

RESOLUTION NO. 2015-04

**A RESOLUTION ADOPTING A
CONFLICT OF INTEREST POLICY
FOR THE CITY OF BREVARD**

WHEREAS, it is essential for the City of Brevard's officers, employees, and agents to remain free from all conflicts of interest, whether real or apparent, in order for the City of Brevard to maintain the public trust of its Citizens; and,

WHEREAS, North Carolina State Law prohibits City officers, employees, an agents from voting upon or other otherwise participating in the selection, award, or administration of contracts in which they have a direct or indirect financial interest; and,

WHEREAS, the City Council of the City of Brevard desires to enact a conflict of interest policy for the City of Brevard.

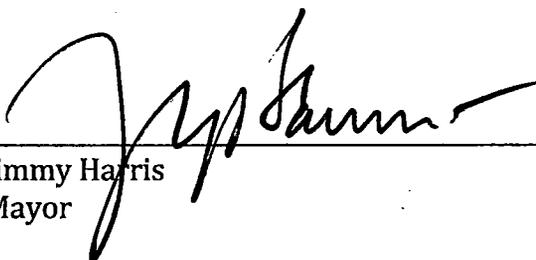
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA, THAT:

Section 1. A Conflict of Interest Policy for the City of Brevard, which is set forth in Exhibit A to this Resolution, and which is incorporated herein by reference, is hereby adopted and enacted.

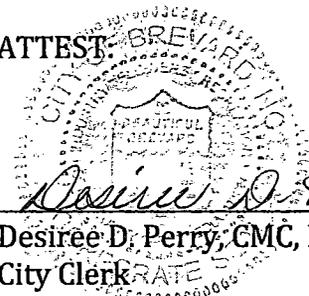
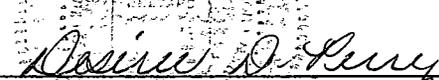
Section 2. The Conflict of Interest Policy shall apply to all City officers, employees, an agents, which includes Brevard City Council, appointed boards and commissions of the City, and individuals and organizations providing services to the City on a contract basis.

Section 3. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 2nd day of March, 2015.



Jimmy Harris
Mayor

ATTEST: 


Desiree D. Perry, CMC, NCCMC
City Clerk

EXHIBIT A
Resolution No. 2015-04

CONFLICT OF INTEREST POLICY

1. POLICY

It is the policy of the City of Brevard to prohibit its officers, employees, or agents from participating in the selection, award, or administration of any contract where a conflict of interest is involved or may exist, whether real or apparent.

2. PURPOSE

It is essential for the City of Brevard's officers, employees, and agents to remain free from all conflicts of interest, whether real or apparent, in order for the City to maintain the public trust of its citizens. Additionally, North Carolina State law prohibits City officers, employees, and agents from voting upon or otherwise participating in the selection, award, or administration of contracts in which they have a direct or indirect financial interest.

As a condition of receiving federal and state grant funds, the City is required to have a Conflict of Interest policy that specifies certain conditions that necessitate a finding that a conflict of interest exists. This policy addresses these concerns and complies with all applicable federal and state conflict of interest laws.

3. SCOPE

This policy applies to all City officers, employees, or agents as well as sub-grantees or sub-recipients of any federal or state funds received from the City. No officers, employee, or agent of the City, and no sub-grantee or sub-recipient of any federal or state funds from the City shall participate in the selection or in the award of a contract supported by federal, state, or city funds if a conflict of interest, real or apparent, would be involved. Such a conflict of interest would arise when any of the following persons or entities has a financial or other interest in the firm selected for the award:

- (i) The employee, officer, agent;
- (ii) Any member of his or her immediate family;
- (iii) His or her partner; or
- (iv) An organization which employs, or has arranged or agreed to employ, anyone listed in (i) through (iii) above.

The City's or any sub-grantee's or sub-recipient's officers, employee, or agents will not solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to agreements or sub-agreements.

4. DEFINITIONS

- 4.1 Officer – An individual who is elected to or appointed to serve or represent the City of Brevard, other than an employee or independent contractor of the City.
- 4.2 Employee – Those individuals who are employed whether by specific employment agreement or at will by the City of Brevard for remuneration, whether full time or part time, benefited or non-benefited, and are charged with implementing City policies and City Council goals and objectives.

4.3 Agent – Those individuals or companies who are authorized to act on behalf of the City and who provide services or products, whether contractual or not.

4.4 Management Officials – The City Manager, all Department Heads, and for purposes of this Conflict of Interest Policy only, the City Attorney.

5. ORGANIZATIONAL RULES

5.1 In order for the City to maintain the public trust of the citizens it serves, it is essential for the officers, employees, and agents of the City of Brevard to remain free from all conflicts of interest, whether real or apparent.

6. PROCEDURES

6.1 If any officer, employee, or agent of the City has a potential conflict of interest in the selection, award, or administration of any contract supported by federal, state, or city funds in violation of this policy or has knowledge that another officer, employee, or agent of the City has a potential conflict of interest in the selection, award, or administration of any contract supported by federal, state, or city funds in violation of the policy, that person is required to report to his or her immediate supervisor or other management official all of the facts and circumstances concerning the conflict in as much detail as possible. This report should identify (i) the party or parties involved, (ii) the contract involved, (iii) the nature of the conflict, and (iv) any other relevant facts and circumstances concerning the conflict.

If any officer, employee, or agent of a sub-grantee or sub-recipients of any federal, state or city funds has a potential conflict of interest in the selection, award, or administration of any contract supported by federal, state, or city funds in violation of this policy or has knowledge that another officer, employee, or agent of a sub-grantee or sub-recipient of any federal, state, or city funds has a potential conflict of interest in the selection, award, or administration of any contract supported by federal, state, or city funds in violation of this policy, that person is required to report to his or her immediate supervisor or other management official and the City's contact person for that particular grant all of the facts and circumstances concerning the conflict in as much detail as possible. This report should identify (i) the party or parties involved, (ii) the contract involved, (iii) the nature of the contract, and (iv) any other relevant facts and circumstances concerning the conflict.

6.2 Any contact person for a particular grant, supervisor or management official who receives information related to a potential conflict of interest as described in Section 6.1 above shall promptly present the same to the City Manager, who shall thoroughly and impartially investigate the complaint. In the event that the employee with a potential conflict of interest is the City Manager or a member of City Council, the contact person for a particular grant, supervisor or Management Official may instead make such report to the City Attorney. If the person with a potential conflict of interest is a member of City Council, the City Attorney shall consult with the City Manager and either the Mayor or Mayor Pro Tem to report the same, and then shall thoroughly and impartially investigate the complaint.

6.3 Any violation of this policy will subject the officer, employee, or agent to disciplinary action up to and including dismissal from employment and may also subject the offender to criminal prosecution and/or civil penalties under North Carolina State law and federal law.

- 6.4 It is the responsibility of each employee to be aware of and adhere to the tenets of this Conflict of Interest Policy. City officers, employees, and agents are also responsible for ensuring that their subordinates remain abreast of this policy in all dealings they might be involved with as pertain to the selection, award, or administration of a contract supported by federal, state, or City funds.

7. ACTION UPON COMPLETION OF INVESTIGATION

Upon completion of the investigation referred to in Section 6.2, the City Manager or City Attorney shall take appropriate action consistent with this Policy. If the City Attorney has made the investigation (because the potential conflict concerns the City Manager or a member of City Council) he shall make his report and recommendation to City Council.