

**CODE OF ETHICS FOR THE
ALEXANDER COUNTY BOARD OF COMMISSIONERS**

WHEREAS, the proper operation of government requires that public officials be independent, impartial, and responsible to the people; and

WHEREAS, government decisions and policy must be made in proper channels of the government structures; and

WHEREAS, the public office must not be used for personal gain; and

WHEREAS, the public must have confidence in the integrity of its government.

NOW, THEREFORE BE IT RESOLVED that the Alexander County Board of Commissioners hereby adopts the following Code of Ethics pursuant to the requirements of Section 160A-86 of the NC General Statutes:

GENERAL PRINCIPLES

The stability and proper operation of 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. 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 Board of Commissioners and should not be considered a substitute for the law or a Board member's best judgment.

Board members must be able to act in a manner to maintain their integrity and independence, yet be 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 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 determinations. Board members must know how to distinguish among these roles to determine what role is appropriate and to act accordingly. Board members must be aware of their obligation to conform to their behavior to standards of ethical conduct that warrant the trust of their constituents.

I. COUNTY COMMISSIONERS SHALL OBEY THE LAW

All members of the Alexander County Board of Commissioners shall uphold and support the Constitution of the United States, the Constitution of North Carolina, the laws enacted by the Congress of the United States, and the laws of the NC General Assembly pursuant thereto. Members acknowledge and agree to comply with the requirements of N.C.G.S. 14-234 entitled "Public officers or employees benefiting from public contracts, exceptions" as well as with the requirements of N.C.G.S. 131A-22 entitled "Conflict of interest."

II. COUNTY COMMISSIONERS SHALL UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE OFFICE

All members of the Alexander County Board of Commissioners should demonstrate the highest standard of personal integrity, truthfulness, honesty and fortitude in all public activities in order to inspire public confidence and trust in county government. Board members should participate in establishing, maintaining, and enforcing, and should observe high standards of conduct so that the integrity and independence of the office may be preserved.

III. COUNTY COMMISSIONERS SHALL AVOID IMPROPRIETY AND APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES

It is essential that county government attract those citizens best qualified and willing to serve. Board members have legitimate interests – economic, professional, and vocational – of a private nature. Board members should not be denied, and should not deny to other members or citizens, the opportunity to acquire, retain, and pursue private interests, economic or otherwise, except when it conflicts with their responsibility to the public and cannot be avoided. Board members must exercise their best judgment to determine when this is the case.

Board members 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 county commissioner and of county government.

Board members 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 county commissioner to advance the private interest of others; nor should he/she convey or permit others to convey the impression that they are in a special position to influence them. Board members shall not grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every citizen. If a Board member believes that his/her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the County Attorney and should consider publically disclosing the facts of the situation and steps taken to resolve it.

IV. COUNTY COMMISSIONERS SHALL PERFORM THE DUTIES OF OFFICE DILIGENTLY

Board members should, while performing the duties of the office as prescribed by law, give precedence to these duties over other activities. In the performance of these duties, the following standards should apply:

A. Legislative Responsibilities

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

B. Adjudicative Responsibilities

1. Board members should be faithful to the general and local laws pertaining to the office and strive for professional competence in them. They should not be unduly influenced by partisan interests, public clamor, or fear of criticism.
2. Board members should demand and contribute to the maintenance of order and decorum in proceedings.
3. Board members should be honest, patient, dignified, and courteous to those with whom they deal in their official capacity and should require similar conduct of their staff and others subject to their direction and control.
4. Board members should accord to every person who is legally interested in a proceeding before the Board full right to be heard according to law.
5. Board members should dispose promptly of the business of Alexander County for which they are responsible.

C. Administrative Responsibilities

1. Board members should clearly distinguish legislative, adjudicatory, and administrative responsibilities and should refrain from inappropriate interference in the impartial administration of county affairs by county employees. Board members should diligently discharge those administrative responsibilities that are appropriate, should maintain professional competence in the administration of these duties, and should facilitate the diligent discharge of the administrative responsibilities of fellow Board members and other county officials.
2. Board members should conserve the resources of the county in their charge. They should employ county equipment, property, funds, and personnel only in legally permissible pursuits and in a manner that exemplifies excellent stewardship.
3. Board members should not employ or recommend the appointment of unnecessary employees and should exercise the power of employment only on the basis of merit, avoid favoritism, and refrain from illegal discrimination and nepotism. Board members should not approve compensation of employee beyond the fair value of services rendered.

V. COUNTY COMMISSIONERS SHALL CONDUCT AFFAIRS OF THE BOARD IN AN OPEN AND PUBLIC MANNER

Board members must be aware of the letter and intent of the State's Open Meetings Law and should conduct the affairs of the Board of Commissioners 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 county government and the office of the Board of Commissioners. Consistent with this goal of preserving the public trust, Board members should be aware of the need for discretion in deliberations when the lack of discretion would pose a threat to the resources of the county, to the reputation of current or potential employees, to orderly and responsible decision making, to the integrity of other governmental processes, or to legitimate interests of the county.

VI. COUNTY COMMISSIONERS SHOULD REGULATE EXTRA GOVERNMENTAL ACTIVITIES TO MINIMIZE RISK OF CONFLICT WITH OFFICIAL DUTIES

Board members should be informed concerning campaign finance, conflict of interest, and other appropriate state and federal laws and will comply with the provisions of such laws.

Board members should refrain from financial and business dealings that tend to reflect adversely on the Board of Commissioners or on county government or to interfere with the proper performance.

Board members should manage his/her personal financial interests to minimize the number of cases in which he/she must ask to be excused from voting on matters coming before the Board.

Board members should not disclose any information acquired in his/her official capacity as a county commissioner in financial dealings or for any other purpose not related to official duties.

VII. COUNTY COMMISSIONERS SHOULD REFRAIN FROM POLITICAL ACTIVITY INAPPROPRIATE TO OFFICE

Board members 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 county government and to make themselves available to citizens of the county so that they may ascertain and respond to the needs of the community. In doing so, Board members may join or affiliate with civic organizations, whether partisan or non-partisan, may attend political meetings and may advocate and support the principles and policies of civic or political organizations consistent with the Constitution and laws of the United States and NC.

Board members should maintain the dignity appropriate to the office and encourage members of his/her family to adhere to the same standards of political conduct.

Board members should not make pledges or promises of conduct in office that he/she cannot or will not perform or are illegal if performed.

Candidates for the office of Alexander County Commissioner, including incumbents:

- Should inform themselves concerning the laws of this state with regard to campaigns and relevant disclosure requirements and should scrupulously comply with the provision of such laws
- Should maintain the dignity appropriate to the office and should encourage members of their families to adhere to the same standards of political conduct.
- Should not make pledges or promises of conduct in office that he/she cannot or will not perform or are illegal if performed.
- Should not misrepresent their identity, qualifications, or other fact.
- Should avoid pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office.

VIII. COUNTY COMMISSIONERS SHALL ATTEND ETHICS TRAINING

Board members shall receive a minimum of two clock hours of ethics education within 12 months after initial election or appointment to the office and again within 12 months after each subsequent election or appointment to the office in accordance with N.C.G.S. 160A-84.

BE IT FURTHER RESOLVED that:

A violation of this Code of Ethics may require a censure resolution by the Alexander County Board of Commissioners; however, no such censure resolution shall be adopted until the person alleged to have committed the violation has been given notice of the alleged violation and provided with the opportunity to appear before the Board and be heard regarding the allegation.

Adopted this the ____ day of _____, 2010.

Larry G. Yoder, Chairman

ATTEST:

Jamie M. Starnes, Clerk to the Board

APPENDIX OF REFERENCED GENERAL STATUTES

§ 160A-86. Local governing boards' code of ethics.

(a) Governing boards of cities, counties, local boards of education, unified governments, sanitary districts, and consolidated city-counties shall adopt a resolution or policy containing a code of ethics to guide actions by the governing board members in the performance of the member's official duties as a member of that governing board.

(b) The resolution or policy required by subsection (a) of this section shall address at least all of the following:

- (1) The need to obey all applicable laws regarding official actions taken as a board member.
- (2) The need to uphold the integrity and independence of the board member's office.
- (3) The need to avoid impropriety in the exercise of the board member's official duties.
- (4) The need to faithfully perform the duties of the office.
- (5) The need to conduct the affairs of the governing board in an open and public manner, including complying with all applicable laws governing open meetings and public records. (2009-403, s. 1.)

§ 14-234. Public officers or employees benefiting from public contracts; exceptions.

- (a)
 - (1) No public officer or employee who is involved in making or administering a contract on behalf of a public agency may derive a direct benefit from the contract except as provided in this section, or as otherwise allowed by law.
 - (2) A public officer or employee who will derive a direct benefit from a contract with the public agency he or she serves, but who is not involved in making or administering the contract, shall not attempt to influence any other person who is involved in making or administering the contract.
 - (3) No public officer or employee may solicit or receive any gift, reward, or promise of reward in exchange for recommending, influencing, or attempting to influence the award of a contract by the public agency he or she serves.
- (a1) For purposes of this section:
 - (1) As used in this section, the term "public officer" means an individual who is elected or appointed to serve or represent a public agency, other than an employee or independent contractor of a public agency.
 - (2) A public officer or employee is involved in administering a contract if he or she oversees the performance of the contract or has authority to make decisions regarding the contract or to interpret the contract.
 - (3) A public officer or employee is involved in making a contract if he or she participates in the development of specifications or terms or in the preparation or award of the contract. A public officer is also involved in making a contract if the board, commission, or other body of which he or she is a member takes action on the contract, whether or not the public officer actually participates in

that action, unless the contract is approved under an exception to this section under which the public officer is allowed to benefit and is prohibited from voting.

- (4) A public officer or employee derives a direct benefit from a contract if the person or his or her spouse: (i) has more than a ten percent (10%) ownership or other interest in an entity that is a party to the contract; (ii) derives any income or commission directly from the contract; or (iii) acquires property under the contract.
 - (5) A public officer or employee is not involved in making or administering a contract solely because of the performance of ministerial duties related to the contract.
- (b) Subdivision (a)(1) of this section does not apply to any of the following:
- (1) Any contract between a public agency and a bank, banking institution, savings and loan association, or with a public utility regulated under the provisions of Chapter 62 of the General Statutes.
 - (2) An interest in property conveyed by an officer or employee of a public agency under a judgment, including a consent judgment, entered by a superior court judge in a condemnation proceeding initiated by the public agency.
 - (3) Any employment relationship between a public agency and the spouse of a public officer of the agency.
 - (4) Remuneration from a public agency for services, facilities, or supplies furnished directly to needy individuals by a public officer or employee of the agency under any program of direct public assistance being rendered under the laws of this State or the United States to needy persons administered in whole or in part by the agency if: (i) the programs of public assistance to needy persons are open to general participation on a nondiscriminatory basis to the practitioners of any given profession, professions or occupation; (ii) neither the agency nor any of its employees or agents, have control over who, among licensed or qualified providers, shall be selected by the beneficiaries of the assistance; (iii) the remuneration for the services, facilities or supplies are in the same amount as would be paid to any other provider; and (iv) although the public officer or employee may participate in making determinations of eligibility of needy persons to receive the assistance, he or she takes no part in approving his or her own bill or claim for remuneration.
- (b1) No public officer who will derive a direct benefit from a contract entered into under subsection (b) of this section may deliberate or vote on the contract or attempt to influence any other person who is involved in making or administering the contract.
- (c) through (d) Repealed by Session Laws 2001-409, s. 1, effective July 1, 2002.
- (d1) Subdivision (a)(1) of this section does not apply to (i) any elected official or person appointed to fill an elective office of a village, town, or city having a population of no more than 15,000 according to the most recent official federal census, (ii) any elected official or person appointed to fill an elective office of a county within which there is located no village, town, or city with a population of more than 15,000 according to the most recent official federal census, (iii) any elected official or person appointed to fill an elective office on a city board of education in a city having a population of no more than 15,000 according to the most recent official federal census, (iv) any elected official or person appointed to fill an elective office as a member of a

county board of education in a county within which there is located no village, town or city with a population of more than 15,000 according to the most recent official federal census, (v) any physician, pharmacist, dentist, optometrist, veterinarian, or nurse appointed to a county social services board, local health board, or area mental health, developmental disabilities, and substance abuse board serving one or more counties within which there is located no village, town, or city with a population of more than 15,000 according to the most recent official federal census, and (vi) any member of the board of directors of a public hospital if all of the following apply:

- (1) The undertaking or contract or series of undertakings or contracts between the village, town, city, county, county social services board, county or city board of education, local health board or area mental health, developmental disabilities, and substance abuse board, or public hospital and one of its officials is approved by specific resolution of the governing body adopted in an open and public meeting, and recorded in its minutes and the amount does not exceed twenty thousand dollars (\$20,000) for medically related services and forty thousand dollars (\$40,000) for other goods or services within a 12-month period.
- (2) The official entering into the contract with the unit or agency does not participate in any way or vote.
- (3) The total annual amount of contracts with each official, shall be specifically noted in the audited annual financial statement of the village, town, city, or county.
- (4) The governing board of any village, town, city, county, county social services board, county or city board of education, local health board, area mental health, developmental disabilities, and substance abuse board, or public hospital which contracts with any of the officials of their governmental unit shall post in a conspicuous place in its village, town, or city hall, or courthouse, as the case may be, a list of all such officials with whom such contracts have been made, briefly describing the subject matter of the undertakings or contracts and showing their total amounts; this list shall cover the preceding 12 months and shall be brought up-to-date at least quarterly.

(d2) Subsection (d1) of this section does not apply to contracts that are subject to Article 8 of Chapter 143 of the General Statutes, Public Building Contracts.

(d3) Subsection (a) of this section does not apply to an application for or the receipt of a grant under the Agriculture Cost Share Program for Nonpoint Source Pollution Control created pursuant to Part 9 of Article 21 of Chapter 143 of the General Statutes or the Community Conservation Assistance Program created pursuant to Part 11 of Article 21 of Chapter 143 of the General Statutes by a member of the Soil and Water Conservation Commission if the requirements of G.S. 139-4(e) are met, and does not apply to a district supervisor of a soil and water conservation district if the requirements of G.S. 139-8(b) are met.

(d4) Subsection (a) of this section does not apply to an application for, or the receipt of a grant or other financial assistance from, the Tobacco Trust Fund created under Article 75 of Chapter 143 of the General Statutes by a member of the Tobacco Trust Fund Commission or an entity in which a member of the Commission has an interest provided that the requirements of G.S. 143-717(h) are met.

(d5) This section does not apply to a public hospital subject to G.S. 131E-14.2 or a public hospital authority subject to G.S. 131E-21.

(d6) This section does not apply to employment contracts between the State Board of Education and its chief executive officer.

(e) Anyone violating this section shall be guilty of a Class 1 misdemeanor.

(f) A contract entered into in violation of this section is void. A contract that is void under this section may continue in effect until an alternative can be arranged when: (i) immediate termination would result in harm to the public health or welfare, and (ii) the continuation is approved as provided in this subsection. A public agency that is a party to the contract may request approval to continue contracts under this subsection as follows:

(1) Local governments, as defined in G.S. 159-7(15), public authorities, as defined in G.S. 159-7(10), local school administrative units, and community colleges may request approval from the chair of the Local Government Commission.

(2) All other public agencies may request approval from the State Director of the Budget.

Approval of continuation of contracts under this subsection shall be given for the minimum period necessary to protect the public health or welfare. (1825, c. 1269, P.R.; 1826, c. 29; R.C., c. 34, s. 38; Code, s. 1011; Rev., s. 3572; C.S., s. 4388; 1929, c. 19, s. 1; 1969, c. 1027; 1975, c. 409; 1977, cc. 240, 761; 1979, c. 720; 1981, c. 103, ss. 1, 2, 5; 1983, c. 544, ss. 1, 2; 1985, c. 190; 1987, c. 570; 1989, c. 231; 1991 (Reg. Sess., 1992), c. 1030, s. 5; 1993, c. 539, s. 145; 1994, Ex. Sess., c. 24, s. 14(c); 1995, c. 519, s. 4; 2000-147, s. 6; 2001-409, s. 1; 2001-487, ss. 44(a), 44(b), 45; 2002-159, s. 28; 2006-78, s. 2; 2009-2, s. 2; 2009-226, s. 1.)

§ 131A-22. Conflict of interest.

If any member, officer or employee of the Commission shall be interested either directly or indirectly, or shall be an officer or employee of or have an ownership interest in any firm or corporation interested directly or indirectly, in any contract with the Commission, such interest shall be disclosed to the Commission and shall be set forth in the minutes of the Commission, and the member, officer or employee having such interest therein shall not participate on behalf of the Commission in the authorization of any such contract. (1975, c. 766, s. 1.)

"§ 160A-84. Ethics education program required.

(a) All members of governing boards of cities, counties, local boards of education, unified governments, sanitary districts, and consolidated city-counties shall receive a minimum of two clock hours of ethics education within 12 months after initial election or appointment to the office and again within 12 months after each subsequent election or appointment to the office.

(b) The ethics education shall cover laws and principles that govern conflicts of interest and ethical standards of conduct at the local government level.

(c) The ethics education may be provided by the North Carolina League of Municipalities, North Carolina Association of County Commissioners, North Carolina School Boards Association, the School of Government at the University of North Carolina at Chapel Hill, or other qualified sources at the choice of the governing board.

(d) The clerk to the governing board shall maintain a record verifying receipt of the ethics education by each member of the governing board."

SECTION 2. G.S. 115C-47 is amended by adding a new subdivision to read: "(57) To adopt a code of ethics. – Local boards of education shall adopt a resolution or policy containing a code of ethics, as required by G.S. 160A-83."

SECTION 3. G.S. 115C-50 reads as rewritten: