

CONFLICT OF INTEREST POLICY

I. PURPOSE

The purpose of this conflict of interest policy is to protect the interest of the Village of Fife Lake when it is contemplating entering into a contract or other arrangements that could benefit the private interest of an officer, director, employee, committee member, and any board or committee subordinate to the Village of Fife Lake. The policy is intended to be consistent with the Michigan Public Entity Conflict of Interest Law found at MCL 15.321 et seq.

II. CONFLICTS OF INTEREST

A conflict of interest is any interest competing with adverse to you primary duty of loyalty to the public interest. A competing interest may be a personal interest, or it may be a duty or loyalty one owes to a third party. In either case, there is a "conflict" if the competing interest impairs the ability to decide a public question objectively and independently. Not all conflicts are impermissible.

More conflicts of interest which are to be avoided are direct conflicts, that is, conflicts where there is a personal or pecuniary interest in the outcome of a decision. These are the easiest to deal with.

III. DEFINITIONS

- A. Public Servant: A public servant of the Village of Fife Lake shall mean any current trustee, officer, member of committee with board delegated powers, or employee.
- B. Financial Interest: A public servant has a "Financial Interest" in a contract if the contract is between the Village of Fife Lake and any of the following:
 - 1. The public servant, him or herself, or immediate family including spouse, child, parents, in-laws, siblings, and domestic partners of the public servant.
 - 2. Any firm, meaning a co-partnership or other unincorporated association, of which the public servant or his/her family is a partner, member, or employee.
 - 3. Any private corporation in which the public servant or their family is a stockholder owning more than 1% of the total outstanding stock or any class if the stock is not listed on the stock exchange, or with a present total market value in excess of \$25,000 if the stock is listed on

the stock exchange, or of which the public servant or his family is a director, officer, or employee.

4. Any trust of which the public servant or their family is a beneficiary or a trustee.
- C. Child: "Child" shall mean a natural, adoptive, foster, or step child.

IV. PROCEDURE

- A. Prohibited Conduct: When a public servant has a Financial Interest in a contract or other arrangement with the Village of Fife Lake, a public servant shall not
1. Take any part in the negotiations for the contract, or the negotiations or amendment of the contract, or the approval of the contract
 2. Public servant cannot represent either party in the transaction.
- B. Duty to Disclose: When a public servant may have a Financial Interest in a contract or other agreement with the Village of Fife Lake, the public servant must disclose the existence of their Financial Interest as a matter of record in the Village of Fife Lake's official proceedings in advance of the Village of Fife Lake Council voting to approve the contract. The disclosure shall be made in one of two ways.
1. Discloser in writing to the President of the Village of Fife Lake (or if the Village President is a public servant who is a party to the contract, to the President pro tem), the Financial Interest in the contract at least seven days prior to the meeting at which the disclosure is made. The disclosure shall be made public in the same manner as a public meeting notice.
 2. Disclose the Financial Interest at a public meeting of the Village of Fife Lake Council. The vote either approving or disapproving the contract shall be taken at a meeting of the Village of Fife Lake council Held at least seven days after the meeting at which the disclosure is made. If the Financial Interest to the public servant is more than \$5,000 in value, disclosure must be made as provided under the subparagraph above.
- C. Procedures for Consideration of a contract where a Public Servant has a Financial Interest:
1. The public servant may not be involved in any official presentation to the Village of Fife Lake Council or any committee of the Village of Fife Lake.

2. The contract must be approved by a vote of not less than 2/3 of the total number of trustees (and not just 2/3 of a quorum) in an open session.
 3. The public servant with Financial Interest shall not vote.
 4. The minutes at the meeting of the Village of Fife Lake Council must contain the following information:
 - a. The name of the public servant involved in the contract.
 - b. The terms of the contract; including, duration, financial terms, facilities or service of the public entity included in the contract, and the nature and degree of the assignment of employees of the public entity for fulfillment of the contract.
 - c. The nature of any Financial Interest by a public servant.
- D. Violation of the Conflict of Interest Policy:
1. If the Village of Fife Lake Council has reasonable cause to believe that a public servant has failed to disclose actual or possible conflicts of interest, it shall inform the public servant of the basis for such belief and afford the public servant the opportunity to explain.
 2. If, after hearing the response of the public servant and making any further investigation that may be warranted, the Council determines that the public servant has in fact failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

V. ANNUAL STATEMENTS

- A. Each public servant shall sign a statement, on an annual basis, which affirms that such public servant:
1. Has received a copy of the policy.
 2. Has read and understands the policy.
 3. Discloses any ownership interest that it may have with any entity that is involved in a contract with the Village of Fife Lake or reasonably anticipates may be involved in a contract with the Village of Fife Lake in the future.

Adopted on 9/15/15

CODE OF ETHICS

It is the obligation of the Village of Fife Lake Council to serve the public interest through open deliberation and decision making. To achieve a high level of integrity, ethics is the foundation for the conduct of the Village of Fife Lake Council. The Village of Fife Lake Council endorses and follows this code of ethics:

1. Recognizes the primary role of the Village of Fife Lake Council at all times is to serve the past present, and future public interest.
2. Continuously Strives to achieve high standards of integrity and professionalism so that the publics respect for the Village of Fife Lake Council is maintained.
3. Abstain from all discussion and decisions in which there is a conflict of interest. Refuse any personal gift, tangible or intangible that influences decisions or actions.
4. Continually strive to keep the public informed on the Village of Fife Lake Council issues, encourage communication between citizens and elected and appointed officials, and emphasize at all times friendly, courteous and professional service to the public.
5. Be aware of, and give special attention to, the long and short range impacts and inter-relatedness of Council Decisions.
6. Endeavor to protect and enhance the natural environment and quality of life through careful and thoughtful decision making, advice and recommendations.
7. Make it a duty to share, advance, and contribute to the body of the Council knowledge through education, information, and advocacy.
8. Avoid any act or decision that would tend to promote individual or special interests at the expense and/or dignity of the Council.
9. Strive to utilize professional staff and other resources to achieve the most desirable results with regards the Council process.
10. Support and defend the laws and the Constitution of the United States of America and State of Michigan.

Adopted on: 9/14/15

NON-COLLUSION DECLARATION
(Title 23 United States Code Section 112 and
Public Contract Code Section 7106) **To the**
VILLAGE OF FIFE LAKE

The undersigned declares:

I am the _____, of _____ the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true.

The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or Village of Fife Lake Council or employees (see attached schedule A) of the Village of Fife Lake, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of Michigan that the foregoing is true and correct and that this declaration is executed on _____ at (city), _____ (state).

(Signature and Date)

Company/Bidder Name

Address

Phone

Email/Website

FAMILIAL RELATIONSHIP DISCLOSURE

(MUST return completed and notarized with bid)

Pursuant to MCL 380.1267, a sworn and notarized statement disclosing any familial relationship that exists between the owner or any employee of the bidder and any member of Village of Fife Lake Council, Treasurer, Clerk or Staff must be accompanied with the bid. Failure to return this notarized statement/signature with the bid will result in bid disqualification. The members of Village of Fife Lake Council, Treasurer, Clerk and Staff are listed on attached on schedule A.

The following are the familial relationship(s):

Owner/Employee Name	Related to:	Relationship
1.		
2.		
3.		
4.		
5.	Attach additional pages if necessary to disclose all familial relationships.	

☐ There is no familial relationship that exists between the owner or any employee of the bidder and any member of the Village of Fife Lake Council, Treasurer, Clerk or Staff.

The undersigned, the owner or authorized representative of bidder (insert name)
Does hereby Represent and warrant that the disclosure statements herein
Contained are true.

Print Name Signature of Bidder Representative

Title

STATE OF MICHIGAN
) ss
C O U N T Y O F

This instrument was acknowledged before me on the _____ day of
By

Notary Public

County, Michigan

My commission expires:

Adopted on 02/24/16

Acting in the County of:

Adopted on 02/24/16