

BOARD OF COMMISSIONERS – POLICY NO. 14

CODE OF CONDUCT / CODE OF ETHICS

The Code of Conduct is supplemental to the Town of Swansboro Municipal Code and the Code of Ethics Policy and applies to the Board of Commissioners. The Code of Conduct describes how the Town of Swansboro officials treat each other and work together for the common good of the community. Conducting the Town's business in an atmosphere of respect and civility is the underlying theme in this code. Town Officials are responsible for holding themselves and each other accountable for displaying actions and behaviors that consistently model the ideals expressed in the code.

Implicit in the Code of Conduct is recognition of the worth of individual members and an appreciation for their individual talents, perspectives and contributions. The Code will ensure an atmosphere where individual members, staff and the public are free to express their ideas and work to their full potential

As a Town Official of the Town of Swansboro, I agree to these principles of conduct:

We consistently demonstrate the principles of professionalism, respect and civility in working for the greater good of Swansboro.

We assure fair and equal treatment of all people.

We conduct ourselves both personally and professionally in a manner that is above reproach.

We refrain from abusive conduct or verbal attacks on the character or motives of Commissioners, staff and the public.

We show no tolerance for intimidating behaviors.

We listen courteously and attentively to all public discussions and treat all people the way we wish to be treated.

We serve as models of leadership and civility to the community.

Our actions inspire public confidence in Swansboro government.

Keeping in mind the common good as the highest purpose, we will focus on holding efficient meetings that achieve solutions for the public benefit.

We work as a team to solve problems and render decisions that are based on the merits and substance of the matter.

We respect differences and views of other people.

We adhere to the principles and laws governing the Council/Manager form of government and treat all staff with respect and cooperation.

We shall refrain from interfering with the administrative functions and professional duties of staff.

We shall not publicly criticize individual staff but will privately communicate with the Town Manager any concerns about a Department or Department Director or staff person.

We shall refrain from negotiating or making commitments without the involvement and knowledge of the Town Manager and other Board members.

We shall work with staff in a manner that consistently demonstrates mutual respect.

We shall not discuss personnel issues, undermine management direction, or give or imply direction to staff.

We shall communicate directly with the Town Manager, department directors or designated staff contacts when asking for information, assistance or follow up.

We shall not knowingly blindside one another in public and will contact staff prior to a meeting with any questions or issues. (*blindsided - to surprise or shock in a very unpleasant way.*

<http://www.merriam-webster.com/dictionary/blindsided>)

CODE OF ETHICS

Section 1. Purpose and Principles

This Code of Ethics for the Board of Commissioners of the Town of Swansboro is based on the following purposes and principles, which have been embraced by the Board:

- 1.1 The proper and creditable operation of democratic, representative government depends on public confidence in the integrity of the government and on the responsible exercise of the trust conferred by the people in their elected leaders.
- 1.2 Governmental decisions and policies must be made and implemented through proper channels and processes, as set forth in the governmental structure.
- 1.3 Elected officials shall act in a manner that preserves their integrity and independence while being responsive to the views, interests, and needs of those that they serve.
- 1.4 Mutual respect, courtesy, and civility shall always be a hallmark of discourse in the conduct of the decision making process.
- 1.5 There is a need, in democratic government, to balance (a) public officials' desire to serve as advocates for the citizenry, (b) the need to balance the public interest and private rights, and (c) the need to arrive at fair and impartial decisions.
- 1.6 Public officials need, taking into account their own conscience and principles of conduct, to be aware that their conduct and behavior has an important effect on the trust of their constituents.

Section 2. Compliance with Applicable Laws

Board members shall obey all laws applicable to their official actions as members of the board.

- 2.1 Board members shall endeavor to learn about and obey local, state, and federal laws relating to the exercise of their responsibilities.
- 2.2 Board members shall seek legal counsel, when necessary, to ensure faithful obedience to applicable laws.
- 2.3 Board members shall consider the spirit as well as the letter of the law in their actions.
- 2.4 Board members shall recognize that their responsibility is to function as a member of a legislative body – that they do not have individual decision-making roles, but instead have responsibility to actively participate in a collective decision-making process.
- 2.5 Board members shall observe and adhere to the parameters of their powers and duties within the system of government for the town.
- 2.6 Board members shall attend the ethics training required by state law.
- 2.7 Board members are encouraged to attend the Newly Elected Officials seminar to learn the parameters of their responsibilities and to take advantage of periodic opportunities provided by the UNC School of Government, the League of Municipalities, and other agencies to improve their knowledge of laws affecting municipal government.

Section 3. Exhibiting Integrity and Independence

Board members shall act with integrity and independence in the exercise of their duties.

3.1 Board members shall behave consistently, considerately, and respectfully toward persons with whom they interact in their capacities as governing board members;

3.2 Board members shall exhibit trustworthiness and honesty in their words and actions;

3.3 Board members shall use their best, independent, constructive judgment with respect to the best interests of the community and shall present their views and opinions in a reasonable, thoughtful, and forthright manner;

3.4 Board members shall remain open-minded and shall consider all relevant points of view in reaching conclusions regarding matters before the board.

Section 4. Avoidance of Impropriety

Board members shall avoid impropriety in the exercise of their official duties.

4.1 Board members shall reject corruption and improper influence in decision-making and they shall refuse to accept gifts, bribes, promises, or favors for themselves, family members, or friends in return for voting, advocating, or otherwise affecting the outcome of an issue in their actions as a governing board member and public official.

4.2 Board members shall avoid voting on matters involving their own financial interests or official conduct, shall disclose any circumstances in which such conflicts may exist, and shall, when appropriate, ask other board members to excuse them from voting on such matters.

4.2a Avoid deriving a direct benefit from contracts in which you are involved in making or administering on behalf of the public agency.

4.2b Avoid attempting to influence others involved in making or administering a contract on behalf of the public agency, even if you aren't involved, if you will derive a direct benefit from the contract.

4.2c Avoid soliciting or receiving any gift or reward in exchange for recommending, influencing, or attempting to influence the award of a contract by the public agency you serve.

4.2d Consider the ethical and practical consequences of deriving a direct benefit from a contract authorized under any exception to the statute and weigh these considerations against the potential advantage to the public agency and to yourself. Follow reporting requirements to ensure transparency.

4.2e Avoid participating in deliberations about or voting on a contract in which you have a direct benefit, when the contract is undertaken as allowed under any exception to the statute.

4.2f Avoid using your knowledge of contemplated action by you or your unit, or information known to you in your official capacity and not made public, to acquire a financial interest in any property, transaction or to gain a financial benefit that may be

affected by the information of contemplated action. Avoid intentionally aiding another to do any of these things.

4.2g Avoid receiving any gift or favor from a current, past, or potential contractor.

4.2h consider the ethical and practical consequences of accepting a gift or favor under any exception to statutory prohibition, and follow reporting requirements to ensure transparency.

4.2i Avoid voting on matters involving your own financial interest or official conduct. Identify and disclose these matters in advance so your board can determine whether you have a conflict allowing you to be excused by the board from voting. When in doubt, obtain an opinion from your local attorney and whether you must vote or may be excused.

4.2j Avoid voting on any zoning map or text amendment where the outcome of the vote is reasonably likely to have a direct, substantial, and readily identifiable financial impact on you.

4.2k Fulfill your statutory obligation to vote on all matters that come before you even when there are appearances of conflict, and only refrain from voting when there is a legal basis for being or a requirement to be excused from voting.

4.3 Board members are shall to disclose any significant approaches or communications from groups, representatives, or individuals that they receive, outside public meetings, regarding issues under consideration by the governing board.

4.4 Board members shall avoid voting on any zoning or land use decisions if the outcome of the vote is likely to have a direct, substantial, and identifiable financial impact on them.

4.5 Board members shall avoid participation in actions regarding contracts from which they may receive direct benefit, and they shall avoid attempting to influence the actions of others in awarding or administering such contracts.

4.6 Board members shall avoid using their advance knowledge of any information, known by them in their official capacity but not to the general public. To acquire a financial interest in any property, transaction, or enterprise, or to gain any financial benefit arising from the possession of confidential information or contemplated actions based on that information.

4.7 Board members shall refrain from seeking or receiving information regarding quasi-judicial matters outside the actual proceedings involving such matters.

4.8 Board members shall not participate or vote in any quasi-judicial matters if their participation would violate the affected party's right to an impartial decision, including matters in which they have a "fixed opinion prior to hearing that is not susceptible to change", matters in which there have been undisclosed ex parte communications, matters involving close family, business, or associational relationships, and matters involving their personal financial interest.

4.9 Board members shall disclose, in advocacy, debate, discussion, and voting, in any close business or personal relationships with a party that is immediately involved in a decision.

4.10 Board members shall avoid misrepresentation of the Board's position or actions in policy matters and shall avoid inaccurate representation of Town laws, policies, and/or positions. Board

members shall speak or act on behalf of the board only when specifically authorized or delegated to do so by the board as a whole.

4.11 Board members are shall to consider how a reasonable person might perceive the propriety of their actions.

Section 5. Faithful Performance of Duties

Board members shall faithfully perform the duties of their office.

5.1 Board members shall faithfully prepare for- and attend meetings. They shall carefully analyze all credible information properly submitted in relation to agenda matters.

5.2 Board members shall be willing to bear a fair share of the board's workload, accepting a reasonable amount of responsibilities related to policy development, intergovernmental relations, and auxiliary duties.

5.3 Board members shall require full accountability from those over whom the board has authority.

5.4 Board members shall recognize that the decision of the majority constitutes the decision of the board and shall exhibit respect for the decisions of the board.

5.5 Board members shall fulfill their statutory obligation to vote on all matters unless there is a legal basis to be excused from voting.

Section 6. Openness in Governance

Board members shall conduct the business of the governing board in an open and public manner.

6.1 Board members shall comply with applicable laws governing open meetings and public records, recognizing that doing so is an important means of upholding the public trust.

6.2 Board members shall make clear that an environment of transparency and candor should be maintained at all times within town government.

6.3 The Board shall support the cooperative fulfillment of public records requests within a reasonable amount of time.

6.4 Board members shall insure that closed sessions do not stray from the purposes for which they were called.

6.5 Board members shall encourage the use of multiple communications initiative to help the public become well-informed regarding town government decisions, projects, and issues.

Section 7. Decorum

Board members shall create and maintain decorum and civility in the conduct of town business.

7.1 Board members shall address and treat other board members and their views with respect and shall honor the opinions of others, even when they disagree with those opinions. Board members

shall not be accused of unethical behavior or be subjected to other reprisals due to their positions or opinions on policy matters.

7.2 Board members shall conduct themselves in a manner that encourages respect for their office, the governing board, and town government.

7.3 Board members shall be mindful at all times that their actions and words – particularly in public settings within the town's jurisdiction, in the media, and in other settings related to their official duties – may have an important effect and bearing on the public's perception of town government and of the governing board as a whole.

7.4 Board members shall promote and encourage decorum and civility in public disclosure and in debate of policy issues and concerns.

CENSURE PROCEDURES

If a majority of the board 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 board concludes that a violation of a criminal law may have occurred, it shall refer the matter to the local 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 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 board.

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 board 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 board member or the presiding officer. 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 noes 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 non-binding resolution censuring the member based on specified violations of the code of ethics. Any motion made must be an affirmative one in favor of adopting a non-binding resolution of censure. If the motion or resolution does not state particular grounds for censure under the code of ethics, the presiding officer shall rule it out of order.

If a motion to adopt a non-binding resolution of censure stating particular grounds under the code of ethics has been made, the board 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 board shall vote on the resolution. If the motion to adopt the non-binding resolution of censure is approved by a three-fourths vote of those present and voting, a quorum being present, the motion passes and the non-binding resolution of censure is adopted.

The text of the non-binding 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 don't all it legally can with respect to the matter in question.

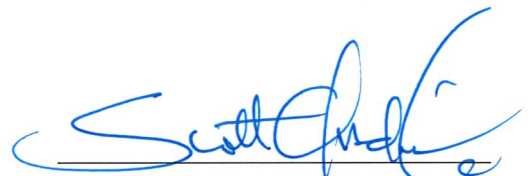
I acknowledge that I have received and read this Policy on Code of Conduct and Ethics.

Name

Date

Adopted October 19, 2010

Revised May 20, 2014



Scott Chadwick. Mayor