

**CODE OF ETHICS**  
**TOWN BOARD OF COMMISSIONERS**  
**TOWN OF TRYON, NORTH CAROLINA**

**Preamble**

The stability and proper operation of a democratic representative government depends on 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 Town Commissioners. It should not be considered a substitute for the law or the Mayor's or Town Commissioners' best judgment.

The Mayor and Town Commissioners 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. The Mayor and Town Commissioners serve in an important advocacy capacity in meeting the needs of citizens and should recognize the legitimacy of this role as well as the intrinsic importance of this function to the proper operation of representative government. At the same time, the Mayor and Town Commissioners must, at all times, act in an adjudicatory or administrative capacity and must, when doing so, act in a fair and impartial manner. The Mayor and Town Commissioners must know how to distinguish these roles and when each role is appropriate and they must act accordingly. The Mayor and Town Commissioners must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. The Mayor and Town Commissioners must find within their own conscience the touchstone on which to determine appropriate conduct.

**Section 1**

**The Mayor and Town Commissioners shall obey the law.** The Mayor and Town Commissioners shall support the Constitution of the United States, the Constitution of North Carolina and the laws enacted by the United States Congress and the North Carolina General Assembly pursuant thereto.

**Section 2**

**The Mayor and Town Commissioners should uphold the integrity and independence of their offices.** The Mayor and Town Commissioners should demonstrate the highest standards of personal integrity, truthfulness, honesty and fortitude in all their activities in order to inspire public confidence and trust in local government. The Mayor and Town Commissioners should participate in establishing, maintaining and enforcing, and should themselves observe high standards of conduct, so that the integrity and independence of their offices may be preserved. The provisions of this Code should be construed and applied to further these objectives.

### **Section 3**

**The Mayor and Town Commissioners should avoid impropriety and the appearance of impropriety in all of their activities.**

- A. It is essential that local government attract those citizens best qualified and willing to serve. The Mayor and Town Commissioners have legitimate interests – economic, professional and vocational – of a private nature. The Mayor and Town Commissioners should not be denied, and should not deny to other Town Commissioners 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. The Mayor and Town Commissioners must exercise their best judgment to determine when this is the case.
- B. The Mayor and Town Commissioners 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 Mayor and Town Commissioner and of local government.
- C. The Mayor and Town Commissioners 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 Mayor and Town Commissioner to advance the private interest of others, nor should elected officials convey or permit others to convey the impression of being in a special position to influence these private interests.

### **Section 4**

**The Mayor and Town Commissioners should perform the duties of their offices diligently.** The Mayor and Town Commissioners should, while performing the duties of their offices as prescribed by law, give precedence to these duties over other activities. In the performance of these duties, the following standards shall apply:

#### ***Legislative Responsibilities***

- 1. The Mayor and Town Commissioners should actively pursue policy goals they believe to be in the best interests of their constituents within the parameters of orderly decision making rules of the Town Board of Commissioners and open government
- 2. The Mayor and Town Commissioners should respect the legitimacy of the goals and interests of other Town Board members and should respect the rights of others to pursue goals and policies different from their own.

#### ***Adjudicative Responsibilities***

- 1. The Mayor and Town Commissioners should be faithful to the general and local laws pertaining to their offices and strive for professional competence in them. They should be unswayed by partisan interests, public clamor or fear of criticism.

2. The Mayor and Town Commissioners should demand and contribute to the maintenance of order and decorum in proceedings before the Town Board.
3. The Mayor and Town Commissioners should be honest, patient, dignified and courteous to those with whom they deal and should require similar conduct of the Town Manager and others subject to their direction and control.
4. The Mayor and Town Commissioners should accord every person who is legally interested in a proceeding before the Town Board full right to be heard according to the law.
5. The Mayor and Town Commissioners should dispose promptly of the business of the Town for which they are responsible.

#### ***Administrative Responsibilities***

1. The Mayor and Town Commissioners should clearly distinguish legislative, adjudicatory and administrative responsibilities and should refrain from inappropriate interference in the administration of Town affairs by the Town Manager and other Town employees as specified for the council-manager form of government.
2. The Mayor and Town Commissioners should diligently discharge those administrative responsibilities that are appropriate, should maintain professional competence in the administration of those duties and should facilitate the diligent discharge of the administrative responsibilities of fellow Town Board members and other local government officials.
3. The Mayor and Town Commissioners should conserve the resources of the Town in their charge. They should use Town equipment, property, funds and personnel only in legally permissible pursuits and in a manner that exemplifies excellent stewardship.
4. The Mayor and Town Commissioners should require the Town Manager and appointed advisory board members to observe the standards of fidelity and diligence that apply to the Town Board.
5. The Mayor and Town Commissioners should not involve themselves in the recruitment, selection, promotion and discipline of Town employees under the charge of the Town Manager.

### Section 5

**The Mayor and Town Commissioners should conduct the affairs of the Town in an open and public manner.** The Mayor and Town Commissioners should be aware of the letter and intent of North Carolina's Open Meetings Law. They should conduct the affairs of the Town 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 local government and the offices of Mayor and Town Commissioner. Consistent with this goal of public trust, the Mayor and Town Commissioners should be aware of the need for discretion in deliberations when the lack of discretion would pose a threat to the resources of the Town, to the reputation of current or potential Town employees, to orderly and responsible decision making, to the integrity of other governmental processes or other legitimate interests of the Town.

### Section 6

**The Mayor and Town Commissioners should carefully evaluate their extra-governmental activities to minimize the risk of conflict with their official duties.**

- A. The Mayor and Town Commissioners should inform themselves concerning campaign finance, conflict of interest and other appropriate laws and should scrupulously comply with the provisions of such laws.
- B. The Mayor and Town Commissioners should refrain from financial and business dealings that tend to reflect adversely on the Town Board or on local government or to interfere with the proper performance of official duties.
- C. The Mayor and Town Commissioners should manage their personal financial interests to minimize the number of cases in which they must abstain from voting on matters coming before the Town Board.
- D. Information acquired by the Mayor and Town Commissioners in their official capacities should not be used or disclosed in financial dealings or for any other purpose not related to official duties.

### Section 7

**The Mayor and Town Commissioners should refrain from political activity inappropriate to their offices.** The Mayor and Town Commissioners 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 local government, and to make themselves available to citizens of the Town so that they may ascertain and respond to the needs of the community. In doing so, Town Board members may and should join or affiliate with civic organizations whether partisan or non-partisan, may and should attend political meetings, may and should advocate and support the principles or policies of civic or political organizations consistent with the Constitution and laws of the United States and North Carolina. Candidates for the office Mayor or Town Commissioner, including incumbents should:

- 1. Inform themselves concerning the laws of North Carolina with regard to campaigns and relevant disclosure requirements and should scrupulously comply with the provisions of such laws.

2. 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 candidates.
3. Not make pledges or promises of conduct in office that they will not or cannot perform or would be illegal or unethical if performed.
4. Not misrepresent their identity, qualifications, present position or other facts.
5. Avoid pledges or promises of conduct in office other than the faithful and impartial performance of official duties.

### **Section 8**

**If a majority of the Town Board has reason to believe that one its members has violated a provision of this Code, it shall 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 in question when it is received. All information pertaining to the case shall be open to public inspection and copying pursuant to North Carolina law. If upon investigation the Board concludes that a violation of criminal law may have occurred, it shall refer the matter to the District Attorney.

Should the Board 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 Tryon area. 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 Town of Tryon'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 allegations against the member is available for public inspection and copying in the office of the Town Clerk.

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 North Carolina law.

The accused 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 bias of any other member. An audio or video and audio tape of the proceedings shall be prepared. Any and all votes during the hearing shall be taken by the ayes and nays and recorded in the Board's minutes.

Once the hearing is concluded, it shall be closed by vote of the Board. The presiding officer shall next entertain a motion to adopt a nonbinding resolution censuring the member based on specified violations of the Code. Any motion made must be an affirmative one in favor of adopting a nonbinding resolution of censure. If the motion or resolution does not state particular grounds for censure under the Code, the presiding officer shall rule it out of order.

If a motion to adopt a nonbinding resolution of censure stating particular grounds under the Code has been made, the Board shall debate to motion. The accused member shall be allowed to participate in the debate and shall also be allowed to vote on the motion to adopt the resolution.

At the conclusion of debate, the Board shall vote on the resolution. If the motion to adopt the nonbinding resolution of censure is approved by a majority vote of those present and voting, a quorum being present, the motion passes and the nonbinding resolution of censure is adopted.

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

Adopted this the 17<sup>th</sup> day of August, 2010.

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J. Alan Peoples, Mayor

ATTEST:

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Susan B. Bell, Town Clerk