

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ESTABLISHING
A CODE OF ETHICS AND ATTENDANCE POLICY FOR MEMBERS OF ADVISORY
BOARDS, COMMISSIONS, AND COMMITTEES OF THE CITY OF HENDERSONVILLE**

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 City Council has previously adopted a Code of Ethics Resolution #10-1151 on December 4, 2010 for the Mayor and City Council; and

WHEREAS, it is appropriate that members of City advisory boards, commissions, and committees as well as Mayoral and City Council appointees to non-city bodies (hereinafter "Advisory Board Members"), also adhere to a Code of Ethic; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the City of Hendersonville, 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 & Attendance Policy to guide Advisory Board Members in their lawful decision-making.

GENERAL PRINCIPLES AND CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for advisory 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.

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.

Advisory 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 and 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.

Advisory board members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.

Advisory 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 City Council and the citizens of the City of Hendersonville. Each board member must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

Section 1

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

At the same time, advisory 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, advisory board members:

- (a) shall be mindful that they were appointed by the Mayor or City Council, or by another appointing authority to a City board, commission, or committee and, therefore, if they are advising or advocating a position that is contrary to a Council policy, that they notify the Mayor and City Council 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 City Council 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 City and its citizens;
- (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. Advisory 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.
- (e) shall faithfully attend regular and special meetings of the body.

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

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

Section 2

Advisory 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 advisory 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, staff 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 individual advisory 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

Advisory 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 Mayor and 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 advisory board member's action would conclude that the action was inappropriate.

If an advisory board member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the staff liaison who will confer with his or her department supervisor and/or the City Attorney who will consider the facts of the situation and the steps necessary to resolve it.

Section 4

Advisory 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. Advisory 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 City's interests ahead of their own.

Section 5

Advisory 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 city employees.

In order to ensure strict compliance with the laws concerning openness, the Mayor and City Council 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 meetings held by the body are lawfully conducted and that such meetings do not stray from the purposes for which they are called.

Section 6

ATTENDANCE POLICY

Advisory board members should faithfully attend and adhere to the following attendance policy.

In order for an advisory board, commission, or committee to be effective and efficient, and to accomplish its purpose, its membership must be actively involved and attentive to the business of the body therefore the Mayor and City Council may dismiss any member who misses three consecutive meetings or one-half of the meetings held in a calendar year without good cause (such as temporary severe illness of a member or of a member of such member's family, or overriding but temporary business concerns). Such dismissal may be considered upon or complaint by the chairperson, a member of the advisory board, staff liaison, or on the City Council's own motion.

On January 1st of each year, a member of any advisory board appointed by the Mayor or City Council may be automatically removed from said body for failure to attend at least one half of all regular and special meetings of the body held during the immediately preceding calendar year.

Sanctions

In the event that a member of an advisory board fails to comply with the code of ethics or attendance policy the chairperson or staff liaison shall notify the City Clerk in writing, of the policy violation and

to request that said member to be replaced. The City Clerk will forward the complaint to the Mayor and City Council for review. Following the review of an allegation against a member of a city advisory board, the City Council 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 City Council's power.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3RD day of March 2022.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk