



County of Harnett Conflict of Interest Policy

Effective May 3, 2021

Section I. Declaration of Policy

The proper operation of democratic government requires that:

- 1) Elected and appointed 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 government structure;
- 3) Public office is not to be used for personal gain; and
- 4) The public have confidence in the integrity of its government.

In recognition of these goals, this Conflict of Interest Policy is hereby adopted. The purpose is to establish guidelines for ethical standards of conduct for all such public elected and appointed officials, employees, and agents by setting forth those acts that are incompatible with the best interests of Harnett County.

Section II. Coverage

All elected officials, appointed officials, employees, and agents shall be subject to and shall abide by this policy.

Section III. Definitions

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

Agent - 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.

Appointed Official - All persons appointed to any County board or commission.

Business Entity - Any business, proprietorship, firm, partnership, person in representative or fiduciary capacity, association, venture, trust, or corporation which is organized for financial gain or for profit.

Elected Official - The members of the Harnett County Board of Commissioners, the Sheriff, and the Register of Deeds.

Employee - All full-time and part-time persons employed by the County, including contracted and appointed positions.

Immediate Family - The spouse and all children of the County official, employee, or agent.

Interest – Direct or indirect pecuniary or material benefit accruing to an elected 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, an elected or appointed 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 – Any legislative, administrative, appointive, or discretionary act of any elected or appointed official, employee, or agent.

Section IV. Policy

A. Interest in Contract or Agreement

No elected or appointed official, employee, or agent shall have or thereafter acquire an interest in any contract or agreement with the County. Additionally, no elected or appointed official, employee, or agent shall participate directly or indirectly in the selection, award, or administration of a contract or agreement if he/she has a conflict of interest.

B. Use of Official Position

No elected or appointed 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 elected or appointed 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 elected or appointed 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, as a financial or other interest in the firm selected for award.

C. Disclosure of Information

No elected or appointed 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 director; or
- 3) The financial or personal interest of a member of his/her immediate family or that of any other person.

D. Incompatible Service

No elected or appointed 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 elected or appointed 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.

E. Gifts

No elected or appointed official, employee, or agent 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, advertising items or souvenirs of nominal value, honoraria for participating in meetings, and meals at banquets shall not be considered as gifts under this policy.

F. Special Treatment

No elected or appointed official, agent, or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

G. Disclosure of Interest in Official Act or Action

Any member of the Harnett County Board of Commissioners or member of an appointed board or commission who has an interest in any official act or action before the Board of Commissioners or an appointed board or commission shall publicly disclose on the record the nature and extent of such interest and shall not vote on the matter if excused by the Board of Commissioners or appointed board or commission. The question of the compensation and allowance of members of the Board of Commissioners is not a matter involving a member's own financial interest or official conduct. However, a member of the Board of Commissioners or a member of an appointed board of commission shall not participate or vote regardless of whether the member is excused in the following circumstances:

1. If the matter involves a legislative land use matter (such as a rezoning or text amendment) where the outcome of the matter is reasonably likely to have a direct, substantial, and readily personal financial impact;
2. If the matter involves a quasi-judicial function (such as the issuance of a special use permit or an appeal of a personnel decision) and the member has a financial interest in the outcome;
3. If the matter involves a contract from which the member derives a direct benefit.

H. Reporting Violations

The County requests and strongly urges employees to report any violations or possible or perceived violations of this policy to their Department Head, Human Resources, or the County Manager's office.

I. Discipline for Violations

The County will investigate and respond to all reports of violations or perceived violations of this policy. Violation of this policy may result in disciplinary action, up to and including termination, removal from an appointed board or commission, or a motion or resolution of censure.