

CODE OF ETHICS FOR THE  
MAYOR AND BOARD OF ALDERMEN OF THE  
TOWN OF WAYNESVILLE, NORTH CAROLINA

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, section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics, and

WHEREAS, the stability and proper operation of democratic representative government depends upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials, and

WHEREAS, as public officials we are charged with upholding the trust of the citizens of Waynesville and with obeying the law:

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 Waynesville, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the Mayor and Board of Aldermen do hereby adopt the following General Principles and Code of Ethics to guide the Town Board in its lawful decision making.

**GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS**

Governmental decisions and policy must be made and implemented through the proper channels and processes of the governmental structure. This requires Board members 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 those 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.

## **CODE OF ETHICS**

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Mayor and Board of Aldermen 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. Legal Considerations**

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.

Board members should endeavor to keep up to date, through the board's attorney, town manager, and other sources, 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 advice the board may receive concerning specific situations that arise.

### **Section 2. Act with Integrity**

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:

- Behaving consistently and with respect toward everyone with whom they interact;
- 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;
- 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;
- 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 quasi-judicial proceedings themselves;
- 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;
- 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. Avoid Impropriety**

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 the relevant facts and circumstances surrounding the board member's actions would conclude that the action was inappropriate.

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 ensure it remains an ethical and legal action. Such steps can include but are not limited to consulting with other sources, such as the town attorney.

### **Section 4. Responsibilities as a Board Member**

Board members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others may 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. Transparency**

Board members should conduct the affairs of the board in an open and public manner, as they are conducting the public's business every time they meet. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is essential to the public's trust. 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 Town. 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.

*NOTE: This Code of Ethics was developed from A Model Code of Ethics for North Carolina Local Elected Officials prepared by the faculty of the UNC School of Government. That publication provides Guidelines for Ethical Behavior, Background Information on Codes of Ethics, Related Statutes and Listings of Additional Resources. As questions and issues pertaining to ethics arise, Board members shall refer to this document and to the references contained within to resolve disputes and develop rules of procedures in the conduct of hearings on ethical violations.*