

RESOLUTION NO. 058 - 2022

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, RELATING TO CONFLICT OF INTEREST AND POLICIES AND PROCEDURES FOR FEDERAL PROCUREMENT

WHEREAS, the Board of County Commissioners of Sedgwick County, Kansas ("County"), has prepared and published policies and procedures for certain Division of Finance functions; and

WHEREAS, the County has discovered the need for an additional policy related to conflicts of interest for procurement, including employment, due to Federal Uniform Guidance; and

WHEREAS, the Board of County Commissioners has the authority to establish procurement procedures pursuant to K.S.A. 19-101 and K.S.A. 19-212.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that:

SECTION 1. The following policy is hereby adopted:

Policy No.2.404— *Conflict of Interest* (attached as Exhibit A)

SECTION 2. This resolution takes effect upon adoption.

Commissioners present and voting were:

PETER F. MEITZNER
SARAH LOPEZ
DAVID T. DENNIS
LACEY D. CRUSE
JAMES M. HOWELL

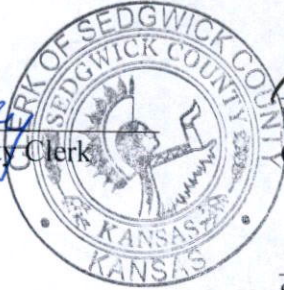
Aye
Aye
Aye
Aye
Aye

Dated this 23rd day of March, 2022.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

Kelly B. Arnold
KELLY B. ARNOLD, County Clerk



David T. Dennis
DAVID T. DENNIS, Chairman
Commissioner, Third District

Sarah Lopez
SARAH LOPEZ, Chair Pro Tem
Commissioner, Second District

Peter F. Meitzner
PETER F. MEITZNER
Commissioner, First District

Lacey D. Cruse
LACEY D. CRUSE
Commissioner, Fourth District

James M. Howell
JAMES M. HOWELL
Commissioner, Fifth District


APPROVED AS TO FORM:

Michael D. Pepon
MICHAEL D. PEPOON
County Counselor

EXHIBIT

tabbies®

A

 <p>Sedgwick County... working for you</p>	<p>Conflict of Interest Policy</p> <p><i>Adopted:</i></p>
<p>Adopted:</p>	<p>Policy No. 2.404</p>
<p>Enabling Resolution:</p>	<p>Developer/Reviewer:</p> <p>Finance</p>

1. Purpose

This policy details the expectations of Sedgwick County elected officials and officers (also collectively "County public officials"), and employees as pertaining to federal procurement procedures, including the American Rescue Plan Act ("ARPA"). County elected officials, employees and officers shall avoid, at all times, conflicts, or even the appearance of such conflicts, between their personal interests and those of the public at large. To prevent the incidence or appearance of such conflicts, this policy provides guidance for conduct, compliance, discipline and penalties applicable to County elected officials and employees.

2. Scope

This policy applies to all County employees and public officials engaged in the selection, award and administration of contracts and hiring decisions. Whenever the provisions of this policy are in conflict with Kansas statutes or the federal Uniform Guidance (applicable to federal funding received by the County), the provisions of the Kansas statutes and/or federal regulations shall supersede this policy.

- A. All County employees and public officials shall comply with Kansas law, specifically K.S.A. 75-4301a, *et seq.*, and federal law, specifically 2 CFR § 200.318.
- B. Provisions set forth in this policy apply to all procurements, including, but not limited to any award or disbursement of County funds to subrecipients who may provide services to support County operations or to residents on behalf of the County.
- C. No employee or public official of the County may participate in the selection, award, or administration of a contract supported by a Federal award if such employee or official has an actual or apparent conflict of interest. No employee or elected official shall knowingly allow an agent of the County or such employee's or elected official's immediate family member violate the conflict of interest provisions of this policy.

- D. A conflict of interest includes any circumstance under which a public official or employee of the County has a direct or indirect personal interest, other than the diligent performance of their official duties, in the result or outcome of any government action for which the official or employee has, in whole or in part, any discretionary authority or responsibility. A direct personal interest includes receiving a specific, tangible benefit from the contract outside that of a private citizen. Such conflict is not limited to financial interests, but may include other interests such as personal friendships, family relations, or associations with groups or persons. Such indirect benefits may also include when such family member or persons derives such benefit. Employees and public officials shall not use their position to influence or make preferential hiring decisions for positions funded pursuant to this policy and shall adhere to hiring processes approved by the County's Human Resources and in accordance with County personnel policies and procedures. An employee or public official of the County shall avoid even the appearance of such conflicts by full public disclosures of such interests to appropriate officials and, where possible, by abstaining from participation in any form in the performance or exercise of official or discretionary actions.
- E. Employees and public officials may neither solicit nor accept gratuities, favors, or anything of monetary value from subrecipients or beneficiaries (e.g. contractors, subcontractors, vendors, grantees) or persons seeking employment by the County.

3. Disclosure Requirements and Procedure

Disclosure of outside employment, activities, relationships, contracts and/or interests that may constitute a conflict of interest or a perceived conflict of interest shall be disclosed by County employees and elected officials engaged in the selection, award and administration of contracts pursuant to this policy. In addition, elected officials are required to file a "statement of substantial interest" pursuant to K.S.A. 75-4305.

- A. Disclosure: The elected official or employee must disclose, in writing, any actual conflict of interest prior to discussions and considerations of procurements, granting of subrecipient awards and/or hiring of County personnel. Should the elected official or employee discover during the course of discussions that a conflict arose they were previously unaware of, they are obligated to immediately inform the County of the conflict in writing and cease participation in all discussions/considerations at that time of discovery. A copy of disclosures shall be filed with the County Human Resources Department for inclusion in County permanent records.
- B. Recusal: Elected officials and employees disclosing a conflict of interest as outlined above shall recuse themselves from all discussions, participation and decisions regarding the selection of funding from the County to a subrecipient and/or the hiring of an applicant for County employment.
- C. Abstaining: Elected officials having any actual or apparent conflict of interest shall not participate in any decision or vote to determine an award of County funding.

- D. All County elected officials and employees have a duty to report violations of this policy to their department head, elected official, Human Resources Department, or County Counselor's Office. A violation of this policy may result in the disqualification of a subrecipient or contractor for an award or an applicant's denial of employment.

4. Disciplinary Action and Penalties

Should an employee or Elected Official of the County be found in a violation of this policy, the following disciplinary actions or penalties may apply:

- A. Employees shall be subject to discipline up to and including termination in accordance with Sedgwick County Personnel Policies and Procedures and K.S.A. 75-4304(e).

- B. Elected officials shall be subject to action ranging from public censure for minor violations to removal from public office in accordance with K.S.A. 75-4304(e).

5. Documentation of receipt of Conflict of Interest Policy

All County elected officials and employees engaged in the selection, award and administration of contracts will acknowledge, through signature and date of written statement, they have read, understand and will comply with the provisions of this policy. This document will be signed at the time an official is elected to office and annually thereafter. For employees, the document will be completed on first date of employment and annually thereafter. These documents will be retained by the County Human Resources Department as a part of County permanent files and made available to the state or federal government upon request.