

# **Code of Ethics For The Yadkin County Board of Commissioners**

## **PREAMBLE**

### **RESOLUTION ADOPTING A CODE OF ETHICS FOR THE YADKIN COUNTY BOARD OF COMMISSIONERS**

WHEREAS, the Constitution of North Carolina, Article 1, Section 35, reminds us that a "frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty," and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina's state motto, *Esse quam videri*, "To be rather than to seem," and

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

WHEREAS, as public officials we are charged with upholding the trust of the citizens of Yadkin County, and with obeying the law, and

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

### **GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS**

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, Board members strive to advance the legitimate needs of their citizens. As legislators, Board members balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions and 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. Each official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

## **PURPOSE**

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Yadkin County Board of Commissioners and to help 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.

## **SECTION ONE**

### **A County Commissioner Shall Obey the Law**

Board members should obey all laws applicable to their official actions as members of the board. 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 one disagrees with that board member on a question of policy (and not because of the board member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

## **SECTION TWO**

### **A County Commissioner Should Uphold the Integrity and Independence of His or Her Office**

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 going
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions 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 contacts 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 board members and the public with respect and honoring the opinions of others even when the board 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 badly on those offices
- Recognizing that they are 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

### **SECTION THREE**

#### **A County Commissioner Should Avoid Impropriety and the Appearance of Impropriety in All His or Her Activities**

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 board's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

### **SECTION FOUR**

#### **A County Commissioner Should Perform the Duties of the Office Diligently**

Board members should faithfully perform the duties of their offices. They should act as the 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.

## **SECTION FIVE**

### **A County Commissioner Should Conduct the Affairs of the Board of Commissioners in an Open and Public Manner**

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 remember when they meet that they are conducting the public's business. 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 governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the board are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

## **SECTION SIX**

### **A County Commissioner Should Endeavor to Stay Updated Regarding New or Ongoing Legal or Ethical Issues**

Board members should endeavor to keep up to date, through the board's attorney and other sources, about new or ongoing legal or ethical issues they may face in their official positions as well as the most pertinent constitutional, statutory, and other legal requirements with which they must be familiar to meet their legal responsibilities.

## **Attachment 1**

### **Guidelines for Ethical Behavior**

The following 12 guidelines are designed to translate current legal requirements into specific behaviors board members should avoid. While statutory provisions should be viewed as a minimum standard, board members should always consider whether there are ethical problems with other behaviors, even if such behavior does not violate criminal or other statutes dealing with conflicts of interest or other subjects.

1. Avoid deriving a direct benefit from contracts. (G.S. 14-234)
2. Avoid attempting to influence others involved in making or administering a contract. (G.S. 14-234(a)(2))

3. Avoid soliciting or receiving any gift or reward in exchange for recommending, influencing, or attempting to influence the award of a contract. (G.S. 14-234(a)(3))
4. Consider the ethical and practical consequences of deriving a direct benefit from a contract. (G.S. 14-234(b); (d1))
5. Avoid participating in deliberations about or voting on a contract in which you have a direct benefit. (G.S. 14-234(b1))
6. Avoid using your knowledge of contemplated action by you or information known to you in your official capacity and not made public. (G.S. 14-234.1)
7. Avoid receiving any gift or favor from a current, past, or potential contractor. (G.S. 133-32(a))
8. Consider the ethical and practical consequences of accepting a gift or favor under any exception to the statutory prohibition. (G.S. 133-32(d))
9. Avoid voting on matters involving your own financial interest or official conduct. (G.S. 160A-75; 153A-44)
10. Avoid voting on any zoning map or text amendment where the outcome of the vote is reasonably likely to have a direct impact on you. (G.S. 153A-340(g); 160A-381(d)).
11. Do not participate in or vote on any quasi-judicial matter, including matters that come before the Board when acting in a quasi-judicial capacity or if participation would violate affected persons' constitutional right to an impartial decision-maker. Impermissible conflicts under this statutory standard include "having a fixed opinion prior to hearing the matter that is not susceptible to change"; "undisclosed ex parte communication"; "a close familial, business, or other associational relationship with an affected person"; or a "financial interest in the outcome of the matter." (Violation of the constitutional standard by one member invalidates the entire vote.) (G.S. 153A-345)
12. Fulfill your statutory obligation to vote on all matters that come before you even when there are appearances of conflict and only refrain from voting when there is legal basis for or requirement to be excused from voting. (G.S. 153A-44; 160A-75)

## Related North Carolina Statutes

14-230	Willfully failing to discharge duties
14-234	Public officers or employees benefiting from public contracts; exceptions
14-234.1	Misuse of confidential information
132-9	Access to records [from G.S. Chapter 132, Public records]
133-32	Gifts and favors regulated
143-318.9	Public policy [from G.S. Chapter 143, Article 33C, Meetings of Public Bodies]
143-318.16	Injunctive relief against violations of Article [33C, Meetings of Public Bodies]
143-318.16A	Additional remedies for violations of Article [33C, Meetings of Public Bodies]
143-318.16B	Assessments and awards of attorneys' fees [in actions brought under Article 33C, Meeting of Public Bodies]
143-318.16C	Accelerated hearing; priority [for actions brought under Article 33C, Meetings of Public Bodies]
143-318.17	Disruptions of official meetings
153A-44	Members excused from voting
153A-340	Grant of power [from G.S. Chapter 153A, Article 18, Planning and Regulation of Development]
153A-345	Board of Adjustment
160A-75	Voting