

BERNE PUBLIC LIBRARY

Policy and Procedure

Title	Approved	Effective
Conflict of Interest		
Purpose	This Conflict-of-Interest Policy applies to all members of the Board of Trustees (Board) and staff of the Berne Public Library (Library). The purpose of this conflict-of-interest policy is to protect the Library interests when it is considering entering into a transaction or arrangement that might benefit the private interests of one of its trustees or staff. This policy is intended to supplement, but not replace, any federal, state, or local laws governing conflicts of interest applicable to public municipal libraries	
Policy	This policy outlines guidelines for public comments during Board meetings to ensure that the community has the opportunity to be heard while also ensuring that the Board is able to meet its primary responsibility of conducting Library business. 1. Duty to Disclose: In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the Board. 2. Recusal of Self: Any covered person may recuse themselves at any time from involvement in any decision or discussion in which the covered person believes they have or may have a conflict of interest without going through the process for determining whether a conflict of interest exists. 3. Determining Whether a Conflict of Interest Exists: After disclosure of the financial interest and all material facts, and after any discussion with the Board, the covered person shall leave the Board meeting while the determination of a conflict of interest is discussed and voted upon. The remaining trustees shall decide if a conflict of interest exists.	
Procedure	1. Procedures for Addressing the Conflict of Interest: a. The BPL President shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement. b. An interested person may make a presentation at a Board meeting but, after the presentation, the interested person shall leave the meeting during the discussion of and the vote on the transaction or arrangement involving the possible conflict of interest. The interested person is prohibited from any attempt to influence improperly the deliberation or voting on the matter. c. After exercising due diligence, the Board shall determine whether the Library can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest. d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the Board shall determine by a majority vote of the disinterested trustees whether the transaction or arrangement is in the Library's best interest, for its own benefit, and fair and reasonable. Pursuant to that determination, the party seeking the determination shall be free to enter into the proposed arrangement or transaction.	

	2. Violations of the Conflicts of Interest Policy: a. If the Board has a reasonable cause to believe a covered person has failed to disclose actual or possible conflicts of interest, it shall inform the covered person of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose. b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the Board determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.
	3. Record of Proceedings: The minutes of the Board meeting(s) shall contain: a. The names of the person(s) who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest. b. The nature of the financial interest. c. Any action taken to determine whether a conflict of interest was present. d. The Board's decision as to whether a conflict of interest existed. e. The names of the people who were present for discussions and votes relating to the transaction or arrangement. f. The content of the discussion, including any alternatives to the proposed transaction or arrangement. g. A record of any votes taken in connection with the proceedings.
Affirmation	Statement: When beginning formal association with the Library, each covered person shall sign a statement which affirms that they have received a copy of this policy, have read and understand this policy, and agree to comply with this policy. I, _____, have received a copy of the Berne Public Library Conflict of Interest Policy, have read the policy, understand the policy, and agree to comply with the policy. Signature: _____ Date: _____