

**RESOLUTION ADOPTING A CODE OF ETHICS FOR THE
TOWN OF CORNELIUS TOWN BOARD AND MAYOR**

WHEREAS, the proper operation of democratic government requires that public officials be independent, impartial and responsible to the people; and

WHEREAS, government decisions and policy must be made in proper channels of the governmental structure; and

WHEREAS, the public office must not be used for personal gain; and

WHEREAS, the public must have confidence in the integrity of its government; and in recognition of these goals,

WHEREAS, the General Assembly of North Carolina ratified House Bill 1452 on the 28th day of July, 2009, requiring that all members of governing boards covered by this act 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 N.C.G.S. 160A-87, and that the Town adopt a Code of Ethics pursuant to N.C.G.S. 160A-86 by January 1 2011.

BE IT HEREBY RESOLVED by the Board of Commissioners of the Town of Cornelius, North Carolina that the following is adopted:

CODE OF ETHICS

The stability and proper operation of democratic representative government depends upon the continuing consent of the governed, upon the public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people. Government decisions and policy must be made and implemented through proper channels and processes of the governmental structure. The purpose of this Code is to establish guidelines for ethical standards of conduct for the Mayor and Town Board and all references herein to the Town Board members shall be understood to include the Mayor. This Code should not be considered a substitute for the law.

Town Board members must be able to act in a manner to maintain their integrity and independence, yet must be responsive to the interests and needs of those they represent. Town Board members serve in an important advocacy capacity in meeting the needs of their citizens and should recognize the legitimacy of this role as well as the intrinsic importance of this position to the proper functioning of representative government. At the same time, Town Board members must, at times, act in an adjudicatory or administrative capacity and must, when doing so, act in a fair and impartial manner. Town Board members must know how to distinguish these roles and when each role is

appropriate and they must act accordingly. Town Board members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each Town Board member must find within his or her own conscience the touchstone on which to determine appropriate conduct.

1) Town Board Members Shall Obey the Law;

Town Board members shall support the Constitution of the United States, the Constitution of North Carolina and the laws enacted by the Congress of the United States and the General Assembly pursuant thereto. Town Board members specifically acknowledge and agree to comply with the requirements of NCGS 14-234 entitled "Public officers or employees benefiting from public contracts; exceptions."

2) Town Board Members Should Uphold the Integrity and Independence of Their Office;

Town Board members should demonstrate the highest standards of personal integrity, truthfulness, honesty and fortitude in all their public activities in order to inspire public confidence and trust in town government. Town Board members should participate in establishing, maintaining, and enforcing, and should themselves observe, high standards of conduct so that the integrity and independence of their office may be preserved. This includes honest and forthright representations of public positions, votes and actions. The provisions of this Code should be construed and applied to further these objectives.

3) Town Board Members Should Avoid Impropriety and the Appearance of Impropriety in All Their Activities:

It is essential that town government attract those citizens best qualified and willing to serve. Town Board members have legitimate interests, economic, professional and vocational, of a private nature. Town Board members should not be denied, and should not deny to other Town Board members or citizens the opportunity to acquire, retain and pursue private interests, economic or otherwise, except when conflicts with their responsibility to the public cannot be avoided. Town Board members must exercise their best judgment to determine when this is the case.

Town Board members should respect and comply with the law and should conduct themselves at all times in a manner that promotes public confidence in the integrity of the office of Board of Commissioners and of town government.

Town Board members should not allow family, social, or other relationships to unduly influence their conduct or judgment and should not lend the prestige of the office of Town Board to advance the private interests of others; nor should they convey or permit others to convey the impression that they are in a special position to influence them. Town Board members shall not grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

The Mayor or any member of the Town Board who has an interest in any official act or action before the Town Board shall publicly disclose on the record of the Board the nature and extent of such interest and shall withdraw from any consideration of the matter if excused by the Board pursuant to NCGS 160A-75, or any other applicable statutes concerning conflicts of interest.

4) Town Board Members Should Perform the Duties of the Office Diligently;

Town Board members should, while performing the duties of the office as prescribed by law, give precedence to these duties over other activities. In the performance of these duties the following standards should apply:

a) Legislative Responsibilities

- i) Town Board members should actively pursue policy goals they believe to be in the best interests of their constituents within the parameters of orderly decision-making, rules of the Town Board and open government.
- ii) Town Board members should respect the legitimacy of the goals and interests of other Town Board members and should respect the rights of others to pursue goals and policies different from their own.

b) Adjudicative Responsibilities

- i) Town Board members should be faithful to the general and local laws pertaining to the office and strive for professional competence in them. They should be unswayed by partisan interests, public clamor, or fear of criticism.
- ii) Town Board members should demand and contribute to the maintenance of order and decorum in proceedings before the Town Board.
- iii) Town Board members should be honest, patient, dignified and courteous to those with whom they deal in their official capacity, and should require similar conduct of their staff and others subject to their direction and control. Honesty is essential in all statements of position or action.
- iv) Town Board members should accord to every person who is legally interested in a proceeding before the Town Board the full right to be heard according to law.
- v) Town Board members should dispose promptly of the business of the town for which they are responsible.

c) Administrative Responsibilities

- i) Town Board members should clearly distinguish legislative, adjudicatory and administrative responsibilities and should refrain from inappropriate interference in the impartial administration of town affairs by town employees. Town Board members should diligently discharge those administrative responsibilities that are appropriate, should maintain professional competence in the administration of these duties and should facilitate the diligent discharge of the administrative responsibilities of fellow Town Board members and other town officials.

- ii) Town Board members should conserve the resources of the town in their charge. They should employ town equipment, property, funds and personnel only in legally permissible pursuits and in a manner that exemplifies excellent stewardship.
 - iii) Town Board members should require town employees subject to their direction and control to observe the standards of fidelity and diligence that apply to Town Board members as well as those appropriate for employees.
 - iv) Town Board members who become aware of improper conduct by a town employee should promptly inform the Mayor, or, in the case of a Town employee who reports directly to the Town Board, initiate appropriate disciplinary measures.
 - v) Town Board members should not employ or recommend the appointment of unnecessary employees and should exercise the power of employment only on the basis of merit, avoid favoritism and refrain from illegal discrimination and nepotism. They should not approve compensation of employees beyond the fair value of services rendered.
- 5) Town Board Members Should Conduct the Affairs of the Town Board in an Open and Public Manner;

Town Board members should be aware of the letter and intent of the State's Open Meetings Law and Public Records Law and should conduct the affairs of the Town Board consistent with the letter and spirit of those laws, to inspire and maintain public confidence in the integrity and fairness of town government and the office of Town Board. Consistent with this goal of preserving public trust, Town Board members should be aware of the need for discretion in deliberations where the lack of discretion would pose a threat to the resources of the town, to the reputation of current or potential town employees, to orderly and responsible decision making, to the integrity of other governmental processes or to other legitimate interests of the town.

- 6) Town Board Members Should Regulate Their Extra Governmental Activities to Minimize the Risk of Conflict with Their Official Duties;

Town Board members should inform themselves concerning conflict of interest and other appropriate state and federal laws and should scrupulously comply with the provisions of such laws.

Town Board members should refrain from financial and business dealings that tend to reflect adversely on the Town Board or on town government or to interfere with the proper performance of official duties.

Town Board members should manage their personal financial interests to minimize the number of cases in which they must abstain from voting on matters coming before the Town Board.

Information acquired by Town Board members in their official capacity should not be used or disclosed in financial dealings or for any other purpose not related to official duties.

7) Town Board Members Should Refrain from Political Activity Inappropriate to Their Office:

Town Board members have a civic responsibility to support good government by every available means, to continue to inform and educate the citizenry about the affairs and processes of town government, and to make themselves available to citizens of the town so that they may ascertain and respond to the needs of the community. In doing so, Town Board members may and should join or affiliate with civic organizations whether partisan or non-partisan, may and should attend political meetings, may and should advocate and support the principles or policies of civic or political organizations consistent with the Constitution and laws of the United States and North Carolina.

Candidates for the office of Town Board, including incumbents:

- a) Should inform themselves concerning the laws of this state with regard to campaigns and relevant disclosure requirements and should scrupulously comply with the provisions of such laws;
- b) Should not make pledges or promises of conduct in office that they will not or cannot perform or would be illegal if it were performed;
- c) Should not misrepresent their identity, qualifications, present or past position, prior votes or other fact; and
- d) Should avoid pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office.

8) Town Board Members Shall Attend Ethics Education Training:

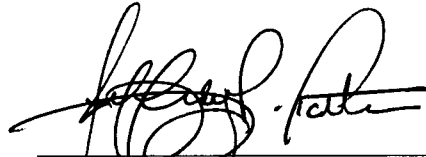
All members of governing boards shall receive a minimum of two clock hours of ethics education within 12 months after initial election or appointment to the office, and again within 12 months after each subsequent election or appointment to the office in accordance with N.C.G.S. 160A-87. The ethics education 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 NC League of Municipalities and UNC School of Government, or other qualified sources of the Town Board's choosing. The Clerk to the governing board shall maintain a record verifying receipt of the ethics education by each member of the Town Board.

BE IT FURTHER RESOLVED THAT:

1. A violation of this Code of Ethics may subject a Town Board member to a censure resolution by the Town Board; however, no such censure resolution shall be adopted until the person alleged to have committed the violation has been given notice of the alleged violation and provided with the opportunity to appear before the Town Board and be heard regarding the allegation.

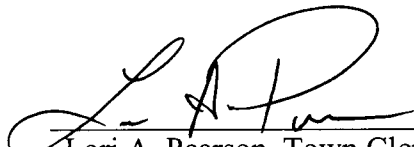
2. When a Town Board member has a question as to the applicability of this Code to a particular situation, he or she may apply, orally or in writing, to the Town Attorney for advisory guidance. Upon receipt of a request for advisory guidance and based only upon the information given to the Town Attorney, the Town Attorney will provide advisory guidance to the Town Board member. In the Town Attorney's discretion, he may retain outside legal counsel to advise him in connection with any request for advisory guidance. In no event will the Town Attorney's advisory guidance excuse a Town Board member from complying with the Code of Ethics or other applicable law.

Adopted this 15th day of November, 2010



Jeffery P. Tarte, Mayor

ATTEST:



Lori A. Pearson, Town Clerk

APPROVED AS TO FORM:



William L. Brown, Town Attorney