Number: BOS-HRS-007</b>	<b>Page</b>
	<b>Adopted by BOS 12-13-2005</b> <b>(Former Number: BOS-4-2005)</b> <b>Revised: 08-20-2012,</b> <b>01-22-2013</b>	<b>1 of 1</b>

**I. PURPOSE:**

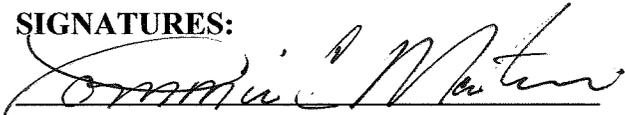
The purpose of this policy is to ensure compliance with A.R.S. § 38-501 through §38-511. It is designed to preserve and promote the integrity of the workplace throughout Gila County.

**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 if needed a Conflict of Interest Statement and submit it to the Human Resources Department, which is the official keeper of records for County personnel. Employee includes all persons employed on a full-time, part-time, and contract basis.

**SIGNATURES:**

  
 CHAIRMAN, BOARD OF SUPERVISORS

January 22, 2013  
 DATE

+ See attached administrative procedures.

## GILA COUNTY DISCLOSURE OF CONFLICT OF INTEREST PROCEDURES

### I. DEFINITIONS:

#### A. Relative

Relative means 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 specifically means any pecuniary (monetary) or proprietary (ownership) interest, either direct or indirect, other than 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 interest means:

- (a) That of a nonsalaried officer of a nonprofit corporation.
- (b) That of a landlord or tenant of the contracting party.
- (c) That of an attorney of a contracting party.
- (d) That of a member of a nonprofit cooperative marketing association.
- (e) The 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 officer or employee and any other payments made to him by the corporation do not exceed five percent of his total annual income.
- (f) That of a public officer or employee in being reimbursed for his actual and necessary expenses incurred in the performance of official duty.

(g) That of 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 is a public officer or employee, on the same terms and conditions as if he were not an officer or employee.

(h) That of a public school board member when the relative involved is not a dependent, as defined in section 43-1001, or spouse.

(i) That of a public officer or employee, or that of a relative of a public officer or employee, unless the contract or decision involved would confer a direct economic benefit or detriment upon the officer, employee or his relative, of any of the following:

(i) Another political subdivision.

(ii) A public agency of another political subdivision.

(iii) A public agency except if it is the same government entity.

(j) That of 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.

D. Other pertinent definitions can be found in A.R.S. § 38-502.

## 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, part-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 Human Resources Department; 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 Human Resources Department.**

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 Human Resources Department:

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:

**RELATIVE** means, 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.

**REMOTE INTEREST** means:

- (a) That of a nonsalaried officer of a nonprofit corporation.
- (b) That of a landlord or tenant of the contracting party.
- (c) That of an attorney or a contracting party.
- (d) That of a member of a nonprofit cooperative marketing association

- (e) The 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 officer or employee and any other payments made to him by the corporation do not exceed five percent of his total annual income.
- (f) That of a public officer or employee in being reimbursed for his actual and necessary expenses incurred in the performance of official duty.
- (g) That of 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 is a public officer or employee, on the same terms and conditions as if he were not an officer or employee.
- (h) That of a public school board member when the relative involved is not a dependent, as defined in section 43-1001, or a spouse.
- (i) That of a public officer or employee, or that of a relative of a public officer or employee, unless the contract or decision involved would confer a direct economic benefit or detriment upon the officer, employee or his relative, of any of the following:
  - (i) Another political subdivision.
  - (ii) A public agency of another political subdivision.
  - (iii) A public agency except if it is the same government entity.
- (j) That of 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.

**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 Human Resources Department 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby file this **Conflict of Interest Statement** with the Human Resources Department 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:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**RELATIVE** means, 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 Human Resources Department 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