

**Code of Ethics for the
Town Council of
Swepsonville,
North Carolina**

PREAMBLE

WHEREAS, the constitution of North Carolina, Article I, Section 35, reminds us that a "frequent recurrence to fundamental principals 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 requires local governing boards to adopt a code of ethics, 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 the Town of Swepsonville, 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 the Town of Swepsonville, and acting pursuant to the requirement of Section 160A-86 of the North Carolina General Statutes, we the Town of Swepsonville Town Council do hereby adopt the following General Principles and Code of Ethics to guide the Town Council in its lawful decision-making.

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

- The stability and proper operation of the 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.
- Town council 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.
- Town council 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.

- Town council members must know how to distinguish among these roles, to determine when each role is appropriate, and to 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 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 Town Council of Swepsonville and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a town councilman's best judgment.

Section 1. Town council members should obey all laws applicable to their official actions as members of the council. Town council members should be guided by the spirit as well as the letter of the law in whatever they do.

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

Town council members should endeavor to keep current, through the town's attorney and other sources, about the most pertinent constitutional, statutory, and other legal requirements with which they must be familiar to meet their legal responsibilities.

Section 2. Town council 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 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 town council members and the public with respect and honoring the opinions of others even when the town council 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 town council members are not generally allowed to act on behalf of the council but may only do so if the council specifically authorizes it, and that the town council must take official action as a body

Section 3.a. Town council 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 appropriate, this council will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the council member's action would conclude that the action was inappropriate.

Section 3.b. If a town council member believes that his or her actions, while legal or ethical, may be misunderstood, the member should seek the advice of the town's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it.

Section 4. Town council 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.

Town council 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 a quasi-judicial matter. They should demand full accountability from those over whom the council has authority.

Town council members should be willing to bear their fair share of the council's workload. To the extent appropriate, they should be willing to put the council's interest ahead of their own.

Section 5. Town council 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 the council members or their employees.

In order to ensure strict compliance with the laws concerning openness, council 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 council are lawfully conducted and that such sessions do not stray for the purposes for which they are called.

Source: "A Model Code of Ethics for North Carolina Local Elected Officials" A. Fleming Bell, II UNC School of Government, 2010