

AN ORDINANCE

TO AMEND SECTION 2-83 OF THE GREENVILLE COUNTY CODE TO PROHIBIT COUNTY BOARD AND COMMISSION MEMBERS FROM PARTICIPATION IN MATTERS OF ECONOMIC INTEREST; TO PROVIDE FOR WRITTEN DISCLOSURE, RECUSAL, AND REPORTING OF CONFLICTS; AND REMOVAL OF MEMBERS FOR VIOLATIONS.

WHEREAS, Greenville County Council has maintained the important need to avoid potential conflicts and perceived influences when members of County Boards and Commissions vote on matters of public interest; and

WHEREAS, Greenville County Council finds that citizens desire their public officials to be held to a high standard of ethical conduct; and

WHEREAS, the South Carolina General Assembly has enacted legislation that prohibits a member of a public body from voting on a matter when there is a conflict of interest with respect to the decision or action; and

WHEREAS, Greenville County Council finds that, in addition to adhering to the recusal requirements in State law, it can bolster confidence in government by implementing rules relating to conflicts of economic interests, including the reporting and possible removal of a board or commission member who violates the provisions of this Ordinance, as well as the voidance of a contract entered into by a board or commission when a member fails to disclose a conflict of interest.

NOW THEREFORE, BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Amendment to County Code Section 2-83. Section 2-83 of the Greenville County Code of Ordinances is hereby struck in its entirety and amended to read as follows:

“(A) No board or commission member shall participate in board action or vote on any contract involving the sale or lease of land, materials, supplies, equipment, or services in which the board or commission member, or any family member of the board or commission member, or individual with whom the board or commission member is associated, or a business with which a board or commission member is associated, has an economic interest.

(B) In the event an action or vote on a transaction regulated under Subsection (A) comes before a board or commission, the covered member shall:

(1) Prepare a written statement describing the matter requiring an action or decision and the nature of his or her potential conflict of interest with respect to the action or decision; and

(2) Furnish a copy of the written statement to the presiding officer of the board or commission who shall cause the statement to be printed in the minutes and shall require the member be excused from any votes, deliberations, and other actions on the matter on

which the potential conflict of interest exists. The presiding officer of the board or commission shall have a copy of the member's written statement along with a copy of the minutes of the board or commission meeting forwarded to the Greenville County Clerk to Council's Office.

(C) A violation of this section by any board or commission member can result in a contract, sale, or lease entered into by the Board or Commission being voided and may result in removal of the member by Greenville County Council. Upon notice of a violation, the board or commission shall, by majority vote, make a determination:

(1) Whether an act or failure to act was made in violation of this section; and

(2) Whether a violation of this section warrants voiding the contract, sale or lease entered into by the board or commission. In making this determination, the Board or Commission may consider, among other factors, whether the benefit received was direct or indirect, incidental, remote or insignificant so as to not reasonably be regarded as capable of influencing the member and body.

The board or commission shall transmit its determination on the matter to County Council within thirty days. County Council may, within its discretion, uphold or overturn a determination made by a Board or Commission pursuant to this subsection. In the absence of action by a board or commission, County Council reserves the ability to undertake its own determinations under this subsection.

(D) No board or commission member or family member of a board or commission member shall currently elect to receive direct services from any entity governed by the board or commission they represent. For purposes of this section, the phrase 'elect to receive services' shall not include compliance with a governmental regulation or mandate."

Section 2. **Effective Date.** This ordinance shall take effect upon its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2012.

GREENVILLE COUNTY COUNCIL

Bob Taylor, Chairman
Greenville County Council

ATTEST:

Theresa B. Kizer
Clerk to Council

Joseph M. Kernell
County Administrator