



## BOARD OF COMMISSIONERS

Mr. Ronald J. Gatling, Chairman  
Mr. John D. Horton, Vice-Chairman  
Mr. Leroy Douglas

Mr. André Lassiter  
Mr. William F. Mitchell, Jr.

# County of Hertford Conflict of Interest Policy

The purpose of the following policy and procedures is to prevent the personal interest of staff members, officers, and directors of Hertford County from interfering with the performance of their duties to Hertford County, or resulting in personal financial, professional, and/or political gain on the part of such persons at the expense of Hertford County.

Definitions: Conflict of Interest (also Conflict) means a conflict, or the appearance of a conflict between the private interests and official responsibilities of a person in a position of trust. Persons in a position of trust include staff members, officers, and directors of Hertford County. Governing Board (also board) means the board of directors. Director means an individual member of the board of directors. Staff member means a person who receives all or part of his/her income from the payroll of Hertford County. Related (as stated in the personnel policy) is defined as employee's spouse, mother, father, brother, sister, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandchild, step and/or adopted parents or children.

### Policy:

1. Full disclosure, by notice in writing, shall be made by the interested parties to the full Board of Directors in all conflicts of interest, including but not limited to the following:
  - a) A director is related to another director.
  - b) A director is related to a staff member.
  - c) A director is also a staff member.
  - d) A staff member in a supervisory capacity is related to another staff member whom he/she supervises.
  - e) A director or staff member receives payment from Hertford County for any contract, subcontract, goods, or services other than as part of his/her regular job responsibilities or as reimbursement for reasonable expenses incurred as provided in the bylaws and board policy.
  - f) A director or staff member is a member of the governing body of a contributor to Hertford County.
  - g) A director or staff member may have personal, financial, professional, or political gain at the expense of Hertford County.
  - h) A director or staff member engages in activities that may cause a loss of public credibility in Hertford County or create a public impression of impropriety.
2. Following full disclosure of a possible conflict of interest or any condition listed above, the board of directors shall determine whether a conflict of interest exists and, if so, the board shall vote to authorize or reject the transaction and/or condition. Both votes shall be by a majority vote without counting the vote of any interested director, even if the disinterested directors are less than a quorum, provided that at least one consenting director is disinterested.
3. An interested director, officer, or staff member shall not participate in any discussion or debate of the board of directors, or of any committee thereof, in which the subject of discussion is a contract, transaction, or situation in which there may be a conflict of interest.
4. No director, officer, or staff member shall participate in the selection, award, or administration of a procurement transaction in which federal or state funds are used, where to his/her knowledge, any of the following has a financial interest in that transaction: (1) the staff member, officer, or director; (2) any member of his/her immediate family; (3) his/her partner; (4) an organization in which any of the above is an officer, director, or employee; or (5) a person

or organization with whom any of the above is negotiating or has any arrangement concerning prospective employment.

5. Existence of any of the above-listed conditions shall render a contract or a transaction voidable unless full disclosure of personal interest is made in writing to the board of directors and such transaction was approved by the board in full knowledge of such interest.
6. The disinterested directors are authorized to impose by majority vote other reasonable sanctions as necessary to recover associated costs against a director, officer, or staff member for failure to disclose a conflict of interest as described in Paragraph 1 or for any appearance of a conflict.
7. Appeal from sanctions imposed pursuant to Paragraph 5 and 6 above shall be prescribed by law in those courts of the State of North Carolina with jurisdiction over both the parties and the subject matter of the appeal.
8. In the event that Hertford has incurred costs or attorney fees as a result of legal action, litigation, or appeal brought by or on behalf of an interested director or staff member due to a conflict of interest and consequent sanctions and in the event that Hertford County prevails in such legal action, litigation, or appeal, Hertford County shall be entitled to recover all of its costs and attorney fees from the unsuccessful party.
9. A copy of this policy shall be given to all directors, officers, and staff members upon commencement of such person's relationship with Hertford County. Each board member, officer, and staff member shall sign and date the policy at the beginning of his or her term of service or employment and each year thereafter. Failure to sign does not nullify the policy.

*By signing below, you acknowledge that you have read, understood and will comply with all of the requirements, conditions and terms associated with the Conflict of Interest Policy:*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Position / Title

*To ensure the policy is being regularly enforced and monitored for compliance, the County Manager shall remind board and staff members of the policy annually by email and shall require board and staff members to disclose annually any interests that may give rise to conflict.*

**Use the section below to disclose any interests that may give rise to conflict:**

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**BUILD YOUR FUTURE ON OUR FOUNDATION**