

EM SUBMISSION NO.: 2012EM034

PRESENTED: 1-13-12

ADOPTED: 1-13-12

**RESOLUTION ADOPTING SUPPLEMENTAL
CONFLICT OF INTEREST POLICY**

BY THE EMERGENCY MANAGER:

This Policy is adopted by the City of Flint Emergency Manager Michael Brown pursuant to his authority under Public Law 4 of 2011, the Local Government and School District Fiscal Accountability Act.

Purpose: This Policy supplements the existing policies of the City of Flint (the "City") concerning conflicts of interest in the procurement of goods and services by the City. The purpose of this Policy is to prevent the occurrence of personal conflicts of interest by City personnel in the procurement and administration of contracts supported by Federal funds.

Scope: This Policy applies to City contracts supported by Federal funds, including contracts funded by Federal grants.

Policy:

(A) No employee, officer or agent of the City shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved.

(B) The City's officers, employees and agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements. An employee, officer, or agent does not violate this Policy by accepting as a gift an item of nominal intrinsic value, if he or she did not solicit the gift.

Definitions:

Conflict of Interest: As used in this Policy, an employee, officer or agent of the City has a conflict of interest if:

- (i) The employee, officer or agent,
- (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 the above,

has a financial or other interest in a firm that is competing for or which has been selected for award of a contract with the City.

Financial or Other Interest: An employee, officer or agent of the City has a "financial or other interest" in a firm if:

- (i) The firm is a co-partnership or other unincorporated association of which he or she is a partner, member, or employee;
- (ii) The firm is a private corporation:
 - (a) in which he or she is a stockholder owning more than 1% of the total outstanding stock of any class if the stock is not listed on a stock exchange, or stock with a present market value in excess of \$25,000 if the stock is listed on a stock exchange or
 - (b) of which he or she is a director, officer, or employee;
- (iii) The firm has proposed or agreed to hire, retain, team with, or otherwise pay the City employee, officer or agent (or a firm in which he or she has an interest, as defined under paragraphs (i) or (ii) of this subsection), including as a consultant or subcontractor; or
- (iv) He or she has any other interest in the firm that would make a reasonable person question the employee's, officer's or agent's objectivity if he or she were to participate in the selection, award, or administration of a contract involving the firm.

Procedures:

(A) The City Attorney shall be responsible for informing City employees, officers and agents who are participating or who are about to participate in the selection, award or administration of a contract supported by Federal funds of this Policy's content.

(B) If any City employee, officer or agent believes that he or she has or appears to have a conflict of interest covered by this Policy, he or she shall inform the City Attorney immediately.

(C) Each City employee, officer or agent who participates in the selection, award, or administration of a contract supported by Federal funds shall submit to the City Attorney a certified statement that the employee, officer or agent does not have a conflict of interest in the matters in which he or she is participating. Each such employee, officer or agent shall re-certify that he or she does not have a conflict of interest at six-month intervals until he or she ceases to participate in any contract procurement or administration to which this Policy applies.

(D) Any employee, officer or agent who believes that a violation of this Policy has occurred shall report the violation to the City Attorney for investigation.

(E) If the City Attorney determines a violation of this Policy has occurred, the City shall report the violation to the Federal agency funding the contract in question.

Enforcement: An employee, officer or agent of the City found to have violated this Policy will be subject to appropriate disciplinary action, to be determined by the Emergency Manager on a case-by-case basis. The penalty for a violation of this Policy may include termination of the responsible party's employment.

All resolutions and policies insofar as they conflict with the provisions of this Resolution are rescinded.

APPROVED AS TO FORM:



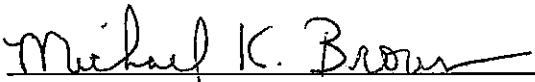
Peter M. Bade, Chief Legal Officer

EM DISPOSITION:

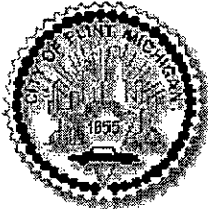
ENACT ☒ _____

FAIL _____

DATED 1-13-12



Michael K. Brown, Emergency Manager



CITY OF FLINT

CONFLICT OF INTEREST CERTIFICATION

City of Flint policy prohibits the occurrence of personal conflicts of interest by City personnel in the procurement and administration of contracts supported by Federal funds. Specifically, no employee, officer or agent of the City shall participate in the selection, award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved.

A conflict of interest exists if (i) The employee, officer or agent, (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 the above, has a financial or other interest in a firm that is competing for or which has been selected for award of a contract with the City.

An employee, officer or agent of the City has a "financial or other interest" in a firm if: (i) The firm is a co-partnership or other unincorporated association of which he or she is a partner, member, or employee; (ii) The firm is a private corporation: (a) in which he or she is a stockholder owning more than 1% of the total outstanding stock of any class if the stock is not listed on a stock exchange, or stock with a present market value in excess of \$25,000 if the stock is listed on a stock exchange or (b) of which he or she is a director, officer, or employee; (iii) The firm has proposed or agreed to hire, retain, team with, or otherwise pay the City employee, officer or agent (or a firm in which he or she has an interest, as defined under paragraphs (i) or (ii) of this subsection),

including as a consultant or subcontractor; or (iv) He or she has any other interest in the firm that would make a reasonable person question the employee's, officer's or agent's objectivity if he or she were to participate in the selection, award, or administration of a contract involving the firm.

The above terms and conditions apply to the _____

(describe contract)

contract (the "Contract") since it involves the use of federal funds.

Having read and understood the above terms, I certify under penalty of perjury that the foregoing is true and correct and I have no conflict of interest in regards to the Contract. I recognize that if it is determined that I do have or appear to have a conflict of interest related to the Contract and I participate in the selection, award or administration of the Contract, I may be disciplined up to and including termination.

Dated: _____

Signature

Print Name
Employee