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CONFLICT OF INTEREST Policy No. 113

The Idaho State Council on Developmental Disabilities is comprised of representatives of agencies, service providers, consumers, and interested persons from all geographic areas of Idaho. Recognizing that the combination of the required membership composition, relative smallness of the developmental disabilities service community, and the breadth of Council activities may lead to real or potential conflicts of interest, the Council establishes a policy to give direction to the Council members to prevent conflict of interests.

POLICY: Any conflict of interest by a Council member is not allowed. A conflict of interest occurs when an action or decision by a Council member creates a pecuniary benefit to that Council member or to a person from the member's household or to a business with which the Council member or a member of the person's household is associated.

However, it is not considered a conflict of interest or remote interest when the pecuniary benefit arises out of the following:

1. An interest or membership in a particular business or occupation or affiliation required by law as a prerequisite to membership on the Council; or
2. Any action undertaken in the member's official capacity that would affect, to the same degree, a class consisting of a group that includes in its membership the member of the Council or someone from the Council member's household or business.

It may be determined that the Council member has a remote interest in a contract if (a) the member is a non-salaried officer of a nonprofit corporation that contracts with the Council, or (b) the member is an employee or agent of such corporation and his or her compensation consists entirely of fixed wages or salary from the corporation, or (c) the member is a landlord to or a tenant of a party that contracts with the Council.

A remote interest in a contract, while not a direct conflict of interest, still requires proper abstention from the issue or the vote being taken and disclosure by the Council member. It is the policy of the Council that any Council member who has a remote interest, conflict of interest, or a conflict of interest for which an exception applies, must not influence or attempt to influence any other council member to enter into the specific contract in question.

Some members will have programmatic expertise and knowledge that should be considered in the overall planning and discussion of Council business. Except as outlined in 2.b. below, this policy does not mean that a Council member could not be involved in these activities.

1. Council members shall annually disclose in writing a statement of affiliation

and a statement of all conflicts of interest, including those which are uncertain or potential. Such statement must specify any association with individuals or organizations—that might benefit from activities and decisions of the Council, including but not limited to any contracts with the Council with which the Council member or member of the person’s household has an association and any anticipated grants or contracts for which they may bid.

2. If a Council member, or a member of the council member’s household or business with which the Council member or member of the person’s household is associated, anticipates applying for a contract, the Council member shall:
 - a. Disclose in writing to the Chair their interest in bidding for a specific contract and this shall be recorded in the minutes; and
 - b. Abstain from the development and approval of the bid specifications, review of submitted bid proposals, or the awarding and monitoring of a contract; and
 - c. Participate in a competitive bid process based upon the quality and ability of the proposal to meet the bid specifications and be low bid, based upon the scope of the proposed activities; and
 - d. Abstain from voting on the award of the contract. If the review team recommends that a contract be awarded, the full council must make the final decision to award the contract.

Each Council member is obligated to bring to the Chair’s attention instances in which it is unclear whether a conflict of interest or a remote interest was properly disclosed. In such cases, the Chair will instruct the Executive Director to review the potential conflict with the Office of the Attorney General to determine (a) whether a conflict exists, and (b) if so, what procedure should be followed.

NEPOTISM: No Council member or their spouse, sibling, parent or child may be employed by an organization or entity that is a recipient of Council funds if that member, spouse, sibling, parent, or child is employed and receive payment for services or activities as a result of receiving Council funds.