

**WINFIELD TOWNSHIP**  
**CONFLICTS OF INTEREST POLICY**

The duty of a public servant is to represent the best interests of the Township, and to serve the Township with the highest degree of loyalty. This standard is at the heart of any ethics ordinance or policy. The absence of an easily understood standard regarding conflicts of interest diminishes the effectiveness of an ethics ordinance or policy, and ignores the primary reason for having one. The fundamental concept is that a public official is not to exploit their position of power in self-serving ways.

Thus, it is the intent of this policy that a public servant, regardless of whether specifically prohibited by this policy, shall avoid any action which might result in, or create the appearance of:

1. Using public office or employment for private gain.
2. Giving improper preferential treatment to any person or organization.
3. Impeding government efficiency or economy.
4. A lack of independence or impartiality of action.
5. Making a government decision outside of official channels.
6. Affecting adversely the confidence of the public in the integrity of the local government.

It is not the intent of this policy to limit the right or ability of a public servant to exercise his or her discretion in making legitimate policy decisions which are within their area of authority so long as such action does not provide a special benefit to that person, relieve the public servant of a particular duty, or treat a person differently than other similarly situated residents.

The Township Board is principally responsible to determine if elected officials, employees or appointees have a direct or indirect involvement in transactions which may not be in the Township's best interest. In furtherance of this effort, it is desirable to obtain written affirmation from all employees and officials concerning potential conflicts of interest.

The following employees and officials are considered key unclassified employees, elected officials (\* = Elected Officials) and appointees (**Bold**) for the purposes of this policy:

- Township Board: Supervisor\*, Clerk\*, Treasurer\*, remaining Township Trustees\*
- **Deputy Clerk** and **Deputy Treasurer**
- **Zoning Administrator/Planning Director**
- General Government: Township Assessor
- Public Safety: **Fire Chief**
- Board of Review (BOR): **BOR Appointees**
- Planning Commission (PC): **PC Appointees**
- Zoning Board of Appeals (ZBA): **ZBA Appointees**

Each of the above-listed employees and officials shall sign this policy, with any relevant disclosures, upon employment or upon assuming office or as otherwise set forth herein. The signed copy is treated as confirmation that the individual is familiar with and understands the policy and will follow the policy for the term of that individual's service with the Township. In

addition, Township appointees will sign the policy as a part of the resume needed for consideration to the appointed position.

In addition, a copy of the policy will be sent to all the above-listed individuals by the end of January of each year as a reminder of the provisions of the policy and to provide individuals an annual opportunity to disclose conflicts. If a conflict of interest should develop at any time, a statement outlining the details should be filed with the Township Board within 10 days of the individual becoming aware of the same. After reporting the potential conflict of interest, the person should take no further action with regard to the subject of the conflict unless approval is received from the Township Board or for other improper purposes as set out herein:

## **CONFLICT OF INTEREST STATEMENT**

The Township respects the right of its employees and officials in their endeavors outside the Township that are private in nature and which do not conflict with their obligations to the Township. The Township expects that no employee or official would ever use that person's position with the Township for personal gain.

### **Personal interests**

The existence of a private business relationship between a public official and the Township presents the opportunity for real or perceived abuse of public office. To protect the interests of all, the relationship should either be avoided, or should be fully and publicly disclosed. Without limiting the foregoing, the follow actions should be avoided:

- (1) A public servant shall not engage in any act or business transaction which may cause him or her, or his or her immediate family or business that he or she is associated with, to derive a personal profit or gain directly or indirectly as a result of his or her official position or authority or omission in the discharge of his or her official duties or to otherwise act in an official capacity on matters in which he or she has a private financial interest separate and distinct in nature from that of the general public.
- (2) A public servant shall not speculate or deal in equipment, supplies, materials, or property purchased by or sold to the Township.
- (3) A public servant shall not hold a substantial financial interest in a firm which provides services or supplies, materials or equipment to the Township, excluding situations where, after reporting the conflict, 1) the contract for services or supplies, materials, or equipment is awarded pursuant to sealed bids, 2) the public servant is not involved, directly or indirectly, with making the decision on the award of the contract, and 3) the Township Board determines, after reviewing the circumstances, that the award of the contract would be in the best interests of the Township.

### **Personal conduct**

Without limiting other provisions of this policy, and to avoid any misunderstanding in Township dealings, the following restrictions apply to all employees and officials of the Township:

- (1) Each person must avoid incurring any kind of financial or personal obligation with outside firms or individuals that might affect his or her judgment on behalf of the Township. Each person must examine his or her own activities and those of his or her family to ensure that no condition exists that creates a potential conflict of interest situation with respect to transactions with the Township.
- (2) Each person must avoid accepting gifts or favors for himself or herself or for any members of his or her family, or entertainment or other personal obligations, from an outside organization or individual (excluding family members) which are substantial enough to be likely to influence an ordinary person in the selection of goods, services or actions taken for the Township. This does not apply to acceptance of perishable or consumable gifts of nominal value, but care must be exercised to ensure that continuation of such matters does not gradually develop into an obligation. For purposes of this statement, any gift, favor, entertainment, or other personal obligation, valued at over \$25, or any aggregation of such gifts valued in excess of \$100 within a 12-month period, shall be deemed substantial and shall require the application of this policy. In the case of gifts that are of substantial nature, these should be returned to the donor with the explanation that Township policy does not permit the acceptance of the gift.
- (3) Each person must avoid the misuse of information to which the individual has access by reason of his or her position with the Township, such as the unauthorized disclosure of confidential information to competitors or other outside business, such that either the individual or the recipient of the information is likely to receive a financial benefit thereby, or the Township will be detrimentally affected thereby.
- (4) Where there is any question about a conflict of interest with regard to one of the above listed circumstances, or any other area, and even though the individual may feel that it does not exist in actuality, the particular situation must be disclosed in writing and filed with the Township Board consistent with this policy.

### **Prohibited conflicts**

Additional practices to be avoided include, but are not limited to:

- (1) A public servant shall not make a loan of public funds, grant a subsidy, fix a rate, issue a license, permit or approval, or otherwise regulate, supervise or participate in a decision that pertains to an entity in which the public servant, or a member of his or her immediate family, has an ownership or financial or personal interest.
- (2) A public servant shall not represent his or her individual personal opinion as that of the Township.
- (3) A public servant shall not solicit, demand, accept, or agree to accept from another person, a gratuity, favor, payment, or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, rendering of advice, or any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter.

- (4) No public servant shall request, use or permit the use of any consideration, treatment, advantage or favor beyond that which is the general practice to grant or make available to the public at large. All public servants shall treat all citizens of the Township with courtesy, impartiality, fairness and equality under the law.

## **Interpretation**

For the purpose of this policy, whenever an individual is asked to review their actions for possible conflicts of interest, the wording used shall be deemed to mean that the individual must review and disclose the conflicts of interest involving himself or herself and any of the following groups whether such groups are specifically referred to herein or not. Those groups are:

- a. His or her family.
- b. Any organization of which he or she or members of his or her family are an officer, director, or either directly or indirectly, a stockholder or partner.
- c. Any trust or estate in which he or she or members of his or her family have a beneficial interest or for which they act in a fiduciary capacity.

For purposes of this policy, family shall be defined to include one's spouse, parents, brothers, sisters, children, spouses of brothers, sisters, and children, and one's spouse's parents, brothers and sisters. However, employees and officials are considered responsible for knowing (and reporting) all potential conflict of interest situations of only their spouse and family members they constructively control (e.g., minor children). Employees and officials are not required to affirmatively research the financial backgrounds of members of their families beyond their spouses and those whom they constructively control.

## **Disclosure procedure**

If a government is to be transparent and accountable, the public must know of real and potential conflicts of interest. The general public, and those within the Township, are entitled to know about the relationships and circumstances which might influence a public servant's performance of duty, and which might diminish an official's independence and objectivity. Public disclosure makes it possible to evaluate the potential effects of these interests upon the public official, and to prohibit participation in decision making, where appropriate, in the public interest. Questions about which information, how much, and when to disclose it should be resolved in favor of full and timely public disclosure.

- (1) A public servant shall not engage in business with the Township, directly or indirectly, or have any financial or personal interest in any business transaction with the Township without filing a complete written disclosure statement for each business activity, prior to engaging in the activity, and on an annual basis.
- (2) A public servant shall not participate, as an agent or representative of the Township, in approving, disapproving, voting upon, abstaining from voting, recommending, deliberating, or otherwise acting upon any matter in which he or she or a relative has

a direct or indirect financial interest without disclosing the full nature and extent of their interest and acting only in accordance with this policy.

ACKNOWLEDGMENT

I have read and understand this Conflict of Interest Statement set forth above. There are no present or potential future conflicts of interest other than those listed below. I have and will continue to observe this policy carefully. If in the future, circumstances warrant a disclosure of a conflict of interest or potential conflict of interest situation, I will submit an amended Statement within 10 days of my knowledge of the situation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name Here

\_\_\_\_\_  
Position Title

DISCLOSURES: Indicate "None" if applicable; otherwise please give a brief description of the conflict or potential conflict including (A) the identity of all persons involved in the interest and (B) the source and amount of income or benefit, direct or indirectly derived from the interest that may be considered as resulting from the employment, investment or gift.

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