

**A RESOLUTION TO CLARIFY THE ETHICAL RESPONSIBILITIES  
OF CERTAIN BOARDS AND COMMISSIONS APPOINTED BY  
THE PERSON COUNTY BOARD OF COUNTY COMMISSIONERS**

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PERSON COUNTY NORTH CAROLINA THAT:**

**Section 1. Declaration of Policy.** The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policies be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

In recognition of these goals, a code of ethics is hereby adopted. The purpose of this resolution is to establish absolute minimum guidelines for ethical standards of conduct for all officials covered by this resolution by setting forth those acts or actions that are incompatible with the best interests of the county.

**Section 2. Definitions.** As used in this article, the following terms shall have the meanings indicated:

Advisory board member means any member of any board or commission appointed by the Person County Board of County Commissioners. The term "advisory board" shall also include Boards, Commissions and Authorities and other similar organizations by whatever name known to which the Board of Commissioners has appointment authority.

Business entity means 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.

Interest means direct or indirect pecuniary or material benefit accruing to an advisory board member 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 shall be deemed to have an interest in the affairs of:

- (1) Any business entity in which the advisory board member is an officer, partner or director;
- (2) Any business entity in which in excess of ten (10) percent of the stock of, or legal or beneficial ownership of, is controlled or owned directly or indirectly by the county advisory board member;

- (3) Interest of employer. A county advisory board member who is an employee of an entity involved in a contract or undertaking with the County or which seeks the benefit of an official action of the County, may have a conflict of interest if the county advisory board member's participation or vote in the matter would provide the county advisory board member a direct or indirect pecuniary or material benefit which would otherwise not be received by the county advisory board member.

**Section 3. Standards of conduct.**

- (a) Scope. All advisory board members as defined in this article shall be subject to and abide by the following standards of conduct.
- (b) Interest in contract or agreement. No advisory board member, as herein defined, shall have or thereafter acquire an interest in any contract or agreement with the county when such contract has been a matter of consideration before that member's committee.
- (c) Use of official position. No advisory board member shall use his official position or the county's facilities for his private gain. The provisions of this paragraph (c) are not intended to prohibit his speaking before the board of County Commissioners, Roxboro City Council, neighborhood groups and other nonprofit organizations.
- (d) Disclosure of information. No advisory board member shall use or disclose confidential information gained in the course of or by reason of his official position for purposes of advancing:
- (1) His financial or personal interest;
  - (2) A business entity of which he 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 immediate household or that of any other person.
- (e) In addition to the prohibitions contained in (d) above, no advisory board member shall disclose confidential information gained in the course of or by reason of his official position regardless of the motivation for doing so.
- (f) Incompatible service. No advisory board member 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 official duties unless otherwise permitted by law.

- (g) Gifts. No advisory board member or member of his immediate household shall directly or indirectly solicit, accept or receive any gift having a value exceeding \$50.00 whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or could reasonably be expected to influence him in the performance of his official duties, or was intended as a reward for an official action on his part. Legitimate political contributions shall not be considered as gifts under the provisions of this paragraph. This section is not intended to prohibit customary gifts or favors between advisory board members or the friends and relatives of their spouses, minor children, or members of their household where it is clear that it is that relationship rather than the business of the individual concerned which is the motivating factor for the gift or favor. This section does not prohibit meals consumed at a function which involves the responsibilities of the advisory board member. North Carolina General Statute § 133-32 provides additional guidance concerning gifts and favors.
- (h) Special treatment. No advisory board member shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

**Section 4.** Disclosure of interest. Any advisory board member who has an interest in any official act or action before his committee shall publicly disclose on the record of the respective body such interest, and shall withdraw from any consideration of the matter if excused by the body.

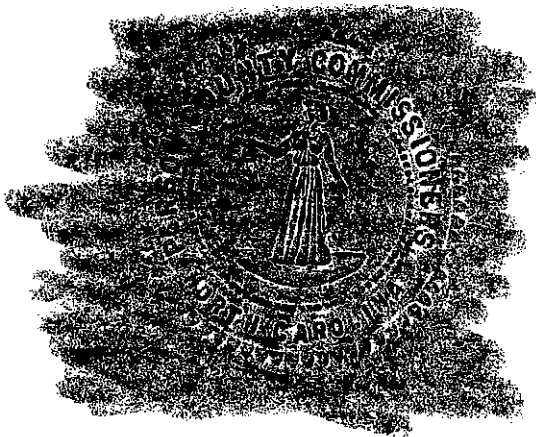
**Section 5.** Investigations.


- (a) The Board of County Commissioners may direct the County Attorney to investigate any apparent violation of this article, as it applies to advisory board members and to report the findings of his investigation to the Board of County Commissioners.
- (b) Any person who believes that a violation of this article has occurred may file a complaint in writing with the Board of County Commissioners.

**Section 6. Sanctions.** If the Board of County Commissioners, after receipt of an investigation of the County Attorney, has cause to believe a violation has occurred, the Board of County Commissioners shall schedule a hearing on this matter. The advisory board member who is charged with the violation shall have the right to present evidence, cross-examine witnesses, including the complainant or complainants, and be represented by counsel at the hearing. If, upon the conclusion of the hearing, the Board of County Commissioners finds that a violation has occurred, the Board of County Commissioners may adopt a resolution of censure which shall be placed as a matter of record in the minutes of the official meeting. In addition, the board may rescind the appointment of the advisory board member and remove from membership on the advisory board. Any such vote shall be adopted by at least a 4/5 vote of the membership of the Board of County Commissioners.

**Section 7. Advisory opinions.** When any advisory board member has a doubt as to the applicability of any provision of this article to a particular situation, or as to the definition of terms used in this article, he may apply to the County Attorney for an advisory opinion. The advisory board member shall have the opportunity to present his interpretation of the facts at issue and of the applicability of provisions of this article before such advisory opinion is made.

Adopted this, the 9th day of January, 2012.



  
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**Jimmy B. Clayton, Chairman**  
**Person County Board of Commissioners**

**Attest:**

  
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**Brenda B. Reaves**  
**Clerk to the Board**