

# **Code of Ethics for Yadkin County Board of Commissioners**

## **PREAMBLE**

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 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**

1. 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.
2. Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
3. Commissioners 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.
4. Commissioners must always remain aware that at various times they play different roles.
  - (a) As advocates, Commissioners strive to advance the legitimate needs of their citizens.

- (b) As legislators, Commissioners 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.
  - (c) Commissioners must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
5. Commissioners 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.

## **CODE OF ETHICS**

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 Commissioner's best judgment.

### **Section 1. Obey the Law**

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

At the same time, Commissioners should feel free to assert policy positions and opinions without fear of reprisal from fellow Commissioners or citizens. To declare that a Commissioner is behaving unethically because one disagrees with that Commissioner on a question of policy (and not because of the Commissioner's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Newly elected or re-elected Commissioners are required by NC state law to go through 2 hours of ethics training within the first year of their election. Commissioners should endeavor to keep up to date, through the County's attorney or other sources such as the UNC School of Government or the North Carolina Association of County Commissioners, about new or ongoing legal or ethical issues they may face in their official positions. This educational function is in addition to the day-to-day legal advice the Board may receive concerning specific situations that arise. Failure to attend the required 2 hours of training will result in removal from any/all committee assignments.

### **Section 2. Uphold Integrity and Independence**

Commissioners shall act with integrity and independence from improper influence as they exercise the duties of their Offices. Requires Commissioners to make decisions that are based on the public good and not their desires or considerations of special interest.

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 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 Commissioners and the public with respect and honoring the opinions of others even when the Commissioners disagree with those opinions;
- Not reaching conclusions on issues until all sides have been heard;
- Showing respect for their Board appointments and not behaving in ways that reflect badly on the Board of Commissioners or to the board/committee that the Commissioner services; and avoiding conflicts of interest.
- Recognizing that they are part of a larger group and acting accordingly;
- Recognizing that individual Commissioners 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 3. Impropriety**

(a) Commissioners should avoid impropriety in the exercise of their official duties. To act as “especially responsible citizens” honor the public trust as they carry out their 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 Commissioner’s action would conclude that the action was inappropriate.

(b) If a Commissioner believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the County’s attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it.

#### **Section 4. Diligence**

Commissioners 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.

Commissioners 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. Commissioners 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.

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#### **Section 5. Open & Public Manner**

Commissioners 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. A public official who is honest, fair, caring and honors the public trust will honor the spirit as well as the letter of the law. Will see openness or transparency is an important part of that responsibility. They should also remember that local government records belong to the public and not to Commissioners or their employees.

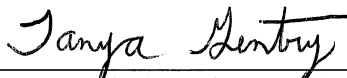
In order to ensure strict compliance with the laws concerning openness, Commissioners should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delays in fulfilling public records requests. They should 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. Information discussed in lawfully conducted sessions shall be kept in confidence by the Commissioners in accordance with NC law.

#### **Section 6. Ethics Violation**

If, by majority vote of the Board, the Board has reasonable cause to believe that one more of its Commissioners has violated a provision of this Code of Ethics, it may at a regular meeting of the Board of County Commissioners, direct the County Attorney to open an investigation into the matter. All information compiled, including the grounds for the findings of reasonable cause, shall be shared with the Commissioner when it is received. All information pertaining to the case shall be open to public inspection and copying pursuant to the North Carolina public records statutes. If, upon investigation of a violation of this Code of Ethics, the Commissioners have reasonable cause, to believe that a violation of criminal law may have occurred, the matter shall be referred to the local district attorney. Should the Board determine that it wishes to proceed further with censure proceedings, it shall, by a majority vote, call for a public hearing to be held at a regular meeting or at a special meeting convened for that purpose and shall adhere to the

procedures set out in Attachment “A” “Censure Procedure” and said hearing shall be ran in accordance with Roberts Rules of Order. This section shall apply only to the Board of Commissioners of Yadkin County.

This Code of Ethics amended and amended and adopted this the 18<sup>th</sup> day of November, 2024.



Clerk to the Board  
Tanya Gentry



Kevin Austin, Chair  
Board of Commissioners

## **Attachment "A"**

### **Censure Procedure**

If by chance, a member of the Board of Commissioners acts, incites or commits any such action or demonstration that is inconsistent with any of the Sections of the Code of Ethics in the above mention document, the following actions shall be carried out accordingly to both identify and resolve any further actions moving forward.

#### **Step 1:**

Upon the alert that a Commissioner has been accused of violating a Section of the Code of Ethics, such alert shall be communicated to the Board of Commissioners' Chair immediately. Once made aware of the concern, the Chair shall make the full Board of Commissioners aware of the accusation and then schedule a meeting with the accused Commissioner and County Attorney to review the concern and address it properly.

After discussion, if no such concern is found to be justified upon review of evidence presented, the Chair shall provide such determination to the remaining Commissioners and the matter shall be considered resolved.

If, after discussion, the Chair finds reason to believe the concern is valid, the Chair shall communicate with the remaining Commissioners the determination and identify the reasons for such finding. As a standard practice, at this time the Chair shall provide the accused Commissioner with a verbal warning of such violation in the presence of the County Attorney. Minutes shall be taken of the meeting and read aloud at the next regularly scheduled meeting of the Board of Commissioners.

#### **Step 2:**

Upon the alert that a Commissioner has been accused of a second violation of the Code of Ethics, such alert shall be communicated to the Board of Commissioners' Chair immediately. Once made aware of this second accusation, the Chair shall make the remaining Commissioners aware of this second accusation and then schedule a meeting with the Commissioner in question and County Attorney to review the second concern and address it properly.

After discussion, if no such concern is found to justified upon review of the evidence presented, the Chair shall provide such determination to the remaining Commissioners and the matter shall be considered resolved.

If after discussion, the Chair finds reason to believe the second concern is valid, the Chair shall communicate with the remaining Commissioners the determination and identify the reasons for such finding. As standard practice, at this time the Chair, in the presence of the County Attorney, shall provide the accused Commissioner with a written letter for the accused Commissioner's files. Minutes shall be taken of the meeting and read aloud at the next regularly scheduled meeting of the Board of Commissioners.

**Step 3:**

Upon the alert that a Commissioner has been accused of a third violation of the Code of Ethics, such alert shall be communicated to the Board of Commissioners' Chair immediately. Once made aware of this third accusation, the Chair shall make the remaining Commissioners aware of this third accusation then schedule a meeting with the accused Commissioner and County Attorney to review the third concern and address it properly.

After discussion, if no such concern is found to be justified upon review of the evidence presented, the Chair shall provide such determination to the remaining Commissioners and the matter shall be considered resolved.

If after discussion, the Chair finds reason to believe the third concern is valid, the Chair shall communicate with the remaining Commissioners the determination and identify the reasons for such finding. As standard practice, at this time the Chair, in the presence of the County Attorney, shall provide the accused Commissioner with an additional letter to the accused Commissioner identifying the concern and findings for both the accused and County's files. Minutes shall be taken and read aloud at the next regularly scheduled meeting of the Board of Commissioners. Upon the conclusion of the reading of the letter, further action at this time shall include the removal of the Commissioner from all sub-Committees and appointed Boards the Commissioner was appointed to and all such Committees and Boards will be made aware of the change immediately with a newly appointed Commissioner assigned accordingly.

The accused Commissioner shall remain removed from all appointed Committees and Boards for a minimum of 6 months or the next organizational meeting of the Commissioners occurring the following December, as determined by the Board of Commissioners. At that time, the Board shall discuss the accused Commissioners standing and determine a course of direction moving forward.

## **Related North Carolina Statues**

14-230	Willfully failing to discharge duties
14-234(a)(2)	Public officers or employees benefitting from public contracts; exceptions
14-234.1	Misuse of confidential information
132-9	Access to records
133-32	Gifts and Favors regulated
143-318.9	Public Policy
143-318.16	Injunctive relief against violations of Article
143-318.16A	Additional remedies for violations of Article
143-318.16B	Assessments and awards of attorneys' fees
143-318.16C	Accelerated hearing; priority
143-318.17	Disruptions of official meetings
153A-44	Members excused from voting
160D-702	Grant of power
160D-302	Boards of Adjustment
160A-75	Voting