

A RESOLUTION ADOPTING A CODE OF ETHICS FOR THE CITY COUNCIL

WHEREAS, pursuant to Session Law 2009-403 the City Council is required to adopt a Code of Ethics, and

WHEREAS, the City Council considers it to be in the best interest of the City to adopt such a code,

NOW, THEREFORE, BE IT THEREFORE RESOLVED: That the City Council does hereby adopt the following as its code of ethics.

**CODE OF ETHICS
FOR THE MAYOR AND CITY 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 City Council and all references herein to the City Council shall be understood to include the Mayor. It should not be considered a substitute for the law or a City Council member's best judgment.

City Council Members must be able to act in a manner to maintain their integrity and independence, yet must be responsive to the interests and needs of those they represent. City Council Members serve in an important advocacy capacity in meeting the needs of their citizens and should recognize the legitimacy of this role as well as the intrinsic importance of this function to the proper functioning of representative government. At the same time, City Council Members must, at times, act in an adjudicatory or administrative capacity and must, when doing so, act in a fair and impartial manner. City Council Members must know how to distinguish these roles and when each role is appropriate, and they must act accordingly. City 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 City Council Member must find within his or her own conscience the touchstone on which to determine appropriate conduct.

**One
A City Council Member Shall Obey the Law**

City 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 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 City Council Member Should Uphold the Integrity and
Independence of His or Her Office**

City 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 City government. City 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 City Council Member Should Avoid Impropriety and the
Appearance of Impropriety in All His or Her Activities**

It is essential that City government attract those citizens best qualified and willing to serve. City Council Members have legitimate interests -- economic, professional and vocational -- of a private nature. City Council Members should not be denied, and should not deny to other City 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. City Council Members must exercise their best judgment to determine when this is the case.

City 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 City Council Member and of City government.

City 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 City Council Member 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. City 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 City Council who has an interest in any official act or action before the Board shall publicly disclose on the record of the Board the nature and extent of such interest and shall withdraw from any consideration of the matter if excused by the Board pursuant to NCGS §160A-75.

Four
**A City Council Member Should Perform the Duties of the
Office Diligently**

City 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

1. City Council Members should actively pursue policy goals they believe to be in the best interests of their constituents, consistent with orderly decision-making, rules of the City Council and open government.
2. City Council Members should respect the legitimacy of the goals and interests of other City Council Members and should respect the rights of others to pursue goals and policies different from their own.

B. Adjudicative Responsibilities

1. City Council Members should be faithful to the general and local laws pertaining to their office and strive for professional competence in them. They should be unswayed by partisan interests, public clamor or fear of criticism.
2. City Council Members should demand and contribute to the maintenance of order and decorum in proceedings before the City Council.
3. City 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.
4. City Council Members should accord to every person who is legally interested in a proceeding before the Board full right to be heard according to law.

5. City Council Members should dispose promptly of the business of the City for which they are responsible.

C. Administrative Responsibilities

1. City Council Members should clearly distinguish legislative, adjudicatory and administrative responsibilities and should refrain from inappropriate interference in the impartial administration of City affairs by City employees. City 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 City Council Members and other City officials.
2. City Council Members should conserve the resources of the City in their charge. They should employ City equipment, property, funds and personnel only in legally permissible pursuits and in a manner that exemplifies excellent stewardship.
3. City Council Members should require City employees subject to their direction and control to observe the standards of fidelity and diligence that apply to City Council Members as well as those appropriate for employees.
4. City Council Members who become aware of improper conduct by a City employee should promptly inform the City Manager, or, in the case of a City employee who reports directly to the Board, initiate appropriate disciplinary measures.
5. City 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 City Council Member Should Conduct the Affairs of the City Council in an Open and Public Manner

City Council Members should be aware of the letter and intent of the State's Open Meetings Law, should conduct the affairs of the City Council consistent with the letter and spirit of that law and consistent with the need to inspire and maintain public confidence in the integrity and fairness of City government and the office of City Council Member. Consistent with this goal of preserving public trust, City 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 City, to the reputation of current or potential City employees, to orderly and responsible decision making, to the integrity of other governmental processes or to other legitimate interests of the City.

Six

A City Council Member Should Regulate His or Her Extragovernmental Activities to Minimize the Risk of Conflict with His or Her Official Duties

- A. City 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.
- B. City Council Members should refrain from financial and business dealings that tend to reflect adversely on the Board or on City government or to interfere with the proper performance of official duties.
- C. City 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 Board.
- D. Information acquired by City Council Members in their official capacity should not be used or disclosed in financial dealings or for any other purpose not related to official duties.

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

- A. City 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 City government, and to make themselves available to citizens of the City so that they may ascertain and respond to the needs of the community. In doing so, Council Members may join or affiliate with civic organizations whether partisan or non-partisan, may attend political meetings, and may advocate for and support the principles and policies of civic and political organizations consistent with the Constitution and laws of the United States and of the State of North Carolina.

- B. Candidates for the office of City Council Member, including incumbents:
 - 1. 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;
 - 2. 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 City Council Member;
 - 3. 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;
 - 4. Should not misrepresent their identity, qualifications, present position, or other fact; and
 - 5. Should avoid pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office.

Eight
A City 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 N.C.G.S. 160A-84. 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 North Carolina League of Municipalities and University of North Carolina School of Government, or other qualified sources of the Board's choosing. The Clerk shall maintain a record verifying receipt of the ethics education by each member of the City Council.

BE IT FURTHER RESOLVED that:

- A. A violation of this Code of Ethics may subject a Mayor or City Council Member to a censure resolution by the Hendersonville City 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 Board and be heard regarding the allegation.

- B. When a Mayor or City 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 City Attorney for advisory guidance. Upon receipt of a request for advisory guidance and based only upon the information given to the City Attorney, the City Attorney will provide advisory guidance to the Mayor or City Council Member. The City Attorney may retain outside legal counsel to advise him in connection with any request for advisory guidance. In no event will the City Attorney's advisory guidance excuse a Mayor or City Council Member from complying with the Code of Ethics or other applicable law.

Adopted this fourth day of November 2010.

Barbara G. Volk

Barbara G. Volk
Mayor, City of Hendersonville

ATTEST:

Tammie K. Drake

Tammie K. Drake, CMC
City Clerk

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