

Section 2. - Definitions.

As used in this Act, the term:

- (1) "Business" means a corporation, a partnership, a sole proprietor, or any other person or organization carrying on an enterprise for profit.
- (2) "Confidential information" means any information which by law or practice is not available to the public.
- (3) "Consultant" means any person not a member of the governing authority who is retained, designated, or specially employed to render personal services of a technical or professional nature, whether paid or unpaid, and who has other personal or private employment. The term "consultant" includes, but is not limited to, attorneys, architects, engineers, surveyors, accountants, brokers, financial advisors, and title abstractors.
- (4) "Contract" means any claim or demand against or any lease, account, or agreement with any person, whether express or implied, executed or executory, verbal or in writing.
- (5) "Emergency situation" means any circumstance or condition giving rise to an immediate necessity for the execution of a contract by and between Cherokee County or a local authority and a public official or between Cherokee County or a local authority and a business in which a public official has an interest and where, to the satisfaction of the head of the affected county office, it is shown that there is no one other than such persons with whom the contract could have been made and that the necessity was not brought about by such persons' own fault or neglect.
- (6) "Immediate family" means an individual and the individual's spouse and their parents, children, brothers, and sisters.
- (7) "Interest" means any direct or indirect pecuniary or material benefit held by or accruing to a public official or to a member of the board of ethics as a result of a contract or transaction which is or may be the subject of an official act or action by or with Cherokee County or a local authority. Unless otherwise provided in this section, the term "interest" does not include any remote interest. A public official or a member of the board of ethics shall be deemed to have an interest in transactions involving:
 - (A) Any person in the member's immediate family;
 - (B) Any person with whom a contractual relationship exists whereby the member may receive any payment or other benefit;
 - (C) Any business in which the member is a director, officer, employee, prospective employee, or shareholder; or
 - (D) Any person of whom the member is a creditor, whether secured or unsecured.
- (8) "Local authority" means an authority described in paragraph (14) of this section.
- (9) "Official act or action" means any legislative, administrative, appointive, or discretionary act of a public official.
- (10) "Paid" means the receipt of, or right to receive, a salary, commission, or percentage, brokerage, or contingent fee.
- (11) "Participate" means to take part in official acts, actions, or proceedings personally as a member of the governing authority through approval, disapproval, decision, recommendation, investigation, the rendering of advice, or the failure to act or perform a duty.
- (12) "Person" means any individual, business, labor organization, representative,

- fiduciary, trust, or association, whether paid or unpaid, and includes any public official.
- (13) "Property" means any property, whether real or personal, or tangible or intangible, and includes currency and commercial paper.
- (14) "Public official" means the chairman and every member of the board of commissioners of Cherokee County; the county manager of Cherokee County; the chairman and every member of the Cherokee County Water and Sewerage Authority; the chairman and every member of the Cherokee County **Airport**Authority; and the chairman and every member of the Cherokee County Development Authority.
- (15) "Remote interest" means the interest of:
- (A) A nonsalaried director, officer, or employee of a nonprofit corporation;
 - (B) A holder of less than 5 percent of the legal or beneficial ownership of the total shares of a business;
 - (C) Any person in a representative capacity, such as a receiver, trustee, or administrator; or
 - (D) Any person who, by determinations of the board of ethics, is deemed to have such an interest.
- (16) "Transaction" means the conduct of any activity that results in or may result in an official act or action of a public official.