

RESOLUTION NO. R-2010-12

**RESOLUTION ADOPTING A CODE OF ETHICS FOR THE
OAK RIDGE TOWN COUNCIL**

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; and

WHEREAS, the General Assembly in Session Law 2009-403 mandated the adoption by each North Carolina municipality of a resolution or policy containing a code of ethics to guide actions by the governing board members in the performance of the member's official duties as a member of the governing board thereof;

BE IT HEREBY RESOLVED by the Town Council of the Town of Oak Ridge, North Carolina, pursuant to N.C. Gen. Stat. § 160A-83 that the following is adopted:

**CODE OF ETHICS
FOR THE OAK RIDGE TOWN COUNCIL**

The stability and proper operation of democratic representative government depends upon the continuing consent of the governed, the public confidence in the integrity of the government and 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 Council and all references herein to the Town Council shall be understood to include the Mayor. It should not be considered a substitute for the law or a Town Council member's best judgment.

Town Council 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 Council 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 function to the proper functioning of representative government. At the same time, Town Council members must, at times, act in an adjudicatory or administrative capacity and must, when doing so, act in a fair and impartial manner. Town Council members must know how to distinguish these roles and when each role is appropriate and they must act accordingly. Town 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 Town Council member must find within his or her own conscience the touchstone on which to determine appropriate conduct.

Canon One

A Town Council Member Shall Obey the Law

Town Council members shall uphold and comply with 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. Members specifically acknowledge and agree to comply with the requirements of the following North Carolina General Statutes

Chapter 14, Article 31, § 14-230 et seq., "Misconduct in Public Office," and in particular § 14-234, "Public officers or employees benefiting from public contracts"

Chapter 132, , § 132-1 et seq., "Public Records," and in particular § 132-9, "Access to records"

Chapter 133, § 133-1 et seq., "Public Works," and in particular § 133-32, "Gifts and favors regulated"

Chapter 143, § 143-318.9 et seq., "Meetings of Public Bodies".

Chapter 160A, § 160A-75, "Voting"

Chapter 160A, Article 19, § 160A-360 et seq., "Planning and Regulation of Development," and in particular § 160A-381, "Grant of Power" and § 160A-388, "Board of adjustment"

Canon Two

A Town Council Member Should Uphold the Integrity and Independence of His or Her Office

Town Council 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 Council 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. The provisions of this Code should be construed and applied to further these objectives.

Canon Three

A Town Council Member Should Avoid Impropriety and the Appearance of Impropriety in All His or Her Activities

It is essential that town government attract those citizens best qualified and willing to serve. Town Council members have legitimate interests-economic, professional and vocational-of a private nature. Town Council members should not be denied, and should not deny to other Town Council 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 Council members must exercise their best judgment to determine when this is the case.

Town Council 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 Town Councilperson and of Town government.

Town Council 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 Councilperson 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 such private interests. Town Council members shall not grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

Canon Four

A Town Council Member Should Perform the Duties of the Office Diligently

Town Council 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

1. Town Council 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 Council and open government.
2. Town Council members should respect the legitimacy of the goals and interests of other Town Council members and should respect the rights of others to pursue goals and policies different from their own.

B. Adjudicative Responsibilities

1. Town Council members should be faithful to the general and local laws pertaining to the office and strive for professional competence in them. They should resist influence by partisan interests, public clamor, or fear of criticism.
2. Town Council members should demand and contribute to the maintenance of order and decorum in proceedings before the Town Council.
3. Town Council 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.
4. Town Council members should accord to every person who is legally interested in a proceeding before the Council full right to be heard according to law.
5. Town Council members should dispose promptly of the business of the town for which they are responsible.

C. Administrative Responsibilities

1. Town Council members should clearly distinguish legislative, adjudicative (quasi-judicial) and administrative responsibilities and should refrain from inappropriate interference in the impartial administration of Town affairs by Town employees. Town Council 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 Council members and other town officials.

2. Town Council 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.
3. Town Council members should require Town employees subject to their direction and control to observe the standards of fidelity and diligence that apply to Town Council members as well as those appropriate for employees.
4. Town Council members who become aware of improper conduct by a Town employee should promptly inform the Town Manager, or, in the case of a Town employee who reports directly to the Council, initiate appropriate disciplinary measures.
5. Town Council 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.

Canon Five

A Town Council Member Should Conduct the Affairs of the Town Council in an Open and Public Manner

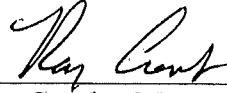
Town Council members should be aware of the letter and intent of the State's Open Meetings Law, should conduct the affairs of the Town Council in a manner consistent with the letter and spirit of that law and consistent with the need to inspire and maintain public confidence in the integrity and fairness of town government and the office of Town Council person. In furtherance of this goal of preserving public trust, Town Council members should be aware of the need for discretion in deliberations when 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.

BE IT FURTHER RESOLVED that:

1. *Violations of the Code of Ethics.* A violation of this Code of Ethics may subject a Mayor/Council member to a censure resolution by the Oak Ridge Town Council; however, no such censure resolution shall be adopted until the member alleged to have committed the violation has been given notice of the alleged violation and provided with the opportunity to appear before the Council and be heard regarding the allegation. The member alleged to have committed the violation shall not vote upon such question.
2. *Requests for Opinions From Town Attorney.* When the Mayor or a Council member has a question as to the applicability of this code to a particular situation, or as to any other matter relevant to issues before the Council or affecting the Town, he or she may apply, orally or in writing, to the Town Attorney for advisory guidance. Such query to the Town Attorney shall be deemed a query on behalf

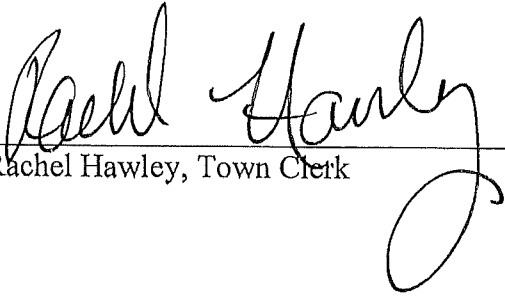
of the Council generally, and the Town Attorney shall respond to any such query to the entire Council verbally or by a paper or electronic writing.

Adopted this 2nd day of September, 2010



Ray Combs, Mayor

ATTEST:



Rachel Hawley, Town Clerk

