

Chemung County Property Development Corporation
Conflict of Interest Policy

Conflicts of Interest: A conflict of interest is a situation in which the financial, familial, or personal interests of a board member or administrator come into actual or perceived conflict with their duties and responsibilities with the Chemung County Property Development Corporation (the “Authority”). A conflict of interest will be deemed to exist whenever an individual is in the position to approve or influence the Authority’s policies or actions, which involve or could ultimately harm or benefit financially the individual, or the individual’s family, or any organization in which the individual or individual’s family has an “interest” (as defined by the Authority’s by-laws).

Perceived conflicts of interest are situations where there is the appearance that a board member and/or administrator can personally benefit from actions or decisions made in their official capacity, or where a board member or administrator may be influenced to act in a manner that does not represent the best interests of the Authority. The perception of a conflict may occur if circumstances would suggest to a reasonable person that a board member and/or administrator may have a conflict. The appearance of a conflict and an actual conflict should be treated in the same manner for the purposes of this policy.

Board members and administrators must conduct themselves at all times in a manner that avoids any appearance that they can be improperly or unduly influenced, that they could be affected by the position of or relationship with any other party, or that they are acting in violation of their public trust. Board members shall file annual disclosure statements with the Chemung County Board of Ethics, and shall be subject to all requirements of the Chemung County Code of Ethics, and all powers of audit and review of the Chemung County Board of Ethics, in addition to the processes and procedures set forth herein.

“Conflict of Interest” is defined in Article VIII, section 1 of the Authority’s by-laws, and it is the intent of this policy to detail the circumstances of and procedures for situations involving conflicts of interest. Nothing in this policy is intended to amend or supplant the conflict of interest section of the by-laws, and in the case of a conflict between this policy and the by-laws, the by-laws shall control.

While it is not possible to describe or anticipate all the circumstances that might involve a conflict of interest, a conflict of interest typically arises whenever a board member or administrator has or will have:

A financial or personal interest in any person, firm, corporation or association that has or will have a transaction, agreement or any other arrangement in which the Authority participates.

The ability to use his or her position, confidential information or the assets of the Authority, to his or her personal advantage.

Solicited or accepted a gift of any amount under circumstance in which it could reasonably be inferred that the gift was intended to influence him/her, or could reasonably be expected to influence him/her, in the performance of his/her official duties or was intended as a reward for any action on his/her part.

Any other circumstance that may or appear to make it difficult for the board member or administrator to exercise independent judgment and properly exercise his or her official duties.

Outside Employment of Authority's Administrators: No administrator may engage in outside employment if such employment interferes with his/her ability to properly exercise his or her official duties with the Authority.

PROCEDURES

Duty to Disclose: All material facts related to the conflicts of interest (including the nature of the interest and information about the conflicting transaction) shall be disclosed in good faith and in writing to, when reasonably feasible, the Governance

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Committee, otherwise to the Board members at a meeting of the Board members. Such written disclosure shall be made part of the official record of the proceedings of the Authority.

Determining Whether a Conflict of Interest Exists: The Governance Committee or the Board members, as applicable, shall advise the individual who appears to have a conflict of interest how to proceed. The Governance Committee or the Board members of the authority, as applicable, should seek guidance from counsel, or from New York State agencies, such as the Authorities Budget Office, State Inspector General or the Joint Commission on Public Ethics (JCOPE) when dealing with cases where they are unsure of what to do. Individuals seeking guidance on a potential conflict of interest may thereafter proceed to act in good faith and may rely upon such guidance, so long as it is in conformance therewith,

Recusal and Abstention: No board member or administrator may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any organization in which he or she is deemed to have an interest. Board members and administrators must recuse themselves from deliberations, votes, or internal discussion on matters relating to any

organization, entity or individual where their impartiality in the deliberation or vote might be reasonably questioned, and are prohibited from attempting to influence other board members or administrators in the deliberation and voting on the matter.

Records of Conflicts of Interest: The minutes of the Authority's meetings during which a perceived or actual conflict of interest is disclosed or discussed shall reflect the name of the interested person, the nature of the conflict, and a description of how the conflict was resolved.

Reporting of Violations: Board members and administrators should promptly report any violations of this policy in accordance with the Authority's Whistleblower Policy.

Penalties: Any board member or administrator that fails to comply with this policy may be penalized in the manner provided for in law, rules and regulations.