

CONFLICT OF INTEREST POLICY

Resolution Number 2021-1490

Effective 12/28/2021

This Conflict-of-Interest Policy governs the activities of the Board of Commissioners, Appointed Officials, Elected Officials and staff of Atchison County. It is the duty of all members of the Board of Commissioners, Appointed Officials, Elected Officials and staff to be aware of this policy, and to identify conflicts of interest and situations that may result in the appearance of a conflict and to disclose those situations/conflicts/or potential conflicts to (i) the employee's supervisor in the case of staff members (ii) the Chair of the Board of Commissioners if an appointed official, elected official or member of the Board of Commissioners or other designated person, as appropriate. This policy provides guidelines for identifying conflicts, disclosing conflicts and procedures to be followed to assist Atchison County to manage conflicts of interest and situations that may result in the appearance of a conflict.

Definitions:

Apparent Conflict of Interest: One in which a reasonable person would think that the decision-maker's judgment is likely to be compromised.

Closely Associated With: In a close relationship or position in time or space.

Conflict of Interest: A situation in which financial or other personal considerations have the potential to compromise or bias professional judgment and objectivity.

Employee: A person who works for another in return for financial or other compensation.

Family Member: Two or more people related by marriage, blood, or adoption.

Financial Interest: Any financial interest in or relationship or prospective relationship with an entity, including, but not limited to, ownership of stocks, bonds, partnerships or other equity interests, rights to patent or lease payments, receipt of consulting fees, salary, loans, gifts, compensation for serving on boards of directors, or other forms of remuneration.

Personal Interest: To one person's interest or advantage. The pursuit of one's interest. Self-interest.

Position of Authority: One with a position of power, influence and authority over another.

Potential Conflict of Interest: A situation that may develop into a conflict of interest.

1. What is a conflict of interest? A conflict of interest arises when a board member, appointed official, elected official or staff member has a personal interest that conflicts with the interests of Atchison County or arises in situations where a board member/appointed official/elected official/staff member has divided loyalties (also known as a "duality of interest"). The former can result in situations that result in inappropriate financial gain to employees and persons in authority at Atchison County. Similarly, situations or transactions arising out of a conflict of

interest can result in either inappropriate financial gain or the appearance of a lack of integrity in Atchison County's decision-making process. Both results are damaging to Atchison County and are to be avoided.

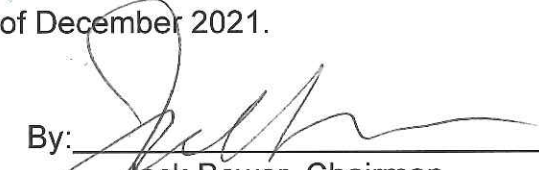
- Example #1: an employee or person in a position of authority may benefit financially from a transaction between Atchison County or an applicant for permits or other special consideration by Atchison County, and the board/appointed official/elected official/staff member; or others closely associated with the board/appointed official/elected official/staff member may be affected financially. Family members, or their businesses, or other persons or the businesses of persons with whom the board/appointed official/elected official/staff member is closely associated, could benefit from similar transactions.
 - Example #2: A conflict of interest could be a direct or indirect financial interest such as those described above, or a personal interest such as the situation where a board member/appointed official/elected official of Atchison County is also a board member of another nonprofit or for-profit entity in the community with which Atchison County collaborates or conducts business.
2. Who might be affected by this policy? Atchison County takes a broad view of conflicts and board member/appointed officials/elected officials and staff members are urged to think of how a situation/transaction would appear to outside parties when identifying conflicts or possible conflicts of interest.
 3. Disclosure of Conflicts: Board members, appointed official, elected official and staff shall disclose conflicts as they arise as well as to disclose those situations that are evolving that may result in a conflict of interest. Advance disclosure must occur so that a determination may be made as to the appropriate plan of action to manage the conflict. Staff should disclose to their supervisor: appointed officials and elected officials should disclose to the Board of Commissioners as soon as the person with the conflict is aware of the conflict/potential conflict or appearance of a conflict exists. Board of Commission members should report conflicts or potential conflicts to the Chair of the Board of Commissioners. The Chair of the Board of Commissioners should report conflict to the Board of Commissioners and County Attorney.
 4. Procedures to manage conflicts. For each interest disclosed, the full board should determine whether the board should: (a) take no action or (b) disclose the situation more broadly and invite discussion/resolution by the full board of what action to take, or (c) refrain from taking action and otherwise avoid the conflict. In most cases the broadest disclosure possible is advisable so that decision-makers can make informed decisions that are in the best interest of the organization.
 - When the conflict involves a decision-maker, the person with the conflict ("interested party"); (i) must fully disclose the conflict to all other decision-makers; (ii) may not be involved in the decision of what action to take (e.g. may not participate in a vote).

- In some cases, the person with conflict may be asked to recuse him/herself from sensitive discussions so as not to unduly influence the discussion of the conflict.
- In all cases, decisions will be made only by the persons without an identifiable conflict of interest.
- The fact that a conflict was managed and the outcome will be documented in the minutes of board meetings if the conflict was related to a board member/appointed official/elected official or staff member.
- All appointed officials and elected officials should monitor proposed or ongoing transactions of Atchison County or employees and staff (e.g. contracts with vendors and collaborations with third parties) for conflicts of interest and disclose them to the Board of Commissioners, as appropriate, whether discovered before or after the transaction occurred.


Allowances and Exceptions:

- I. County employees shall be permitted to participate as buyers in competitive sales of surplus property as any other member of the public.
- II. Exceptions: Exceptions not defined within this policy shall be evaluated by the Board of Commissioners on an individual basis.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Atchison County, Kansas, this 28th day of December 2021.

By: 
 Jack Bower, Chairman

By: 
 Eric Noll, Commissioner

By: 
 Casey Quinn, Commissioner

ATTEST:


 Michelle Phillips, Atchison County Clerk

