



**Code of Ethics for the
City Council of the City of Lowell, North Carolina**

PREAMBLE

Whereas, the proper operation of democratic government requires that public official 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, and

Whereas, the Constitution of North Carolina, Article 1, Section 35, reminds us that a "frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty," and

Whereas, as public officials we are charged with upholding the trust of the citizens of this City, and with obeying the law, and

Whereas, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics,

Now Therefore Be It Resolved, by the City Council of the City of Lowell, NC, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we do hereby adopt the following General Principles and Code of Ethics to guide the City Council in its lawful decision-making responsibilities and processes.

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.

City of Lowell

- Council members must be able to act in a manner that maintains their integrity and independence, yet is responsible to the interests and needs of those they represent.
- Council members 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 policy makers, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions; and
 - ◆ As decision-makers, who arrive at fair and impartial quasi-judicial and administrative determinations.
- Council members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
- Council members 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 Mayor and City Council of the City of Lowell and all references to the City Council shall be understood to include the Mayor. The Code of ethics is intended to help to determine what conduct is appropriate in particular cases, but it should not be considered a substitute for the law or for a board member's best judgment.

Section 1

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

At the same time, Council members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To declare that a Council member is behaving unethically because one disagrees with another Council member on a question of policy (and not because of the Council member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Section 2

Council members should act with integrity, independence from improper influence and respect for others 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;
- Behaving consistently and with respect toward 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 unaffected by 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 board members, staff and the public with respect and honoring the opinions of others even when the board member disagrees with those opinions;
- Not directing or interfering with staff in the performance of their duties recognizing that staff performs their roles under general direction from the governing board;
- Understanding and respecting the role of board members, citizens and staff in governance and operations;
- Not reaching conclusions on issues until all sides have been heard;
- 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 Council members are not generally allowed to act on behalf of the Council, but may only do so if the board specifically authorizes it, and that the Council must take official action as a body; and
- Avoiding conflicts of interest.

Section 3

(a) Council 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 City Council will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the Council member's action would conclude that the action was inappropriate.

(b) If a Council member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the City's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it.

Section 4

City Council members should faithfully perform the duties of their offices. They should act as 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.

Council members should faithfully attend and prepare for meetings. They should carefully analyze all credible information 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 Council has authority.

Council 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 Council's interests ahead of their own.

Section 5

Council members should conduct the affairs of the 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 local government records belong to the public and not to Council members or their employees.

In order to ensure strict compliance with the laws concerning openness, Council members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the Council are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

Censure Procedures.

If a majority of the board has reason to believe that one of its members has violated a provision of the Code of Ethics, it may open an investigation into the matter to determine whether probable cause exists to initiate censure proceedings against the member. All information compiled, including the grounds for any finding of probable cause, shall be shared with the member when it is received. All information pertaining to the case shall be open to public inspection and copying pursuant to the North Carolina public records statutes. If upon investigation the board concludes that a violation of a criminal law may have occurred, it shall refer the matter to the local district attorney.

Should the board determine that it wishes to proceed further with censure proceedings, it shall call for a hearing, to be held at a regular meeting or at a special meeting convened for that purpose. Notice of the hearing stating its time, place, and purpose shall be given once a week for two successive calendar weeks in a newspaper having general circulation

in the jurisdiction. The notice shall be published the first time not less than 10 days or more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but advertised on the jurisdiction's website for the same period of time, up to and including the date of the hearing. The notice shall state that a detailing list of the allegation against the member is available for public inspection and copying in the office of the clerk or secretary to the board.

The hearing shall be convened at the time and place specified. The hearing and any deliberations shall be conducted in open session in accordance with the North Carolina open meetings statutes.

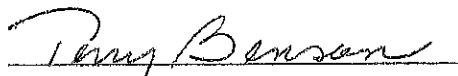
The accused board member shall have the right to have counsel present, to present and cross-examine expert and other witnesses, and to offer evidence, including evidence of the bias of any other board member or the presiding officer. An audio or video and audio tape of the proceedings shall be prepared. Any and all votes during the hearing shall be taken by the ayes and noes and recorded in the board's minutes.

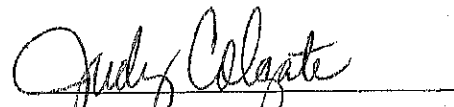
Once the hearing is concluded, it shall be closed by vote of the board. The presiding officer shall next entertain a motion to adopt a nonbinding resolution censuring the member based on specified violations of the Code of Ethics. Any motion made must be an affirmative one in favor of adopting a nonbinding resolution of censure. If the motion or resolutions does not state particular grounds for censure under the code of ethics the presiding officer shall rule it out of order. The accused member shall be allowed to participate in the debate but shall not vote on the motion to adopt the resolution.

At the conclusion of the debate, the board shall vote on the resolution. If the motion to adopt the nonbinding resolution of censure is approved by a majority vote of those present and voting, a quorum being present, the motion passes and the nonbinding resolution of censure is adopted.

The text of the nonbinding resolution of censure shall be made a part of the minutes of the board. Any recording of the board's proceedings shall be approved by the board as a permanent part of the minutes. The proceedings shall then be considered concluded; the board having done all it legally can with respect to the matter in question.

Adopted this the 9th day of December, 2013 by motion of Councilmember Burris, seconded by Councilmember Bush, and carried by a vote of 4 for and 0 against.


Terry Benson, Mayor Pro Tem


Judy Colgate, City Clerk