

## **CODE OF ETHICS for the BOARD OF COMMISSIONERS of the TOWN OF ELM CITY**

WHEREAS, the Constitution of the State of North Carolina, Article I, Section 35, reminds us that a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty; and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics; and

WHEREAS, each member, including the Mayor, of the Board of Commissioners is charged with upholding the trust of the citizens of Elm City and with obeying the law; and

NOW, THEREFORE, in recognition of our obligations as citizens of the State of North Carolina, and as public officials representing the citizens of Elm City, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the Board of Commissioners for the Town of Elm City do hereby adopt the following General Principles and Code of Ethics to guide the Board of Commissioners in its lawful decision making:

### **GENERAL PRINCIPLES**

The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.

Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.

Board members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.

Board members must always remain aware that at various times they play different roles:

- As advocates, who strive to advance the legitimate needs of their citizens.
- As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and the resolutions.
- As decision-makers, who arrive at fair and impartial quasi-judicial and administrative determinations.

Board members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.

Board members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents.

### **CODE OF ETHICS**

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Board of Commissioners and to help to determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a board member's best judgment. The terms, "Board of Commissioners," "Board," and "Board Members" shall be construed to include the Mayor.

(1) Board members should obey all laws applicable to their official actions as members of the Elm City Board of Commissioners. Board members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, Board members should feel free to assert policy positions and opinions without fear of reprisal from fellow Board members or citizens. To declare that a Board member is behaving unethically because of disagreements on questions of policy (and not because of the council member's behavior) is unfair, irresponsible, and itself unethical.

Board members should endeavor to keep up to date, through the Town Attorney and other sources such as the UNC School of Government, about new or ongoing legal or ethical issues they may face in their official positions. Newly elected or re-elected Commissioners are required by State law to go through two (2) hours of ethics training within the first year following election. These educational functions are in addition to the day-to-day legal advice the Board may receive concerning specific situations that arise.

(2) Board members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values.
- Behaving consistently and with respect toward everyone with whom they interact.
- Exhibiting trustworthiness.
- Living as if they are on duty as elected officials regardless of where they are or what they are doing.
- Using their best independent judgment to pursue the common good as they see it, presenting their opinion to all in a reasonable, forthright, consistent manner.
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others.
- Disclosing contracts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves.
- Treating other council members and the public with respect and honoring the opinions of others even while the council members disagree with those opinions.
- Not reaching conclusions on issues until all sides have been heard.



- Showing respect for their offices and not behaving in ways that reflect on those offices.
- Recognizing that they are a part of a larger group and acting accordingly.
- Recognizing that individual Board members are not generally allowed to act on behalf of the Board but may only do so if the Board specifically authorizes it, and that the Board must take official action as a body.
- Avoiding conflicts of interest, in accordance with the Town's Conflict of Interest Policy.

(3) Board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this Board will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the board member's action would conclude that the action was inappropriate.

If a board member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the Town Attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it.

(4) Board members should faithfully perform the duties of their offices. They should act as especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Board members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the Board has authority.

Board members should be willing to bear their fair share of the Board's workload. To the extent appropriate, they should be willing to put the Board's interests ahead of their own.

(5) Board members should conduct the affairs of the Board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should also remember that local government records belong to the public and not to Board members or their employees.


In order to ensure strict compliance with the laws concerning openness, Board members should make clear that an environment of transparency and candor is to be maintained at all times in the government unit. They should prohibit unjustified delay in fulfilling public record requests. They should take deliberate steps to make certain that any closed sessions are lawfully conducted and that such sessions do not stray from the purpose for which they are called.


(6) Board members should be informed concerning campaign finance, conflict of interest, and other appropriate state and federal laws and will scrupulously comply with the provisions of

such laws. Each member should refrain from financial and business dealings that tend to reflect adversely on the Board or on Town government, or that interfere with the proper function of the Town. Each member should manage his or her personal financial interests to minimize the number of cases in which he or she must ask to be excused from voting on matters coming before the Board. Each member should not disclose any information acquired in his or her official capacity as a Town Commissioner or Mayor in financial dealings or for any other purpose not related to official duties.

THIS CODE OF ETHICS SUPERCEDES AND REPLACES ANY PRIOR CODE OF ETHICS ADOPTED BY THE BOARD OF COMMISSIONERS.

Resolved, this the 17<sup>th</sup> day of December, 2019.

  
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Mayor

  
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Town Clerk