

# Conflict of Interest

The Board of Trustees recognizes its responsibility under the provisions of the New York General Municipal Law, Sections 800-809: Conflicts of Interest of Municipal Officers and Employees, to adopt a *Conflict of Interest Policy* for all library trustees, officers, and employees; these sections of the law are posted in the Staff Lounge and in the Administration Offices. See Section 800 for definitions of: Chief Fiscal Officer, contract, interest.

## 1. Obligations of Trustees and Employees

Trustees and employees of the Library have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the Library wishes its business to operate. The purpose of these guidelines is to provide general direction so that employees and trustees can seek further clarification on issues related to the subject of acceptable standards of operation.

## 2. Duty to Disclose

§ 803. Disclosure of interest.

Any municipal officer or employee who has, will have, or later acquires an interest in or whose spouse or relative has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the municipality of which he or she is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to his or her immediate supervisor and to the governing body thereof as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such body.

## 3. What Constitutes Conflict of Interest

An actual or potential conflict of interest occurs when any employee or Trustee is in a position that may result in a personal gain for the employee or trustee or for a family member as a result of the Library's business dealings. For the purposes of this policy, a Trustee or employee has an interest in a proposed transaction if he/she has a financial interest in it in a material amount, or has a financial interest in any organization involved in the proposed transaction, or holds a position as Trustee, director, or principal officer in any such organization or receives any indirect remuneration or gifts or favors.

For the purposes of this policy, a municipal officer or employee shall be deemed to have an interest in the contract of (a) a spouse, minor children and dependents, except a contract of employment with the municipality which such officer or

employee serves, (b) a firm partnership or association of which such officer or employee is a member or employee, (c) a corporation of which such officer or employee is an officer, director or employee and (d) a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.

#### **4. Determining Whether a Conflict of Interest Exists**

- A prospective Trustee or employee shall submit a statement regarding past or present business dealings with the Library. The Board shall be notified by the Director or Board Member who has been informed prior to appointment.
- After disclosure by a current Trustee or employee of an interest in a proposed transaction, the interested person shall leave the Board or Committee meeting while the nature and amount of the financial interest is discussed. The remaining disinterested Board or committee members shall determine by a majority vote if a conflict of interest exists.

#### **5. Procedures for Addressing the Conflict of Interest**

- If it is decided that a conflict of interest exists, the Board shall determine by a majority vote of the disinterested directors whether the transaction is in the Library's best interest and is fair and reasonable to the Library. The Board shall also make its decision as to whether to enter into the transaction or arrangement in any event.
- If the Board determines that the transaction is not in the Library's best interest, members of the Board may explore an alternative arrangement which would not give rise to a conflict of interest.

#### **6. Violations of the Conflicts of Interest Policy**

If the Board has reasonable cause to believe that a Trustee, officer or employee has failed to disclose actual or possible conflicts of interest, it shall inform the person of the basis for its belief and allow the person an opportunity to explain the alleged failure to disclose.

#### **7. Board Action**

When a conflict of interest is relevant to a matter requiring action by the Library Board, the interested person(s) shall call it to the attention of the Board and said person(s) shall **not** vote on the matter. In addition, the person(s) shall not participate in the final decision or related deliberation regarding the matter under consideration. When there is doubt as to whether a conflict exists, the matter shall be resolved by vote of the Library Board of Trustees, excluding the person(s) concerning whose situation the doubt has arisen.

#### **8. Record of Conflict**

The official minutes of the Board shall reflect that the conflict of interest was disclosed and the interested person(s) did not participate in the final discussion or vote and did not vote on the matter.

## **9. Annual Statements**

Each Trustee and employee shall annually sign a statement which affirms that such person has received a copy of the conflict of interest policy; has read the policy and has agreed to comply with the policy.

**Adopted: September 14, 2005**

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