

CODE OF ETHICS
FOR THE
BOARD OF COMMISSIONERS
OF
McDOWELL COUNTY, NORTH CAROLINA

WHEREAS, the Constitution 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, as public officials we are charged with upholding the trust of the citizens of this county, and with obeying the law, and

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

GUIDING 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 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. Each official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

THE CODE

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the 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 1. 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 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 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
- 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 3.a. 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.

Section 3.b. 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 4. 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 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 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.

STANDARDS OF CONDUCT POLICY

The following policy of intent is hereby adopted by the McDowell County Board of Commissioners and establishes guidelines for ethical standards of conduct for all county officials by setting forth some of those acts or actions that may be incompatible with the best interest of McDowell County. To that end, all county officials hereinafter defined as including the Board of Commissioners, County Manager, department heads, and all other county employees shall be subject to and abide by the following standards of conduct,

A) No county official shall have or hereafter acquire an interest in any contract or agreement with the county if he will privately benefit or profit from contracting or undertaking in violation of North Carolina General Statutes 14-234. The county official shall immediately notify the County Manager in any instance where a conflict of interest may exist and interpretation will be obtained from the County Attorney,

B) No county official shall use his official position or the county's facilities for his private gain, nor shall he appear before or represent any private person, group or interest except in matters of purely civic or public concern.

C) No county official shall use or disclose confidential information gained in the course of or by reason of his official position for purposes of advancing his financial or personal interest. For purposes of this policy, confidential information includes information so

identified in executive session meetings of the commissioners.

D) No county official shall engage in, or accept private employment or render service, for private interest when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties, unless otherwise permitted by law. All county officials shall furnish notification of outside employment as provided in county policy.

E) No county official shall directly or indirectly solicit any gift whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, in the performance of his official duties, or was intended as a reward for any official action on his part. Legitimate political contributions shall not be considered as gifts under the provisions of this paragraph.

F) County officials shall conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties. County officials shall also strive to give the clear impression that they are entitled to no special consideration or treatment based on their official position. County officials shall disclose any personal relationship to the governing body in the instance where there could be the appearance of a conflict of interest.

ADOPTED NOVEMBER 8, 2010.

DAVID N. WALKER
CHAIRMAN

CARRIE J. PADGETT
CLERK TO THE BOARD