



Town of Sunset Beach Legal Conflicts of Interest Policy

All Town of Sunset Beach elected and appointed boards shall make every attempt to avoid legal conflicts of interest and begin each meeting by asking members to voluntarily inform the board if any matter on the agenda might present a conflict of interest or might require the member to be excused from voting. The following guidelines are designed to translate current legal requirements into specific behaviors board members should avoid. While statutory provisions should be viewed as a minimum standard, board members should always consider whether there are ethical problems with other behaviors, even if such behavior does not violate criminal or other statutes dealing with conflicts of interest or other subjects.

1. Avoid deriving a direct benefit from contracts in which you are involved in making or administering on behalf of the public agency. (G.S. 14-234(a)(1); criminal penalty; note defined terms in the statute: *direct benefit, involved in making or administering a contract.*)
2. Avoid attempting to influence others involved in making or administering a contract on behalf of the public agency, even if you aren't involved, if you will derive a direct benefit from the contract. (G.S. 14-234 (a)(2); criminal penalty; note defined terms in the statute: *direct benefit, involved in making or administering a contract.*)
3. Avoid soliciting or receiving any gift or reward in exchange for recommending, influencing, or attempting to influence the award of a contract by the public agency you serve. (G.S. 14-234(a)(3); criminal penalty.)
4. Consider the ethical and practical consequences of deriving a direct benefit from a contract authorized under any exception to the statute and weigh these considerations against the potential advantage to the public agency and to yourself. Follow reporting requirements to ensure transparency. (G.S. 14-234(b); (d1).)
5. Avoid participating in deliberations about or voting on a contract in which you have a direct benefit, when the contract is undertaken as allowed under any exception to the statute. (G.S. 14-234(b1); criminal penalty.)
6. Avoid using your knowledge of contemplated action by you or your unit, or information known to you in your official capacity and not made public, to acquire a financial interest in any

property, transaction, or enterprise, or to gain a financial benefit that may be affected by the information or contemplated action. Avoid intentionally aiding another to do any of these things. (G.S. 14-234.1; criminal penalty.)

7. Avoid receiving any gift or favor from a current, past, or potential contractor. (G.S. 133-32(a); criminal penalty.)

8. Consider the ethical and practical consequences of accepting a gift or favor under any exception to the statutory prohibition, and follow reporting requirements to ensure transparency. (G.S. 133-32(d).)

9. Avoid voting on matters involving your own financial interest or official conduct. (G.S. 160A-75; 153A-44.) Identify and disclose these matters in advance so your board can determine whether you have a conflict allowing you to be excused by the board from voting. When in doubt, obtain an opinion from your local attorney about whether you must vote or may be excused.

10. Avoid voting on any zoning map or text amendment where the outcome of the vote is reasonably likely to have a direct, substantial, and readily identifiable financial impact on you. (G.S. 153A-340(g); G.S. 160A-381(d).)

11. Do not participate in or vote on any quasi-judicial matter, including matters that come before the board when the board is acting in a quasi-judicial capacity under G.S. 153A-345 or G.S. 160A-388, if participation would violate affected persons' constitutional right to an impartial decision-maker. Impermissible conflicts under this statutory standard include "having a fixed opinion prior to hearing the matter that is not susceptible to change"; "undisclosed ex parte communications [communications between a board member and someone involved in the matter that occur outside the official quasi-judicial proceeding]"; "a close familial, business, or other associational relationship with an affected person";³ or "a financial interest in the outcome of the matter."
(G.S. 153A-345(e1), G.S. 160A-388(e1); violation of the constitutional standard by one member invalidates the entire vote.)

12. Fulfill your statutory obligation to vote on all matters that come before you even when there are appearances of conflict, and only refrain from voting when there is a legal basis for being or a requirement to be excused from voting. (G.S. 153A-44; G.S. 160A-75.)

Adopted this the _____ day of _____, 2017

Town of Sunset Beach

By: Mayor

ATTEST:

Town Clerk