

# Conflict of Interest

## Appointment to the Board

Before submitting their name to the County Board of Commissioners for consideration as a CMH board member, each individual should be sure that they are free of any conflicts of interest. Should a conflict arise during one's tenure as a CMH board member, the board member is ethically bound to report the conflict to the CMH board chairman and to the County Board of Commissioners, as the appointing authority. There are several statutes and legal opinions from the Michigan Attorney General which govern this area. These documents would take legal precedence over the board's own policy.

The Mental Health Code, as currently written, prohibits persons with a conflict of interest from being appointed to a CMH board. Sections 212, 214 and 222 of the Code provide direction on this subject. In these sections, the Code clearly states that persons who represent agencies which have conflicts with the CMH board may not serve on the board.

In accordance with the Mental Health Code, an individual shall not be appointed to and shall not serve on a board if he or she is one or more of the following:

- C Employed by St. Clair County Mental Health Authority; or
- C A party to a contract with SCCCMHA or administering or benefiting financially from a contract with the Agency; or
- C Serving in a policy-making position with an agency under contract with the Agency.

## While Serving on the Board

Any duality of interest or possible conflict of interest on the part of any board member should be disclosed to other board members and made a matter of record, either through an annual procedure or when the interest becomes a matter of board action.

Any board member having a duality of interest or possible conflict of interest on any matter should not vote or use his/her influence on the matter, and he/she should not be counted in determining the quorum for the meeting, even where permitted by law. The minutes of the meeting should reflect that a disclosure was made, the abstention from voting, and the quorum situation.

The foregoing requirements should not be construed as preventing the board member from briefly stating his/her position in the matter, nor from answering pertinent questions of other board members since his/her knowledge may be of great assistance.

This policy will be reviewed annually for the information and guidance of board members, and any new board member will be advised of this policy upon entering the duties of his/her office. The board chairman and secretary are authorized and directed to see that this policy is followed.

## Conflict of Interest Statement

I understand the concept of Conflict of Interest and represent that I will not knowingly be a party to a Conflict of Interest. I also agree to report any potential conflicts of interest to the CMH board chairman prior to engaging in the action or activity.

NOTE: *Signature indicating compliance is affixed to the CMH Board/Committee Profile form.*