Policy 3041 Conflict of Interest

Version: 2.0
Effective Date: MM/DD/2023
Board or Administrative: Board

Policy Statement

It is the policy of Dakota County to establish rules and standards to ~~To~~ maintain public confidence in County government, County employees carry out official duties in a manner which avoids both actual conflicts of interest and the appearance of conflicts of interest. To this end, employees regularly monitor their own conduct to be alert to the possibility of actual or apparent conflicts of interest. When an actual or apparent conflict of interest is presented, appropriate steps are taken to eliminate it. When in doubt as to whether a conflict of interest exists, County employees err on the side of assuming that a conflict exists.

Definitions

- Conflict of Interest: Situation where an individual has a direct personal, material or financial interest in the outcome of an action or decision.
- Financial Interest: An opportunity to influence one's level of compensation from, or rate of return on an investment in an organization.
- Gift: Money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, that is given and received without the giver receiving consideration of equal or greater value in return.
- Interested Person: A person, or representative of a person or association, that has a direct financial interest in a decision that a County employee is authorized to make.
- Nominal Value: Insignificant or trifling value; value in name only; not having a market or retail value. A retail value of $10 or less is deemed to be insignificant. Meals furnished directly for consumption are deemed to have no retail value.
- Organization: Any organization in which the officer, employee or agent or the immediate family thereof has a financial interest or is negotiating with or has an arrangement concerning prospective employment.
- Private Data: Government data which is classified by state or federal law or temporary classification as private, confidential, nonpublic or protected~~.~~ nonpublic.

- Local Official: As used in this policy, a ~~N~~non-elected County employee whose job duties include making recommendations or decisions that have or could have a financial impact on another person, association or entity.
- Lobbyist: An individual as defined at Minn. Stat. § 10A.01, subd. 21.
- Principal: An individual or association as defined at Minn. Stat § 10A.01, subd. 33.

Source

Minn. Stat. §382.18 prohibiting interest in contracts
Minn. Stat. §10A.07 regulating conflict of interest
Minn. Stat. §10A.071, prohibiting the receiving and giving of certain gifts
Circular No. A-110 (Revised September 30, 1999)
Minn. R. 4501.0400

General

County employees use the listed principles as guides to ascertain~~ing~~ the existence of conflicts of interest and to take~~ing~~ steps to eliminate them. These principles are not intended to be absolute or all-inclusive rules but are meant to be applied with reference to achieving the overall purpose of this policy.

County employees have the responsibility to monitor their own conduct for compliance with this policy. Supervisors have the responsibility to deal appropriately with policy violations of those they supervise. Supervisors must consult with their ~~superior~~ department director or division director prior to taking any corrective action.

Principles:

1. County employees remove themselves from situations in which they would have to take an action or make a decision where they have an actual conflict of interest.
2. County employees do not use private data acquired as a result of ~~official~~ their work responsibilities and job duties to further their private interests.
3. County employees do not accept compensation, gifts, rewards, gratuities, favors or promises of future employment from any source except the County for any activities which constitute their ~~official~~ work responsibilities and job duties, except for items of nominal value; plaques or similar mementos; reimbursement of travel, meals, or other expenses not reimbursed by the County; and honorariums or expenses paid for papers, talks, demonstrations, or appearances made on their own time for which there is no County compensation.
4. County employees do not accept other employment or contractual relationships that will affect their independence of judgment in the exercise of ~~official~~ work responsibilities and job duties.

5. County employees must utilize accrued leave time for time spent during normal work hours providing professional consulting services to outside organizations for which compensation is received from the outside organization.
6. County employees providing professional consulting services to Dakota County government shall not accept compensation other than their regular County compensation and shall not be required to utilize leave time for such consulting time.
7. County employees who are local officials do not accept gifts, rewards, gratuities, favors or promises of future employment from any interested person, except as permitted by Minn. Stat. § 471.895, subd.3.
8. County employees who have been designated by resolution of the county board as local officials pursuant to Minn R. 4501.0400 do not accept gifts from lobbyists or principals, except as permitted by Minn. Stat. § 10A.071, subd. 3.
9. County employees do not use or attempt to use their official position to secure benefits or privileges for themselves or their families, friends or acquaintances which are different from those available to the general public.
10. County employees comply with the conflict of interest provisions of Minn. Stat. §10A.07, 10A.071, 382.18 and 471.895.
11. County employees may not participate in the award of a contract which uses federal funds where their immediate family or organization has a financial interest.
12. County employees may not engage in the awarding or administration of County contracts supported by federal funds if a conflict of interest or apparent conflict of interest would ~~be involved~~result. A conflict ~~would be involved~~occurs if an employee or members of the employee's immediate family, partners, or organization which employs or is about to employ such employee, family members, partners or organizations has a financial or other interest in the firm which has been selected for a County contract award.

County employees engaged in the awarding or administration of County contracts which use federal funds may not accept gratuities, favors or anything of value from federally funded contractors or potential contractors.

Procedures

Procedures will be maintained by the Employee Relations Department

History

Version	Revision Date
1.0	

Version	Revision Date
2.0	XX/XX/2023

Related Policies

- None

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Approval

Resolution No. and Date