

Business Category: NC Global TransPark Authority		Business Area: Office of the Executive Director
Approval Date: 09/14/2022	Last Revision Date: 12/13/2023	Next Review Date: 12/13/2025
Authority: NC General Statute § 63A North Carolina Global TransPark Authority NC General Statute §138A State Government Ethics Act NC General Statute §143C State Budget Act NC General Statute §136-13 Malfeasance of Officer and Employees of Department of Transportation, Member of Board of Transportation, Contractors, and Others NC General Statute §136-13.1 Use of Position to Influence Elections or Political Action. NC General Statute §136-14 Members not eligible for other employment with Department; No Sales by Department Employees, Members not to Sell or Trade property with Department; Profiting from Official Position; Misuse of Confidential Information by Board Members NC General Statute §136A-6.Types of Transfers		Select all that apply: <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Requires Board approval GTP Board of Directors <input type="checkbox"/> Requires Federal Highways Administration (FHWA) approval <input type="checkbox"/> Requires other external agency approval: Click here to enter external agency name(s).

Definitions:

"Authority" - shall mean The North Carolina Global TransPark Authority as enacted by Section 63A of the North Carolina General Statutes, and with powers as enumerated in Section 63A-4 of the North Carolina General Statutes.

"Board" - shall mean The Board of Directors of the Authority with members as defined in Section 63A-3(b) of the North Carolina General Statutes.

"Appearance of a conflict of interest"- shall mean any matter related to a Board member's duties which would likely cause a reasonable person to conclude from the circumstances that the member's ability to protect the public interest, or perform public duties, would be compromised by personal interests.

"Business Associate" - shall mean a director, partner, officer, or employee of a business entity, or an owner of more than a 10 percent interest in a business entity.

"Conflict of Interest" - shall mean any use of a Board member's position, or any official action taken by a Board member, which would result in a profit, or other financial benefit, direct or indirect, to the Board member, a member of the Board member's immediate family, or an individual with whom, or business with which, the Board member is associated. A conflict of interest does not exist where the profits, financial or other benefits would be enjoyed by the Board member to an extent no greater than that which other citizens of the State would or could enjoy.

"Department" - shall mean the North Carolina Department of Transportation.

"Immediate family" - shall mean spouse, children, parents, brothers, and sisters.

"N.C.G.S." - shall mean North Carolina General Statute.

"Official Action" - shall mean actions taken related to a Board member's duties including, but not limited to, voting on, proposing or objecting to matters before the Board; discussing matters under consideration by the Board with staff members or other Board members; or, taking other actions in the course and scope of a Board member's position.

"Participant" - shall mean an owner, shareholder, partner, employee, or agent with a private interest in a matter related to an Authority member's duties.

"Profit" - shall mean monetary or economic gain or benefit, including an increase in value, whether or not recognized, by sale or trade.

Policy:

As stated in the By-Laws of the NC Global TransPark Authority, Article III Board of Directors, Section 1 Board of

Directors, the Authority shall be governed by its Board of Directors in accordance with N.C.G.S. §63A-4(a) and (b), subject to and consistent with the direction and supervision of the Secretary, per the Type II transfer of the Global TransPark Authority in 2011 in accordance with N.C.G.S. §143A-6. Except in situations where timing and circumstances may require a prompt, immediate decision by the Secretary, exercise of Authority powers will be by the decision of the Board. The Secretary may override or modify decisions of the Board in their sole discretion.

The Board is committed to the principle that the holding of a public office by appointment or employment is a public trust. Independence and impartiality of public officials are essential to maintain the confidence of our citizens. The members of the Board have a duty to the people of North Carolina to uphold the public trust, prevent the occurrence of conflicts of interest, and to endeavor at all times to use their positions for the public benefit.

To this end, this Policy is adopted to provide guidelines designed to minimize the opportunity for potential or actual conflicts of interest, to affect the quality and credibility of the Board's work and to ensure that an atmosphere of ethical behavior is promoted and maintained at all times. It is the Board's intent that members comply with this Policy in a manner consistent with the requirements of State Ethics Act and the Board's orientation manual and ethics education manual; both of which outline the statutory authority, roles, responsibilities, and requirements for members of the Board.

Scope:

As stated in the Global TransPark Authority By-Laws, Article III Board of Directors, Section 9. Ethics Standards, All members and employees of the NC Global TransPark Authority shall comply with the ethical requirements of the North Carolina Global TransPark Authority Act, specifically N.C.G.S. §63A-21 (and its successor statutes,) requirements of any applicable Executive Order (copies of which may be attached as an Appendix hereto) and the requirements of the State Government Ethics Act, found at N.C.G.S. §138A, Subchapter II, Article 5 and the reporting and training as administered by the North Carolina State Ethics Commission. Members of the Board are also subject to the provisions of NC General Statute. § 136-13, 13.1, and 14.

Procedures:

Members of the Board must review all-agenda items and supporting materials prior to each Board meeting as part of standard preparation and to determine if there is a potential or actual conflict of interest.

In the event a conflict is determined, the member must complete the recusal form. The form may be obtained from the Board Secretary. After completion, the form must be turned in to the Board Secretary for record purposes before or directly following the Board meeting.

At the time a vote is taken during the meeting, the member must verbalize the recusal prior to the vote on the item. The member may acknowledge the completion of the recusal form for note in the meeting's official record (meeting minutes).

Guiding Principles:

The Board adopts the following guiding principles for achieving its goals of ensuring an atmosphere of ethical behavior among its members and in its actions:

- (1) The people of North Carolina entrust public power to appointed members of the Board for the purpose of furthering the public, not private or personal, interests.
- (2) In order to maintain the public trust, it is essential that the Board function honestly and fairly, free from all forms of impropriety, threats, favoritism, and undue influence.
- (3) Members of the Board must maintain and exercise the highest standards of duty to the public in carrying out their official responsibilities and duties.
- (4) Acceptance of a position on the Board imposes a commitment of fidelity to the public interest and such power cannot be used to advance narrow interests for oneself, other persons, or groups.
- (5) Self-interest, partiality, and prejudice have no place in decision-making for the public good.
- (6) Members of the Board must exercise their duties responsibly, with skillful judgement and energetic dedication.
- (7) Members of the Board must exercise discretion regarding information obtained in the course of their official duties, which could be used to affect their personal interests.
- (8) It is a healthy policy for the Board to include members representing diverse geographical, professional, occupational, and economic interests. Because the decisions of the Board can be pervasive, affecting state, regional and local concerns, members of the Board will inevitably encounter situations which constitute the appearance of or actual conflicts of interest. Maintaining the public trust requires that members strive to avoid such situations and, where unavoidable, disclose the conflict and remove themselves from the process.
- (9) The Board has concluded that it is in the public interest to establish these policies on ethical conduct which set forth a code of behavior that is consistent with federal and state laws, and other sound ethical principles.

Rules of Conduct:

In order to ensure that members of the Board avoid conflicts of interest and perform their official duties in the best interests of the public, the following Rules of Conduct are adopted:

- (1) Board members shall not knowingly take official action or use their official positions in any manner which will result in a profit or other benefit, directly or indirectly, to the Board member, a member of the Board member's immediate family, or to a business associate of the Board member or the member's immediate family.
 - (a) This provision shall not apply to profits or benefits, which will be enjoyed by the members, the member's immediate family, or their business associates to an extent no greater than that which other citizens will enjoy.
- (2) Board members shall not knowingly solicit, seek, demand, accept, or agree to receive anything of value for themselves, or for another person or entity, in return for being influenced in the discharge of their official duties.
- (3) Board members shall not knowingly use or disclose information gained while carrying out their official duties in a manner which will affect the member's personal financial interests, or those of the member's immediate family or their business associates.
- (4) Board members shall recuse themselves from official action or other participation in any matter involving the Board, the Authority, or the Department upon the identification of an actual conflict of interest, an appearance of a conflict of interest, or any other situation in which the member's impartiality might reasonably be questioned due to the member's relationship with a participant in the matter.
- (5) Board members shall continuously monitor their personal, financial, and professional affairs, and make diligent efforts to identify conflicts of interest or the appearance of conflicts of interest.
- (6) Board members shall refrain from accepting any gift or favor from any participant with an interest in a matter involving the Authority or the Department. This prohibition shall not apply to advertising items, souvenirs of nominal value, or meals furnished at banquets.
- (7) Board members shall have no responsibility or authority to give operational directives to any employee of the Authority other than the Executive Director or the Executive Director's designee.

Disclosures:

Board members shall timely file and update Statements of Economic Interest with the North Carolina Board of Ethics as required by NC General Statute §138A. State Government Ethics Act.

Sanctions:

Upon a determination by the NC State Ethics Commission that a Board member has violated the provisions of this Ethics Policy or Governor Easley's Executive Order No. 2, the member may be subject to such warning, reprimand or censure as the Board of Ethics deems appropriate. The Ethics Commission / Board of Ethics may also recommend to the appointing authority further sanctions, including removal of the member from the Board. Violations of certain conflict of interest provisions in the North Carolina General Statutes may subject a Board member to criminal penalties.

Consultation:

Board members are strongly encouraged to consult with the Secretary of Transportation, the Chairman of the Authority Board, the State Ethics Commission, Department of Transportation General Counsel's Office, or the Attorney General's Office regarding any questions concerning their ethical responsibilities as a member of the Board.

Education:

All members of the Board shall participate in periodic educational programs on ethics, conflicts of interest, and the statutory authority, roles and responsibilities of as members. Board members shall attend an ethics refresher course at a minimum of every two years after taking the initial course upon swearing in.

Related Documents:

BYLAWS OF THE NORTH CAROLINA GLOBAL TRANSPARK AUTHORITY, ARTICLE III BOARD OF DIRECTORS, SECTION 9. Ethics Standards. All Members and employees shall comply with the ethical requirements of the Act, specifically N.C.G.S. §63A-21 (and its successor statutes,) requirements of any applicable Executive Order (copies of which may be attached as an Appendix hereto) and the requirements of the State Government Ethics Act, N.C.G.S. §138A, et seq. as administered by the NC State Ethics Commission.

NC State Ethics Commission: Avoiding Conflicts of Interest (Included in the Board Orientation Manual-Ethics & Legal Section) NC State Ethics Commission: Avoiding Conflicts of Interest (Included in the Board Orientation Manual-Ethics & Legal Section)

Recusal Process (Included in the Board Orientation Manual-Ethics & Legal Section)

Recusal Form

Revision History

Revision Date	Revision Number	Description
9/14/2022	0	Adopted.
12/13/2023	1	Technical revision regarding the State Ethics Commission.