



City of Green River
City Council Meeting
Agenda Documentation

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| Preparation Date: 4/27/22 | Department: Administration |
| Meeting Date: 5/3/22 | Department Head: Reed Clevenger |
| | Presenter: Reed Clevenger |

Subject:

Consideration to approve a conflict of interest policy for the use of federal financial assistance.

Background/Alternatives:

One of the requirements to utilize the federal funds from the American Recovery and Reinvestment Act (ARRA) is to have a conflict of interest statement in place. The City has had a version of the conflict of interest statement in the employee handbook for years but the ARRA funds required some specific language that we did not have in the employee handbook. This policy will help the City be in compliance with the act so the federal funds can be utilized.

Attachments:

Administrative Policy #93

Fiscal Impact:

This will allow the City to be in compliance with federal regulations to use the \$1.2 million of ARRA funds that were allocated to the City.

Staff Impact:

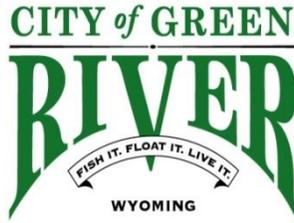
n/a

Legal Review:

n/a

Suggested Motion:

I move to approve Administrative policy #93 Conflict of Interest Policy in Accordance with the Use of Federal Financial Assistance, and allow the City Administrator to sign and execute the provisions of the policy.



Administrative Procedures

Regulation #93

Title: Conflict of Interest Policy in Accordance with the Use of Federal Financial Assistance

Effective Date: May 3, 2022

1) Purpose

The purpose of this policy is to establish conflicts of interest guidelines that meet or exceed the requirements under state law and local policy when amounts are paid for in part or whole by federal funds and required under 2 C.F.R. § 200.318(c)(1).

2) Policy

This policy applies when utilizing federal financial assistance, in part or whole (direct or reimbursed). This policy also applies to any subrecipient of the funds.

The employee responsible for managing the federal financial assistance award shall review the notice of award to identify any additional conflicts of interest prohibitions or requirements associated with the award, and shall notify all employees, officers, and agents, including subrecipients, of the requirements of this policy and any additional prohibitions or requirements, as it pertains to the use of federal funds.

- a) Conflicts of Interest. In addition to the prohibition against self-benefiting from a public contract under Public Act 317 of 1968 and other applicable state law, no officer, employee, or agent of The City may participate directly or indirectly in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. A real or apparent conflict exists when any of the following parties has a financial or other interest in or receives a tangible personal benefit from a firm considered for award of a contract:
 - i) the employee, officer, or agent involved in the selection, award, or administration of a contract;
 - ii) any member of his or her immediate family;
 - iii) his or her partner; or
 - iv) an organization which employs or is about to employ any of these parties.

Any officer, employee, or agent with an actual, apparent, or potential conflict of interest as defined in this policy shall report the conflict to his or her immediate supervisor. Any such conflict shall be disclosed in writing to the federal award agency or pass-through entity in accordance with applicable Federal awarding agency policy.

- b) Gifts. In addition to the prohibition against accepting gifts and favors from vendors and contractors under state law, officers, employees, and agents of The City of Green River are prohibited

from accepting or soliciting gifts, gratuities, favors, or anything of monetary value from contractors, suppliers, or parties to subcontracts. Items of nominal value valued at less than \$50, which fall into one of the following categories may be accepted:

- i) promotional items;
- ii) honorariums for participation in meetings; or
- iii) meals furnished at banquets

Any officer, employee or agent who knowingly accepts an item of nominal value allowed under this policy shall report the item to his or her immediate supervisor.

3) Violation

Employees violating this policy will be subject to discipline up to and including termination. Contractors violating this policy will result in termination of the contract and may not be eligible for future contract awards.

Reed Clevenger
City Administrator