

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION**

Meeting Date: December 13, 2010

SUBJECT: Resolution Adopting a Code of Ethics and Rules of Procedure for the Black Mountain Board of Aldermen

AGENDA INFORMATION

Agenda Location: Consent
Item Number: 7-F
Department: Board of Aldermen
Contact: Darlene Whisenant, Town Clerk
Presenter: Marcy Onieal, Town Manager

BRIEF SUMMARY: Sections 160A-86/87 of the North Carolina General Statutes, adopted by the NC General Assembly, and effective on January 1, 2010, requires that all local governing boards in the state of North Carolina adopt a code of ethics no later than January 1, 2011. As a means to encourage and strengthen ethical behavior among the state's elected officials, the General Assembly included in this same legislation a requirement that all elected officials must complete a minimum of 2 clock hours of ethics training within one year of election or reelection (each time an elected official takes office). All members of the Black Mountain Board of Aldermen have complied with this requirement, having completed ethics training through UNC School of Government classes and webinars in late 2009 and early 2010.

Adherence to the locally adopted code of ethics is largely a matter of voluntary compliance, as NCGS §160A-86 does not authorize sanctions or other means of enforcing ethics codes. However, the ordinance does provide for the adoption of a resolution of censure, when a board member fails to comply with some provision of the code. Legal action may be taken if a board member's behavior violates some other law, such as the state's criminal law, open meetings or public records law, or common law or constitutional limitation that affects government actions (e.g. provisions regarding procedural due process, conflicts of interest, gifts and favors . . .)

The Board of Aldermen have directed the manager to draft a code of ethics and incorporate into the draft some rules of procedure, agreed to by all members of the board at their retreat on August 31, 2010, which would establish group expectations and standards for collective and individual behaviors under specific circumstances.

MOTION FOR CONSIDERATION: To approve **Resolution #R-10-17**, adopting the Black Mountain Board Code of Ethics and Rules of Procedure as presented.

FUNDING SOURCE: N/A

ATTACHMENTS:

- Excerpt from A. Fleming Bell, II: *A Model Code of Ethics for North Carolina Elected Officials*, UNC School of Government, 2010.
- Resolution #R-10-17

MANAGER'S COMMENTS AND RECOMMENDATIONS: The draft ordinance has been prepared using the UNC School of Government's Model Code of Ethics, and expectations discussed and agreed to by the Board during their retreat on August 31, 2010. Manager recommends adoption in order to meet the statutory deadline, with the understanding that the board may amend the ordinance from time to time as it sees fit.

Although not required to do so by the General Assembly, all Town employees also participated in ethics training during 2010, and the Manager has made ethics training a mandatory requirement for all new hires as a part of employee orientation.