

# **Code of Ethics for Members of Boards and Commissions of the Town of Black Mountain, North Carolina**

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics and, pursuant to Section 160A-86, the Black Mountain Board of Aldermen has previously adopted a Code of Ethics for the Mayor and Board of Aldermen, and

WHEREAS, it is appropriate that members of Town boards, committees, and commissions, as well as Mayoral and Board of Aldermen appointees to non-Town bodies (hereinafter "Board Members"), also adhere to a Code of Ethics.

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the Town of Black Mountain, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the Board of Aldermen do hereby adopt the following General Principles and Code of Ethics to guide Board Members in their lawful decision-making.

## **GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS**

- The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- Board Members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.
- Board Members must always remain aware that they may, at various times, play different roles:
  - As advisors, who balance the public interest and private rights in considering and recommending, among other things, ordinances, policies, and decisions
  - As decision-makers, who arrive at fair and impartial determinations.
- Board Members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
- Board Members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of the Mayor and Board of Aldermen and the citizens of Black Mountain. Each Board Member must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

## **CODE OF ETHICS**

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for Board Members and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a member's best judgment.

## Section 1.

Board Members should obey all laws applicable to their official actions. Board Members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, Board Members should feel free to assert policy positions and opinions without fear of reprisal from fellow Board members or citizens. However in doing so, Board Members:

- (a) shall be mindful that they were appointed by the Mayor or Board of Aldermen, or by another appointing authority to a Town Board, Committee, or Commission and, therefore, if they are advising or advocating a position that is contrary to a Council policy, that they notify the Mayor and Board of Aldermen of such as soon as practicable;
- (b) who serve in an advisory capacity shall be mindful that their chief responsibility is to advise the Mayor and Board of Aldermen or other decision-making body rather than to advocate to the public at large, particularly when the position of advocacy is contrary to a Council policy;
- (c) shall understand that they hold a position of trust on behalf of the Town and its citizens; and
- (d) shall assert policy positions and opinions on matters within or related to the jurisdiction and subject matter of the body on which they serve only through the transparency of official proceedings of the body or in a capacity and manner appropriate for a member of such body. Board Members shall not represent their individual views as being representative of the full body unless they have been formally authorized by the body to do so.

These guidelines are especially important to Chairpersons who must recognize that they are often viewed as speaking for the body.

To declare that a Board Member is behaving unethically because one disagrees with that official on a question of policy (and not because of the council member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

## Section 2.

Board Members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values
- Exhibiting trustworthiness
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others

- For Board Members who act in a quasi-judicial capacity, disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves
- Treating other Board Members and the public with respect and honoring the opinions of others even when the board members disagree with those opinions
- Showing respect for their offices and not behaving in ways that reflect badly on those offices
- Recognizing that they are part of a larger group and acting accordingly
- Recognizing that individual Board Members are not generally allowed to act on behalf of the body but may only do so if the body specifically authorizes it, and that the body must take official action as a body

Section 3.a.

Board Members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach and they should not use their official position for personal gain. Although opinions may vary about what behavior is inappropriate, the Board of Aldermen will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the Board Member's action would conclude that the action was inappropriate.

Section 3.b.

If a Board Member believes that his or her actions, while legal and ethical, may be misunderstood, the official should seek the advice of the Town Attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

Section 4.

Board Members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Board Members should faithfully attend and prepare for meetings.

Board Members should be willing to bear their fair share of the body's workload. To the extent appropriate, they should be willing to put the Town's interests ahead of their own.

Section 5.

Board Members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they

are conducting the public's business. They should also remember that local government records belong to the public and not to them or Town employees.

In order to ensure strict compliance with the laws concerning openness, the Mayor and Board of Aldermen members have made it clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should take deliberate steps to make certain that any closed sessions held by the body are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

**Sanctions**

Following the review of an allegation against a member of a Town board or commission conducted pursuant to Section 2, the Town Board of Aldermen may sanction the member who was the subject of the review. Potential sanctions include removal of the member, adoption of a Resolution of Censure, and any other lawful sanction within the Board of Aldermen's power.

---

**ACKNOWLEDGEMENT OF RECEIPT OF Code of Ethics for Members of Boards, Committees, and Commissions of the Town of Black Mountain, North Carolina**

On the date written below, I certify I have reviewed the "Code of Ethics for Members of Boards, Committees, and Commissions of the Town of Black Mountain, North Carolina, online on the Town's website at [www.townofblackmountain.org](http://www.townofblackmountain.org) . I acknowledge this policy contains basic information related to serving as a volunteer on a board or commission.

I understand that I am responsible for reviewing the contents of this policy and asking questions if I do not understand any part of it.

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

BOARD OR COMMISSION: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

(A signed copy of this form will be maintained in the Town Clerk's Office with the application once appointed to serve.)

# **Please Sign and Return this page to the Town Clerk**

---

## **ACKNOWLEDGEMENT OF RECEIPT OF Code of Ethics for Members of Boards, Committees, and Commissions of the Town of Black Mountain, North Carolina**

On the date written below, I certify I have reviewed the "Code of Ethics for Members of Boards, Committees, and Commissions of the Town of Black Mountain, North Carolina, online on the Town's website at [www.townofblackmountain.org](http://www.townofblackmountain.org) . I acknowledge this policy contains basic information related to serving as a volunteer on a board or commission.

I understand that I am responsible for reviewing the contents of this policy and asking questions if I do not understand any part of it.

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

BOARD OR COMMISSION: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

(A signed copy of this form will be maintained in the Town Clerk's Office with the application once appointed to serve.)