

TOWN OF CLAYTON RESOLUTION ADOPTING A CODE OF ETHICS

PREAMBLE

WHEREAS, the Constitution of North Carolina, Article I, Section 35, states 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, elected local government officials are charged with upholding the trust of the citizens of the Town of Clayton, North Carolina and with obeying relevant laws.

NOW THEREFORE, BE IT RESOLVED in recognition of our blessings and obligations as citizens of the State of North Carolina and as elected local government officials representing the citizens of the Town of Clayton and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, the Clayton Town Council does hereby adopt the following general principles and code of ethics to guide the Clayton Town Council in its lawful decision-making. (Hereinafter the terms “elected local government official(s) or elected official(s), the Town Council, Town Council member(s) or elected member(s)” shall be used interchangeably when referring to the Clayton Town Council.)

CODE OF ETHICS AND CONDUCT FOR THE MAYOR AND TOWN COUNCIL

The stability and proper operation of democratic representative government depends upon the continuing consent of the governed, upon the public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people. Government decisions and policy must be made and implemented through proper channels and processes of the governmental structure. The purpose of this Code is to establish guidelines for ethical standards of conduct for the Mayor and Town Council and all references herein to the Town Council shall be understood to include the Mayor. It should not be considered a substitute for the law or a Town Council member's best judgment.

Town Council members must act in a manner to maintain their integrity and independence, yet must be responsive to the interests and needs of those they represent. Town Council members serve in an important advocacy capacity in meeting the needs of the citizens and should recognize the legitimacy of this role as well as the intrinsic relevance of this role to the proper function of representative government. At the same time, Town Council members must, at times, act in an adjudicatory or administrative capacity and must, when doing so, act in a fair and impartial manner. Town Council members must know how to distinguish these roles and when each role is appropriate and they must act accordingly. Town Council members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each Council member must find within his or her own conscience the touchstone on which to determine appropriate conduct.

One
A Town Council Member Shall Obey the Law

Town Council members shall support the Constitution of the United States, the Constitution of North Carolina and the laws enacted by the Congress of the United States and the General Assembly of North Carolina pursuant thereto. Members specifically acknowledge and agree to comply with the requirements of NCGS §14-234 entitled “Public officers or employees benefiting from public contracts; exceptions.”

Two
A Town Council Member Should Uphold the Integrity and Independence of His or Her Office

Town Council members should demonstrate the highest standards of personal integrity, truthfulness, honesty and fortitude in all their public activities in order to inspire public confidence and trust in town government. Town Council members should participate in establishing, maintaining, and enforcing, and should themselves observe, high standards of conduct so that the integrity and independence of their office may be preserved. The provisions of this Code should be construed and applied to further these objectives.

Three
A Town Council Member Should Avoid Impropriety and the Appearance of Impropriety in All His or Her Activities

- It is essential that town government attract those citizens best qualified and willing to serve. Town Council members have legitimate interests- economic, professional and vocational- of a private nature. Town Council

members should not be denied, and should not deny to other Town Council members or citizens, the opportunity to acquire, retain and pursue private interests, economic or otherwise, except when conflicts with their responsibility to the public cannot be avoided. Town Council members must exercise their best judgment to determine when this is the case.

- Town Council members should respect and comply with the law and should conduct themselves at all times in a manner that promotes public confidence in the integrity of the office of Town Council and of town government.
- Town Council members should not allow family, social, or other relationships to unduly influence their conduct or judgment and should not lend the prestige of the office of Town Council to advance the private interests of others; nor should they convey or permit others to convey the impression that they are in a special position to influence them. Town Council members shall not grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.
- The Mayor or any member of the Town Council who has a financial interest in any official act or action before the Council shall publicly disclose on the record of the Council the nature and extent of such interest and shall withdraw from any consideration of the matter if excused by the Council pursuant to NCGS §160A-75.

Four

A Town Council Member Should Perform the Duties of the Office Diligently

Town Council members should, while performing the duties of the office as prescribed by law, give precedence to these duties over other activities. In the performance of these duties, the following standards should apply:

A. Legislative Responsibilities:

- Town Council members should actively pursue policy goals they believe to be in the best interests of their constituents within the parameters of orderly decision-making, rules of the Town Council and open government.
- Town Council members should respect the legitimacy of the goals and interests of other Town Council members and should respect the rights of others to pursue goals and policies different from their own.

B. Adjudicative Responsibilities:

- Town Council members should be faithful to the general and local laws pertaining to the office and strive for professional competence in them. They should be unswayed by partisan interests, public clamor, or fear of criticism.
- Town Council members should demand and contribute to the maintenance of order and decorum in proceedings before the Town Council.

- Town Council members should be honest, patient, dignified and courteous to those with whom they deal in their official capacity, and should require similar conduct of their staff and others subject to their direction and control.
 - Town Council members should accord to every person who is legally interested in a proceeding before the Town Council exercises full right to be heard according to law.
 - Town Council members should dispose promptly of the business of the town for which they are responsible.
- C. **Administrative Responsibilities:**
- Town Council members should clearly distinguish legislative, adjudicatory and administrative responsibilities and should refrain from inappropriate interference in the impartial administration of town affairs by town employees. Town Council members should diligently discharge those administrative responsibilities that are appropriate, should maintain professional competence in the administration of these duties and should facilitate the diligent discharge of the administrative responsibilities of fellow Town Council members and other town officials.
 - Town Council members should conserve the resources of the town in their charge. They should employ town equipment property, funds and personnel only in legally permissible pursuits and in a manner that exemplifies excellent stewardship.
 - Town Council members should require town employees subject to their direction and control to observe the standards of fidelity and diligence that apply to Town Council members as well as those appropriate for employees.
 - Town Council members who become aware of improper conduct by a town employee should promptly inform the Town Manager, or, in the case of a Town employee who reports directly to the Council, initiate appropriate disciplinary measures.
 - Town Council members should not employ or recommend the appointment of unnecessary employees and should exercise the power of employment only on the basis of merit, avoid favoritism and refrain from illegal discrimination and nepotism. They should not approve compensation of employees beyond the fair value of services rendered.

Five
**A Town Council Member Should Conduct the Affairs of the
Town Council in an Open and Public Manner**

Town Council members should be aware of the letter and intent of the State's Open Meetings Law (NCGS Chapter 143, Article 33C), should conduct the affairs of the Town Council consistent with the letter and intent of that law and

consistent with the need to inspire and maintain public confidence in the integrity and fairness of town government and the office of Town Council. Consistent with this goal of preserving public trust, Town Council members should be aware of the need for discretion in deliberations when the lack of discretion would pose a threat to the resources of the town, to the reputation of current or potential town employees, to orderly and responsible decision making, to the integrity of other governmental processes or to other legitimate interests of the town.

Six

A Town Council Member Should Regulate His or Her Extra Governmental Activities to Minimize the Risk of Conflict with His or Her Official Duties

- Town Council members should inform themselves concerning campaign finance, conflict of interest and other appropriate state and federal laws and should scrupulously comply with the provisions of such laws.
- Town Council members should refrain from financial and business dealings that tend to reflect adversely on the Council or on town government or to interfere with the proper performance of official duties.
- Town Council members should manage their personal financial interests to minimize the number of cases in which they must abstain from voting on matters coming before the Council.
- Information acquired by Town Council members in their official capacity may not be used or disclosed in financial dealings or for any other purpose not related to official duties.

Seven

A Town Council Member Should Refrain from Political Activity Inappropriate to His or Her Office

- A. Town Council members have a civic responsibility to support good government by every available means, to continue to inform and educate the citizenry about the affairs and processes of town government, and to make themselves available to citizens of the town so that they may ascertain and respond to the needs of the community. In doing so, Town Council members may and should join or affiliate with civic organizations whether partisan or non-partisan, may and should attend political meetings, may and should advocate and support the principles or policies of civic or political organizations consistent with the Constitution and laws of the United States and North Carolina.
- B. Candidates for the office of Town Council, including incumbents:
 - Should inform themselves concerning the laws of this state with regard to campaigns and relevant disclosure requirements and should scrupulously comply with the provisions of such laws;

- Should maintain the dignity appropriate to the office, and should encourage members of their families to adhere to the same standards of political conduct that apply to Town Council;
- Should not make pledges or promises of conduct in office that they will not or cannot perform or would be illegal if it were performed;
- Should not misrepresent their identity, qualifications present position, or other fact; and
- Should avoid pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office.

Eight

A Town Council Member Shall Attend Ethics Education Training

All members of governing boards shall receive a minimum of two clock hours of ethics education within 12 months after initial election or appointment to the office, and again within 12 months after each subsequent election or appointment to the office in accordance with NCGS 160A-87. The ethics education shall cover laws and principles that govern conflicts of interest and ethical standards of conduct at the local government level. The ethics education may be provided by various qualified sources, including the NC League of Municipalities and UNC School of Government, or other qualified sources of the Council's choosing. The Clerk to the governing board shall maintain a record verifying receipt of the ethics education by each member of the Town Council.

BE IT FURTHER RESOLVED that:

- A violation of this Code of Ethics may subject a Mayor/Council member to a censure Resolution by the Clayton Town Council; however, no such censure resolution shall be adopted until the person alleged to have committed the violation has been given notice of the alleged violation and provided with the opportunity to appear before the Council and be heard regarding the allegation.
- When a Mayor/Council member has a question as to the applicability of this code to a particular situation, he or she may apply, orally or in writing, to the Town Attorney for advisory guidance. Upon receipt of a request for advisory guidance and based only upon the information given to the Town Attorney, the Town Attorney will provide advisory guidance to the Mayor/Council member. In the Town Attorney's discretion, he may retain outside legal counsel to advise him in connection with any request for advisory guidance. In no event will the Town Attorney's advisory guidance excuse a Mayor/Council member from complying with the Code of Ethics or other applicable law.

Duly adopted this 1st day of November 2010 while in regular session.

Jody L. McLeod, Mayor

Michael Grannis, Mayor Pro Tem

Bob Satterfield, Councilman

R. S. "Butch" Lawter, Jr. Councilman

Alex Harding, Councilman

Art Holder, Councilman

ATTEST:

Sherry L. Scoggins, MMC, Town Clerk