

SCOPE OF LOCAL CODES OF ETHICS

Under NCGS §160A-86, all North Carolina cities, counties, local boards of education, unified governments, sanitary districts, and consolidated city-counties **must** by January 1, 2011, adopt a resolution, ordinance or policy containing a code of ethics to guide actions by the governing board members in the performance of their official duties as board members. The code must address at least five key board member responsibilities. These responsibilities reflect concern for ethical principles as well as for the effects of the board members' decisions on others. The tenets of any code of ethics may be "aspirational", "prohibitive", or some combination of both.

The five areas to be addressed are as follows:

- 1) The need **to obey all applicable laws** regarding official actions taken as a board member (*e.g. the member must honor the oath of office, in which the member swore to uphold the constitutions and laws*)
- 2) The need **to uphold the integrity and independence** of the board member's office (*i.e. board members are required to base decisions on the public good and not on their personal desires or considerations of special interests*)
- 3) The need **to avoid impropriety** in the exercise of the board member's official duties (*i.e. board members must honor the public trust in carrying out their duties, by ensuring that their actions are above reproach*)
- 4) The need **to faithfully perform** the duties of the office (*i.e. a public official who acts faithfully is one whom others can trust, rely on, and respect*)
- 5) The need **to conduct the affairs of the governing board in an open and public manner**, including complying with all laws and standards concerning open meetings and public records (*i.e. public business must be dealt with openly and transparently in order to meet both the letter and spirit of the law*)

The statute allows for leeway in deciding what local codes of ethics will include, provided that all five topics listed above are covered. The language may be very detailed or very general, and may go so far as to describe behaviors toward which the board as a whole should strive or avoid.

The code should be comprehensive, covering the full range of ethical principles that apply to public officials. It should contain a statement of guiding principles, as well as prohibited behaviors that specifically apply to situations that are reasonably likely to occur. Finally, it should be clear, unambiguous, simple and easy to read and use.