

**Code of Ethics
for the Board of County Commissioners
of Randolph County, North Carolina**

Preamble

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 Randolph County, and with obeying the law; and

WHEREAS, as public officials of Randolph County 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 Randolph County, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the Randolph County Board of Commissioners do hereby adopt the following General Principles and Code of Ethics to guide the Board of County Commissioners in their lawful decision-making.

FURTHER, the Randolph County Board of Commissioners directs all advisory boards and committees, which currently serve, or which may in the future be created to serve the Board of County Commissioners, to respect and abide by these same General Principles and Code of Ethics in the performance of their lawful duties insomuch as they may be applicable to the performance thereof.

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.
- 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.
- Board 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 and residents,
 - 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.

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

- 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 official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

CODE OF ETHICS

Purpose. The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Randolph County Board of Commissioners 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 board member's best judgment.

Section 1. The need to obey all applicable laws regarding official actions taken as a board member.

- (a) Board members should obey all laws that apply to their official actions as members of the board. Board members should be guided by the spirit, as well as, the letter of the law in whatever they do. At the same time, board members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To assert that a board member is behaving unethically due to the fact that one has a disagreement with that board member based on a question of policy (and not on the board member's ethical behavior) is unfair, dishonest, irresponsible, and is itself unethical.
- (b) Board members should endeavor to keep themselves up-to-date, through the board's attorney and other sources, on 1) the pertinent constitutional, statutory, and other legal requirements with which they must be familiar, and 2) about new or ongoing legal and ethical issues that they may face in the official positions.
- (c) Board members shall comply with General Statute §160A-87 (Ethics law) and participate in the periodic ethics education mandated by said statute.

Section 2. The need to uphold the integrity and independence of the board member's office.

- (a) Board 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 board members and the public with respect, and honoring the opinions of others even when they disagree.
 - Not reaching conclusions on issues until all sides have been heard.
 - Showing respect for their office and not behaving in ways that reflect poorly on it.
 - Recognizing each board member is a part of a larger group and acting accordingly.
 - Recognizing that individual board members are not generally allowed to act on behalf of the board, but may only do so if the board specifically authorizes it, and that the board must take official action as a body.
- (b) Board members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To assert that a board member is behaving unethically due to the fact that one has a disagreement with that board member based on a question of policy (and not on the board member's unethical behavior) is unfair, dishonest, irresponsible, and is itself unethical.

Section 3. The need to avoid impropriety in the exercise of the board member's official duties.

- (a) Board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Consideration of whether a board member's actions were improper should be considered in light of the circumstances and information available to the board member at the time of the board member's action.
- (b) If a board member concludes that his or her actions, while legal and ethical, may be misunderstood, he or she may seek the advice of the board's attorney. He or she may also state on the record the facts of the situation and the steps taken to resolve it.
- (c) In the instance of alleged impropriety by any board member, the board member shall be afforded the opportunity to explain the situation and all relevant facts.

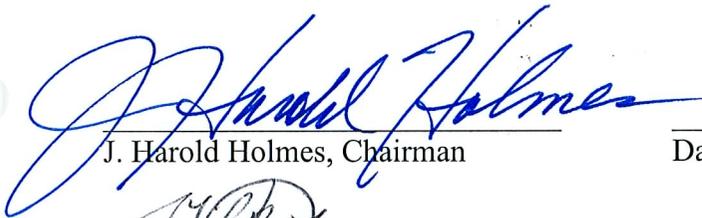
Section 4. The need to faithfully perform the duties of the office.

- (a) Board members should be faithful in the performance of 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.
- (b) Board 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. Board members should require full accountability from those over whom the board has authority.
- (c) Board members should be willing to bear their fair share of the board's workload. To the extent appropriate, they should be willing to put the board's interests ahead of their own.

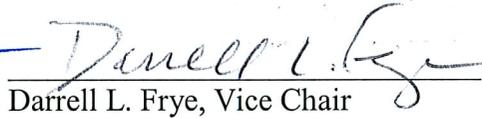
Section 5. The need to conduct the affairs of the governing board in an open and public manner, including complying with all applicable laws governing open meetings and public records.

- (a) Board members should conduct the affairs of their boards 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 themselves or their employees.
- (b) Board members should make clear that a climate of transparency and candor is to be maintained at all times in County government and should prohibit unjustified delay in fulfilling public records requests.
- (c) In order to ensure strict compliance with the laws governing openness, board members should take deliberate steps to ensure that any closed sessions held by the board are lawfully conducted, and that such sessions do not stray from the purposed for which they are called.

This Code of Ethics adopted this the 6th day of December, 2010.



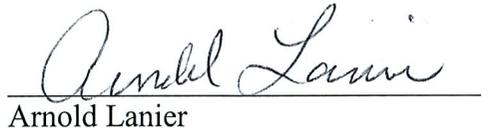
J. Harold Holmes, Chairman



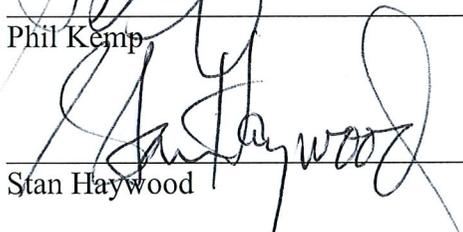
Darrell L. Frye, Vice Chair



Phil Kemp



Arnold Lanier



Stan Haywood