

# Development Authority of the North Country

**Subject: Conflict of Interest Policy**  
**Adopted: October 22, 2015**  
**Resolution: 2015-10-101**



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## CONFLICT OF INTEREST POLICY

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## **SECTION 1.0 INTRODUCTION**

- 1.1. This is the Conflict of Interest Policy (“Policy”) of the Development Authority of the North Country (“Authority”). The Policy supplements, but does not replace, any applicable state and federal laws governing conflicts of interest applicable to all public authorities. Board Members and employees (which, for purposes of this Policy, shall include Authority Officers) shall be provided with this Policy upon the commencement of appointment or employment and shall confirm receipt in writing. Board Members and employees should review all circumstances which constitute an actual conflict of interest or the appearance of a conflict of interest, abide by this Policy and seek guidance when necessary or appropriate.

## **SECTION 2.0 CONFLICT OF INTEREST (DEFINED)**

- 2.1. A conflict of interest is a situation in which the financial, familial, or personal interests of a Board Member or employee come into actual or perceived conflict with their duties and responsibilities with the Authority. A perceived conflict of interest is a situation where there is an appearance that a Board Member or employee can personally benefit from actions or decisions made in their official capacity, or where a Board Member or employee may be influenced to act in a manner that does not represent the best interests of the Authority. The perception of a conflict may occur if circumstances would suggest to a reasonable person that a Board Member or an employee may have a conflict. The appearance of a conflict of interest and an actual conflict of interest are treated in the same manner for the purposes of this Policy. Board Members and employees must conduct themselves at all times in a manner that avoids any appearance that they can be improperly or unduly influenced, that they could be affected by the position of or relationship with any other party, or that they are acting in violation of their public trust.

## **SECTION 3.0 CONFLICT OF INTEREST (EXAMPLES)**

- 3.1. While it is not possible to describe or anticipate all circumstances that might involve a conflict of interest, a conflict of interest typically arises when a Board Member or employee has (or will have):
- A financial or personal interest in any person, firm, corporation or association which has (or will have) a transaction, agreement or any other arrangement in which the Authority participates.
  - The ability to use their position, confidential information or the assets of the Authority, to their personal advantage.
  - Solicited or accepted a gift of any amount under circumstances in which it could reasonably be inferred that the gift was intended to influence them, or could reasonably be expected to influence them, in the performance of their official duties or was intended as a reward for any action on their part.
  - Any other circumstance that may or appear to make it difficult for the Board Member or the employee to exercise independent judgment and properly exercise their official duties.

## **SECTION 4.0 OUTSIDE EMPLOYMENT BY AUTHORITY EMPLOYEES**

- 4.1. No employee of the Authority may engage in outside employment if such employment interferes with their ability to properly exercise their official duties with the Authority.

## **SECTION 5.0 PROCEDURES**

- 5.1. **DUTY TO DISCLOSE A CONFLICT OF INTEREST:** All material facts related to the conflict of interest (including the nature of the interest and information about the conflicting transaction) shall be disclosed

in good faith and in writing to the Governance Committee and/or to the Ethics Officer. Such written disclosure shall be made part of the official record of the proceedings of the Authority.

- 5.2. **DETERMINING WHETHER A CONFLICT OF INTEREST EXISTS:** The Governance Committee and/or the Ethics Officer shall advise the individual who appears to have a conflict of interest how to proceed. The Governance Committee and/or the Ethics Officer should seek guidance from counsel or New York State agencies, such as the Authorities Budget Office, State Inspector General or the Joint Commission on Public Ethics (JCOPE) when dealing with cases where they are unsure of what to do.
- 5.3. **RECUSAL AND ABSTENSION FROM AUTHORITY MATTERS:** No Board Member or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting, when they know or have reason to know that the action could confer a direct or indirect financial or material benefit on them, a relative, or any organization in which they are deemed to have an interest. Board Members and employees must recuse themselves from deliberations, votes, or internal discussion on matters relating to any organization, entity or individual where their impartiality in the deliberation or vote might be reasonably questioned, and are prohibited from attempting to influence other Board Members or employees in the deliberation and voting on the matter.
- 5.4. **RECORDS OF CONFLICTS OF INTEREST:** The minutes of the Authority's meetings during which a perceived or actual conflict of interest is disclosed or discussed shall reflect the name of the interested person, the nature of the conflict of interest, and a description of how the conflict of interest was resolved.
- 5.5. **REPORTING VIOLATIONS OF THE POLICY:** Board Members and employees should promptly report any violations of this Policy to their supervisor, or to the Authority's Ethics Officer, General Counsel or human resources representative in accordance with the Authority's Whistleblower Policy and Procedures.
- 5.6. **PENALTIES:** Any Board Member or employee who fails to comply with this Policy may be penalized in the manner provided for in law, rules or regulations.

**SECTION 6.0 WRITTEN CONFIRMATION OF RECEIPT**

6.1 Each Board Member and employee of the Authority shall be required to sign confirmation of their review and receipt of the Authority's Conflict of Interest Policy upon the commencement of their appointment or employment and upon Policy revision as follows: I hereby confirm that I have reviewed and received a copy of the Conflict of Interest Policy of the Development Authority of the North Country.

Date: \_\_\_\_\_ Name: \_\_\_\_\_ Title: \_\_\_\_\_

**SECTION 7.0 RECORD OF REVISION**

Revision Date	Resolution #
October 22, 2015	2015-10-101
August 6, 2024	Document reformatted