



BERKS COUNTY PUBLIC LIBRARIES SYSTEM ADVISORY BOARD CONFLICT OF INTEREST POLICY

POLICY STATEMENT

Members of the Berks County Public Libraries System Advisory Board ("Board") are prohibited from restricted activities under the Public Official and Employee Ethics Act, 65 Pa.C.S. § 1101–1113 ("Ethics Act"). In addition, Board members have a duty to disclose to the Board any Conflict of Interest, as defined by the Ethics Act or as set forth in this Policy; to refrain from voting where such Conflict exists; and to seek guidance prior to participating in any official action in which there is a potential Conflict of Interest. Board members who represent, have decision-making capacity for, or receive a financial benefit from a Member Library, are prohibited from participating in the development of the Funding Formula for the Library System.

PURPOSE STATEMENT

The Board provides responsible stewardship for and oversight of publicly funded library aid to Member Libraries. The roles and responsibilities of the Board, and its individual members, must be executed in a manner that demonstrates strong integrity, accountability, and transparency in order to preserve the public trust.

SCOPE STATEMENT

All voting Advisory Board members are subject to this Policy and to the provisions of the Ethics Act.

DEFINITIONS

Any capitalized terms not otherwise specifically defined in this Policy shall have the meanings ascribed to them in the Ethics Act.

"Conflict" or "Conflict of Interest." Use by a Board member of the authority of his or her office or any confidential information received through such office for the private pecuniary benefit of the Board member, a member of the Board member's immediate family, or a business with which the Board member or his or her immediate family member is associated. In addition, a Board member has an actual or potential Conflict of Interest under this Policy if the Board member, or a member of the Board member's immediate family:

1. Is currently employed by, or is a consultant to or under contract with, a Member Library receiving funding in the Funding Formula;
2. Is negotiating or has an arrangement regarding future employment or contracting with a Member Library;
3. Has an ownership interest in, or is an officer or director of, or otherwise has an interest in setting the Funding Formula as to any Member Library; or
4. Represents or acts as an agent for any private interest, either for compensation or not, in any transaction (a) in which the Board has a

direct and substantial interest, or (b) which could be reasonably expected to result in a conflict between the private interest and the Board's interest.

“Funding Formula” may refer to any publicly funded library aid that is distributed by the Library System to a Member Library, including, but not limited to, state aid prescribed under the Public Library Code, 24 Pa.C.S. § 9334, *et seq.*

“Member Library” means a library which, having executed the Berks County Library System Membership Agreement with the County of Berks, effective January 1, 2022, and any subsequent amendments thereto, is a member of the Berks County Library System.

“System” or “Library System” refers to the Berks County Public Libraries System.

ACTIONS/PROCEDURES

1. Prior to taking office, or within thirty (30) days after the effective date of this Policy, if later, each Board member shall:
 - Complete and sign the Acknowledgment Form which is attached to this Policy.
 - Provide to the Board a full disclosure of any employer, organization, and/or entity that the Board member or his or her immediate family is associated with, which would constitute an actual or potential Conflict of Interest as defined by this Policy.
2. For any matter in which a Board member has an actual or potential Conflict, the Board member shall publicly disclose such Conflict in writing, in accordance with the Ethics Act, and shall abstain from voting, participating in deliberations, and other official actions concerning the matter.
3. Board members shall refrain from participating, directly or indirectly, in any transaction or private arrangement for profit (including any third-party transactions) that develops from or is based upon the Board member's official title or authority on the Board.
4. Board members shall refrain from using Board-owned equipment, supplies, or properties for the Board member's own private pecuniary benefit or for any reason other than official designated purposes.
5. In the event of any question as to whether a matter constitutes an actual or potential Conflict, or is otherwise prohibited by this Policy, the Board member shall seek guidance from the Board President and/or System Administrator, who may consult with the Berks County Solicitor's Office prior to rendering a decision on the matter. If such guidance fails to resolve the question, the matter may be taken to the full Board and shall be decided by majority vote of the Board.

6. If an individual believes that a violation of this Policy has occurred, a report shall be made to the System Administrator, who shall conduct an investigation of such report, in consultation with the Berks County Solicitor's Office as needed. If, after an investigation, the System Administrator believes that corrective action is necessary, a report shall be made to the Board, which may recommend formal action including a recommendation to the appointing County Commissioner that the individual who has violated the Policy be removed from the Board.

Adopted February 21, 2024

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**BOARD MEMBER ACKNOWLEDGMENT
AND DISCLOSURE**

I, _____ (*print name of Board member*), understand and agree to the terms and conditions set forth in the Berks County Public Libraries System Advisory Board Conflict of Interest Policy.

Initial one option below:

___ (*initial here*) I have no actual or potential Conflict(s) of Interest, as defined in the Policy, to report.

___ (*initial here*) I have the following actual or potential Conflict(s) of Interest, as defined in the Policy, to report:

Self/Family Member Name Relationship Organization/Company Position(s) held

<i>Self/Family Member Name</i>	<i>Relationship</i>	<i>Organization/Company</i>	<i>Position(s) held</i>

*Please add separate sheet for additional declarations or supplemental information about the above disclosure.

Board Member Signature

_____ Date _____