

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

**PREAMBLE**

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 blessing 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 councils 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 Wilkesboro, and with obeying the law,

NOW THEREFORE, in recognition of our blessing and obligations as citizens of the State of North Carolina and as public official representing the citizens of the Town of Wilkesboro, and acting pursuant to the requirement of Section 160A-86 of the North Carolina General Statutes we, the Wilkesboro 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 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.
- ❖ Council members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interest and needs of those they represent.
- ❖ 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.
- ❖ Council members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
- ❖ 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 an ethical standard of conduct for the Wilkesboro Town Council, as well as any council or commission that reports to the Wilkesboro Town Council, and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a council member's best judgment.

### **Section 1.**

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

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

### **Section 2.**

Council members should act with integrity and independence from improper influences 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 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 received outside of public meetings and refraining from seeing or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves;
- ❖ Treating other council members and the public with respect and honoring the opinions of others even when the 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 poorly on those offices;
- ❖ Recognizing that they are part of a larger group and acting accordingly;
- ❖ Recognizing that individual 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 council must take official action as a body; and

- ❖ Avoiding conflicts of interest.

### **Section 3.a.**

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 inappropriate, 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 council member believes that his or her actions, while legal and 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.**

Council members should faithfully perform the duties of their offices. They should act as 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.

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

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 interests ahead of their own.

### **Section 5.**

Council members should conduct the affairs of the council in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so in 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 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 time in the governmental unit. They should prohibit unjustified delay in fulfilling public records request. 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 from the purposes for which they are called.

## **Censure Procedures.**

If a majority of the council has reason to believe that one of its members has violated a provision of this Code of Ethics, it may open an investigation into the matter to determine whether probable cause exists to initiate censure proceedings against the member. All information compiled, including the grounds for any finding of probable cause, shall be shared with the member when it is received. All information pertaining to the case shall be open to public inspection and copying pursuant to the North Carolina public records statutes. If, upon investigation, the council concludes that a violation of a criminal law may have occurred, subject matter shall be reviewed by the police chief and town attorney and, if deemed necessary, the matter will be referred to the local district attorney.

Should the council determine that it wishes to proceed further with censure proceedings, it shall call for a hearing, to be held at a regular meeting or at a special meeting convened for that purpose. Notice of the hearing stating its time, place, and purpose shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the jurisdiction. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included. Alternatively, the hearing shall be advertised on the jurisdiction's website for the same period of time, up to and including the date of the hearing. The notice shall state that a detailed list of the allegations against the member is available for public inspection and copying in the office of the clerk or secretary to the council.

The hearing shall be convened at the time and place specified. The hearing and any deliberations shall be conducted in open session in accordance with the North Carolina open meetings statutes.

The accused council member shall have the right to have counsel present, to present and cross-examine expert and other witnesses, and to offer evidence, including evidence of the bias of any other council member or the presiding officer. An audio or video and audiotape of the proceedings shall be prepared. Any and all votes during the hearing shall be taken by the ayes and noes and recorded in the council's minutes. Once the hearing is concluded, it shall be closed by a vote of the council. The presiding officer shall next entertain a motion to adopt a nonbonding resolution censuring the member based on specified violations of the code of ethics. Any motion made must be an affirmative one in favor of adoption a nonbonding resolution of censure. If the motion or resolution does not state particular grounds for censure under the code of ethics then the presiding officer shall rule it out of order.

If a motion to adopt a nonbonding resolution of censure stating particular grounds under the code of ethics has been made, the council shall debate the motion. The accused member shall be allowed to participate in the debate but shall not vote on the motion to adopt the resolution.

At the conclusion of the debate, the council shall vote on the resolution. If the motion to adopt the nonbonding resolution of censure is approved by a majority vote of

those present and voting, a quorum being present, the motion passes and the nonbonding resolution of censure is adopted.

The text of the nonbonding resolution of censure shall be made a part of the minutes of the council. Any recording of the council's proceedings shall be approved by the council as a permanent part of the minutes. The proceeding shall then be considered concluded, the council having done all it legally can with respect to the matter in question.

Adoption of a non-binding resolution of censure is the only way to take action against a member who does not comply. There is no legal recourse unless the member breaks the law during their unethical behavior. Council may not determine an actual punishment for misbehavior.