

WAYNE COUNTY CONFLICT OF INTEREST POLICY

Purpose

The purpose of this Policy (“Policy”) is to ensure that employees identify and disclose possible conflicts of interest and conduct themselves in a manner that will not compromise the integrity of the County of Wayne (“County”).

Applicability

This Policy shall apply to all employees of the County of Wayne, the Wayne County Sheriff’s Office, the Wayne County Register of Deeds Office, and any other independent boards which receive funding from the Wayne County Board of Commissioners.

Definitions

“Conflict of Interest” means any situation where financial or personal considerations compromise an individual’s objectivity, professional judgment, professional integrity or ability to perform responsibilities for the County and includes actual conflicts of interest and perceived or potential conflicts of interest.

“Contract” means any agreement, contract, or other business relationship which legally and contractually binds or obligates the County including, but not limited to, purchase agreements for goods, services, and real property, leases, affiliation agreements, sales agreements, grant contracts, memoranda of understanding, letter and arrangement agreements, and commitments.

“Contractor” means an entity or individual that receives a Contract.

“Covered Individual” means a Public Officer, employee, or agent of Wayne County as well as employees of the Wayne County Sheriff’s Office, the Wayne County Register of Deeds, or any independent Board or Commission which receives County funding.

“Direct Benefit” means, with respect to a Public Officer or employee of the County, or the spouse of any such Public Officer or employee, (i) having an ownership interest or other interest in a Contract; (ii) deriving any income or commission directly from a Contract; or (iii) acquiring property under a Contract.

“Family Member” means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.

“Involved in Making or Administering” means (i) with respect to a Public Official or employee, (a) overseeing the performance of a Contract or having authority to make decisions regarding a Contract or to interpret a Contract, or (b) participating in the development of

specifications or terms or in the preparation or award of a Contract, (ii) only with respect to a Public Official, being a member of a board, commission, or other body of which the Public Official is a member, taking action on the Contract, whether or not the Public Official actually participates in that action.

“Perceived or Potential Conflict of Interest” occurs when, although there is no actual conflict of interest, the circumstances are such that a reasonable person might question whether an individual’s objectivity, professional judgment, professional integrity or ability to perform responsibilities for the County are compromised.

“Public Officer” means an individual who is elected or appointed to serve or represent the County (including, without limitation, any member of the Governing Board), other than an employee or independent contractor of the County.

Conflict of Interest Standards in Contracts

As in all other facets of their duties, Covered Individuals dealing with customers, suppliers, contractors, competitors, or anyone doing or seeking to do business with the County shall avoid both actual and perceived conflicts of interest. The following non-exclusive list provides examples of situations that often give rise to an actual, perceived, or potential conflict of interest:

- An employee has an ownership interest in an entity with which the County does business;
- An employee receives significant salary or other compensation from an entity with which or individual with whom the County does business;
- An employee receives gifts or individual discounts from an entity with which or individual with whom the County does business, when a reasonable person would infer that the donor’s intent is to influence such employee in the performance of official County duties;
- An employee is an officer, director, or other key decision maker for an entity with which the County does business;
- An employee receives significant commissions or fees as part of an outside business from a customer or client with whom the County does business; or
- An employee has a family member or close personal relationship with someone who fits into one of the categories described above.

In addition to the situation described above, North Carolina law restricts the behavior of Public Officials and employees of the County involved in contracting on behalf of the County. The County shall conduct the selection, award, and administration of Contracts in accordance with the prohibitions imposed by the following North Carolina General Statutes:

- G.S. § 14-234(a)(1). A Public Officer or employee of the County involved in making or administering a Contract on behalf of the County shall not derive a Direct Benefit from such a Contract.
- G.S. § 14-234(a)(3). No Public Officer or employee of the County may solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of

future employment, in exchange for recommending, influencing, or attempting to influence the award of a Contract the County.

- G.S. § 14-234.3. If a member of the Governing Board of the County serves as a director, officer, or governing board member of a Covered Nonprofit Organization, such member shall not (1) deliberate or vote on a Contract between the County and the Covered Nonprofit Corporation, (2) attempt to influence any other person who deliberates or votes on a Contract between the County and the Covered Nonprofit Corporation, or (3) solicit or receive any gift, favor, reward, service, or promise of future employment, in exchange for recommending or attempting to influence the award of a Contract to the Covered Nonprofit Organization.
- G.S. § 14-234.1. A Public Officer or employee of the County shall not, in contemplation of official action by the Public Officer or employee, or in reliance on information which was made known to the public official or employee and which has not been made public, (1) acquire a pecuniary interest in any property, transaction, or enterprise or gain any pecuniary benefit which may be affected by such information or other information, or (2) intentionally aid another in violating the provisions of this section.

Contracts which utilize federal funds are subject to the conflict of interest provisions found in 2 C.F.R. § 200.318. Covered Individuals should follow the County's then existing Conflict of Interest Policy for federal funds which contain compliance obligations for federally funded contracts.

Conflict of Interest Point of Contact

The Wayne County Finance Director shall have primary responsibility for providing conflict of interest guidance to Covered Individuals as well as managing the disclosure and resolution of potential or actual conflicts of interest arising under this Policy. If the Finance Director is unable to serve in such capacity, the Assistance Finance Director shall assume responsibility for managing the disclosure and resolution of conflicts of interest arising under this Policy. The individual with responsibility for managing the disclosure and resolution of potential or actual conflicts of interest shall be known as the "COI Point of Contact". The COI Point of Contact shall ensure that each Covered Individual receives a copy of this Policy. The COI Point of Contact shall advise Covered Individuals expected to be involved in the selection, award, or administration of the County Contracts. The COI Point of Contact shall consult with the County Attorney as necessary to assist in determining whether a conflict of interest or perceived conflict of interest exists.

If the COI Point of Contact discovers that a real or apparent conflict of interest has arisen after the County has entered into a Contract, the COI Point of Contact shall, as soon as possible, disclose such finding to the County Manager and Wayne County Board of Commissioners. Upon discovery of such a real or apparent conflict of interest, the County shall cease all payments under the relevant Contract until the conflict of interest has been resolved.

Mandatory Conflict of Interest Disclosures

Each Covered Individual expected to be or involved in making or administering of a Contract has an ongoing duty to disclose to the COI Point of Contact potential real or apparent conflicts of interest arising under this Policy. Such conflicts include but are not limited to:

- Ownership by a Covered Individual or by a member of their family of a significant interest in any outside enterprise that does or seeks to do business with the County.
- Serving as a director, officer, partner, consultant, or in a managerial or technical capacity with an outside enterprise that does or is seeking to do business with Wayne County. Exceptions to this can be approved by the County Manager.
- Acting as a broker, finder, go-between or otherwise for the benefit of a third party in transactions involving or potentially involving Wayne County or its interests.
- Any other arrangements or circumstances, including family or other personal relationships, which might dissuade the employee from acting in the best interest of Wayne County.

Violations of Policy

Any Covered Individual that fails to disclose a real, apparent, or potential real or apparent conflict of interest arising with respect to the Covered Individual or Related Party may be subject to disciplinary action, including, but not limited to, an employee's termination or suspension of employment with or without pay, the consideration or adoption of a resolution of censure of a Public Official by the Governing Board, or termination of an agent's contract with the County. Employees of the County who violate this policy will be disciplined pursuant to Articles 3 and 9 of the Wayne County personnel policy.

The County shall terminate any Contract with a Contractor that violates any provision of this Policy. Additionally, the County may bar any Contractor who violates this Policy from receiving future contracts with the County.

The County shall not discharge, demote, or otherwise discriminate against an employee for reporting or disclosing any conflict of interest or perceived conflict of interest to the COI Point of Contact or any other County employee.

CONFLICT OF INTEREST DISCLOSURE FORM

An actual or potential conflict of interest exists when financial or personal considerations compromise an individual’s objectivity, professional judgment, professional integrity, or ability to fulfill an employee’s responsibilities to Wayne County. Covered Individuals as defined by the County’s Conflict of Interest Policy are required to disclose any actual or potential conflict of interest. Failure to do so will result in disciplinary action up to and including termination.

This Conflict of Interest Form should be completed if a covered individual or a family member of the covered individual has an economic interest in, or acts as an officer or director of, any outside entity which does business with Wayne County. The covered individual should also disclose any personal, business, or volunteer affiliations that may give rise to an actual or potential conflict of interest.

Name: _____

Position: _____

Date: _____

Describe any relationships, transactions, positions you or your family member hold (volunteer or otherwise), or circumstances that you believe could constitute a conflict of interest:

I certify that the information set forth above is true and complete to the best of my knowledge.

Signature: _____

Date: _____