RESOLUTION ADOPTING A CODE OF ETHICS FOR THE MAYOR AND COUNCIL MEMBERS FOR THE TOWN OF ATLANTIC BEACH, NORTH CAROLINA

WHEREAS, the Constitution of North Carolina, Article I, Section 35, reminds us that a "frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty"; and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina's State Motto, "Esse Quam Videri" , "To Be Rather than to Seem"; and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a Code of Ethics; and

WHEREAS, as public officials we are charged with upholding the trust of the citizens and residents of Atlantic Beach, and with obeying the law; and

WHEREAS, as public officials of Atlantic Beach, we believe our citizens and residents are entitled to the most open and ethical government possible under the law;

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

General Principles Underlying the Code of Ethics

- The stability and proper operation of democratic representative 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.

- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.

- Elected local government officials 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.

- Elected local government officials must always remain aware that at various times they play different roles:

    - As advocates, who strive to advance the legitimate needs of their citizens,
    - As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions, and
    - As fair and impartial decision-makers, when making quasi-judicial and administrative determinations.

- Elected local government officials must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.

- Elected local government officials must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official 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 the Atlantic Beach Mayor and Council Members and to provide guidance in determining 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.

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

At the same time, members should feel free to assert policy positions and opinions without fear of reprisal from fellow members or citizens. To assert that a member is behaving unethically due to the fact that one has a disagreement with that member based on a question of policy (and not on the member's ethical behavior) is unfair, dishonest, irresponsible and is itself unethical.

b) Members shall endeavor to keep themselves up-to-date, through the Town Attorney and other sources, of the most pertinent constitutional, statutory, and other legal requirements with which they must be familiar in order to meet their legal responsibilities.

c) 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 North Carolina General Statute 160A-84. The ethics education shall cover laws and principles that govern conflicts of interest and ethical standards of conduct at the local government level. The ethics education may be provided by various qualified sources, including the North Carolina League of Municipalities and University of North Carolina School of Government, or other qualified sources. The Town Clerk shall maintain a record verifying receipt of the ethics education by each member.

Section 2.

Members should act with integrity and with independence from improper influence as they exercise the functions of their offices. Characteristics and behaviors that are consistent with this standard are:

- Adhering firmly to a code of sound values.
- Behaving consistently and with respect towards everyone with whom they interact.
- Exhibiting trustworthiness.
- Living as if they are on duty as elected officials regardless of where they are or what they are doing.
- 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 not subject to improper influence while at the same time being able to consider the opinions and ideas of others.
- 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 members and the public with respect, and honoring the opinions of others even when they disagree.
- Being careful not to reach conclusions on issues until all sides have been heard.
- Showing respect for their office and not behaving in ways that reflect badly on it.
- Recognizing that they are part of a larger group and acting accordingly.
- Recognizing that individual members are not generally allowed to act on behalf of the Council, but may only do so if the Council specifically authorizes, and that the Council must take official action as a body.

Section 3.

a) Members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this Town Council will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the member's action would conclude that the action was inappropriate.

b) If a member believes that his or her actions, while legal and ethical, may be misunderstood, he or she 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.

Section 4.

Members should be faithful in the performance of 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.

Members should faithfully attend and prepare for meetings. They should carefully analyze all credible information that is properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the Town Council has authority.

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

Section 5.

Members should conduct the affairs of the Town Council 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 the records of their local government belong to the public and not to them or their employees. They should make clear that a climate of openness is to be maintained at all times in their governmental units.

In order to insure strict compliance with the laws governing openness, members should strive to be open. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to insure that any closed sessions are lawfully conducted, and that such sessions do not stray from the purposes for which they are called.

Adopted this the 25th day of October, 2010.

Enacted on a motion by *Councilmember Briley*, seconded by *Councilmember Batt* on a vote of *4* for and *0* against.

Approved: October 25, 2010
Effective: October 25, 2010

(SEAL)

A. B. Cooper, III - Mayor
Town of Atlantic Beach

ATTEST:

Kelly L. Cyrus - Town Clerk
Town of Atlantic Beach