

County of Brunswick
Office of the County Commissioners



CODE OF CONDUCT

Declaration of policy.

- (a) The proper operation of democratic government requires that:
- (1) Public officials, employees and agents to be independent, impartial and responsible to the people;
 - (2) Governmental decisions and policy be made in proper channels of the governmental structure;
 - (3) Public office is not to be used for personal gain; and
 - (4) The public have confidence in the integrity of its government.
- (b) In recognition of these goals, this Code of Conduct is hereby adopted. The purpose is to establish guidelines for ethical standards of conduct for all such public officials, employees and agents by setting forth those acts or actions that are incompatible with the best interests of the county.

Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agent means all persons who are not county officials or employees that are authorized by the county to act for or in place of the county in the conduct, management or administration of a particular project, contract(s) or endeavor.

Business entity means any business, proprietorship, firm, partnership, person in a representative or fiduciary capacity, association, venture, trust or corporation which is organized for financial gain or for profit.

County official means the County Commissioners, the County Manager, the Clerk to the Board of County Commissioners and the County Attorney.

Employee means all persons employed by the county, except county officials.

Immediate family means the spouse and all children of the county official, employee or agent.

Interest means direct or indirect pecuniary or material benefit accruing to a county official, employee or agent as a result of a contract or transaction which is or may be the subject of an official act or action by or with the county. For the purpose of this article, a county official, employee or agent shall be deemed to have an interest in the affairs of:

- (1) Any person in his/her immediate family, as such term is defined in this section;
- (2) Any business entity in which he/she is an officer or director;
- (3) Any business entity in which in excess of five percent of the stock of, or legal or beneficial ownership of, is controlled or owned directly or indirectly by them; or
- (4) Any nonprofit organization on which they currently serve as an officer, director, or board member.

Official act or action means any legislative, administrative, appointive or discretionary act of any county official.

Standards of conduct.

(a) *Scope.* All county officials, employees and agents shall be subject to and shall abide by the code of conduct.

(b) *Interest in contract or agreement.* No county official, employee or agent shall have or thereafter acquire an interest in any contract or agreement with the county.

(c) *Use of official position.* No county official, employee or agent shall use his/her official position or the county's facilities for his/her private gain, nor shall he/she appear before or represent any private person, group or interest before any department, agency, commission or board of the county except in matters of purely civic or public concern. This subsection is not intended to prohibit speaking before neighborhood groups and other nonprofit organizations. No county official, employee or agent shall participate in the selection or in the award or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the county official, employee or agent, a member of his/her immediate family, his/her partner, or an organization which employs, or is about to employ, any of the above individuals, has a financial or other interest in the firm selected for award.

(d) *Disclosure of information.* No county official, employee or agent shall use or disclose confidential information gained in the course of or by reason of his/her official position for purposes of advancing:

- (1) His/her financial or personal interest;
- (2) A business entity of which he/she is an owner in part or in whole, an officer or a director; or
- (3) The financial or personal interest of a member of his/her immediate family or that of any other person.

(e) *Incompatible service.* No county official, employee or agent shall engage in or accept private employment or render service for private interest, when such employment or service is incompatible with the proper discharge of his/her official duties or would tend to impair his/her

independence of judgment or action in the performance of his/her official duties, nor shall any county official, employee or agent serve on any county board except where expressly required by statute and provided disclosure is made as provided in this article.

(f) *Gifts.* No county official, agent or employee shall directly or indirectly solicit any gift or accept or receive any gift, whether in the form of money, cash equivalents (instruments readily convertible into cash such as money orders and checks), gift cards, gift certificates, pre-paid credit cards, services, loans, travel, entertainment, hospitality, or things or promises under circumstances 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 official action on his/her part. Legitimate political contributions shall not be considered as gifts under this.

(g) *Special treatment.* No county official, agent or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

Disclosure of interest in legislative action.

Any member of the County Commissioners who has an interest in any official act or action before the commissioners shall publicly disclose on the record of the commissioners the nature and extent of such interest and shall withdraw from any consideration of the matter if excused by the commissioners.

Investigations; filing of complaints.

(a) The County Commissioners may direct the County Attorney to investigate any apparent violation of this article, as it applies to any member of the Board of County Commissioners, the County Manager or the Clerk to the Board of County Commissioners and to report the findings of his/her investigation to the County Commissioners.

(b) The County Manager may direct the County Attorney to investigate any apparent violation of this article as it applies to any other employee or agent and to report the findings of his/her investigation to the County Manager.

(c) The County Commissioners may direct the County Manager to investigate any apparent violation of this article by the County Attorney and to report the findings of his/her investigation to the County Commissioners.

(d) Any person who believes that a violation of this article has occurred may file a complaint in writing with the County Commissioners when a member of the County Commissioners, the County Manager, the Clerk to the County Commissioners or the County Attorney is the subject of the complaint, or with the County Manager when an employee or agent is the subject of the complaint, who may thereafter proceed as provided in subsections (a) through (c) of this section.

Hearings on violations; sanctions; rights of accused at hearings.

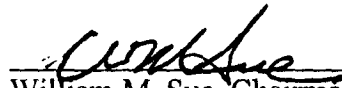
(a) If the County Manager, after the receipt of an investigation by the County Attorney, has cause to believe a violation of this article has occurred, he/she shall schedule a hearing on the matter. The person charged with the violation shall have the right to present evidence, cross examine witnesses, including the complainant, and be represented by counsel at the hearing. If, after such hearing and a review of all the evidence, the County Manager finds that a violation of this article has occurred, he/she shall take whatever lawful disciplinary action he/she deems appropriate, including but not limited to reprimand, suspension, demotion or termination of service.

(b) If the County Commissioners, after receipt of an investigation by the County Attorney, has cause to believe a violation has occurred, the County Commissioners shall schedule a hearing on the matter. The person charged with the violation shall have the right to present evidence, cross examine witnesses, including the complainant, and be represented by counsel at the hearing. If, upon the conclusion of the hearing, a majority of the members of the commissioners vote to find a violation has occurred, the commissioners may adopt a resolution of censure which shall be placed as a matter of record in the minutes of an official commissioners meeting.

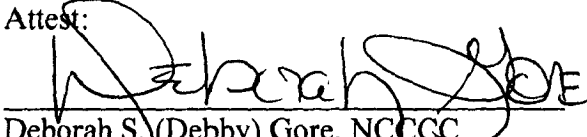
Advisory opinions.

When any county official or employee has a doubt as to the applicability of any section of this article to a particular situation, or as to the definition of terms used in this article, he/she may apply to the County Attorney for an advisory opinion. The county official or employee shall have the opportunity to present his/her interpretation of the facts at issue and of the applicability of sections of this article before such advisory opinion is made.

Adopted this 6th day of December 2010.


William M. Sue, Chairman
Brunswick County Commissioners

Attest:


Deborah S. (Debby) Gore, NCCCC
Clerk to the Board

