



Village of Marvin

VILLAGE OF MARVIN - CODE OF ETHICS

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 of this Village, and with obeying 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 of the Village of Marvin and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the Marvin Village Council do hereby adopt the following General Principles and Code of Ethics to guide for the Village board members and employees in their lawful decision-making.

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

- ◆ 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.
- ◆ Board members and employees as used herein shall mean any member of a Village Board including any governing board or advisory board) 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 and employees 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 legislators who balance the public interest and private rights when enacting ordinances, orders, and resolutions.
 - ◆ As decision-makers, who arrive at fair and impartial quasi-judicial and administrative determinations.
 - ◆ Board members and employees must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
- ◆ Board members and employees 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.

PURPOSE

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Village Board members and employees and to help determine appropriate conduct. It should not be considered a substitute for the law or for a board member or employee’s best judgment.



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SECTION 1: OFFICIAL ACTIONS

1. Board members and employees should obey all laws applicable to their official actions as employees and members of the board. Staff and Board members should be guided by the spirit as well as the letter of the law in their actions.
2. Board members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To declare that a board member is behaving unethically because one disagrees with that board member on a question of policy (and not because of the board member's behavior) is unfair, dishonest, irresponsible, and itself unethical.
3. Board members and employees should endeavor to keep up to date, through the Village's attorney and other sources, about new or ongoing legal or ethical issues they may face in their official positions. This educational function is in addition to the day-to-day legal advice the board members and employees may receive concerning specific situations that arise.

SECTION 2: INTEGRITY AND INDEPENDENCE

Board members and employees 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:

- ◆ 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 giving, seeking, or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves
- ◆ Treating other board members, other employees and the public with respect and honoring the opinions of others even when the board members disagree with those opinions
- ◆ 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 board members are not allowed to act on behalf of the board but may only do so if the board specifically authorizes it, and that board may only take official action as a body.

SECTION 3: AVOIDING IMPROPRIETY

Board members and employees 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 board will consider impropriety in terms of whether a reasonable person who is aware of all the relevant facts and circumstances surrounding the board member's action would conclude that the action was inappropriate. If a board member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the Village Attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it.



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SECTION 4: PERFORMANCE OF DUTIES

Board members and employees 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. Board members and employees 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 require full accountability from those over whom the board has authority. 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: OPENNESS AND TRANSPARENCY

Board members and employees should conduct the affairs of the board or Village, as applicable, 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 board members or employees. To ensure strict compliance with the laws concerning openness, board members and employees should make clear that an environment of transparency and candor is to be always maintained in the governmental unit. They should prohibit unjustified delays in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by any board of the Village are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

SECTION 6: GUIDELINES FOR ETHICAL BEHAVIOR

The following guidelines are designed to translate current legal requirements into specific behaviors board members and employees should avoid. While statutory provisions should be viewed as a minimum standard, board members and employees should always consider whether there are ethical problems with other behaviors, even if such behavior does not violate criminal or other statutes dealing with conflicts of interest or other subjects.

1. Avoid deriving a direct benefit from contracts in which you are involved in creating on behalf of the public agency. (G.S.14-234(a)(1))
2. Avoid attempting to influence others involved in making or administering a contract on behalf of the public agency, even if you aren't involved, if you will derive a direct benefit from the contract. (G.S. 14-234(a)(2))
3. Avoid soliciting or receiving any gift or reward in exchange for recommending, influencing, or attempting to influence the award of a contract by the public agency you serve. (G.S. 14-234(a)(3))
4. Consider the ethical and practical consequences of deriving a direct benefit from a contract authorized under any exception to the statute and weigh these considerations against the potential advantage to the public agency and to yourself. Follow reporting requirements to ensure transparency. (G.S. 14-234(b); (d1))
5. Avoid participating in deliberations about or voting on a contract in which you have a direct benefit when the contract is undertaken as allowed under any exception to the statute. (G.S. 14-234(b1) Criminal penalty.
6. Avoid using your knowledge of contemplated action by you or your unit, or information known to you in your official capacity and not made public, to acquire a financial interest in any property, transaction, or enterprise, or to gain a financial benefit that may be affected by the information or contemplated action. Avoid intentionally aiding another to do any of these things. (G.S. 14-234.1)
7. Avoid receiving any gift or favor from a current, past, or potential contractor. (G.S. 133-32(a))
8. Consider the ethical and practical consequences of accepting a gift or favor under any exception to the statutory prohibition and



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follow reporting requirements to ensure transparency. (G.S. 133-32(d))

9. Avoid voting on matters involving your own financial interest or official conduct. (G.S. 160A-75; 153A-44.) Identify and disclose these matters in advance so your board can determine whether you have a conflict allowing you to be excused by the board from voting. When in doubt, obtain an opinion from your local attorney about whether you must vote or may be excused.
10. Avoid voting on any zoning map or text amendment where the outcome of the vote is reasonably likely to have a direct, substantial, and readily identifiable financial impact on you. (G.S. 153A-340(g); G.S. 160A-381(d)).
11. Do not participate in or vote on any quasi-judicial matter, including matters that come before the board when the board is acting in a quasi-judicial capacity under G.S. 153A-345 or G.S. 160A-388 if participation would violate affected persons' constitutional right to an impartial decision-maker. Impermissible conflicts under this statutory standard include "having a fixed opinion prior to hearing the matter that is not susceptible to change"; "undisclosed ex parte communications [communications between a board member and someone involved in the matter that occur outside the official quasi-judicial proceeding]"; "a close familial, business, or other associational relationship with an affected person"; or "a financial interest in the outcome of the matter." (G.S. 153A-345 (e1), G.S. 160A-388 (e1))
12. Fulfill your statutory obligation to vote on all matters that come before you even when there are appearances of conflict, and only refrain from voting when there is a legal basis for being or a requirement to be excused from voting. (G.S. 153A-44; G.S. 160A-75.)

SECTION 7: CODE OF ETHICS ACKNOWLEDGEMENT FORM

A printed and signed Code of Ethics Acknowledgement Form is required from each Board member and employee of the Village of Marvin, indicating they will endeavor to follow the standards set out in the Code of Ethics. Alternatively, those applying online for an appointment shall affirm that they have read the Code of Ethics on their application. This affirmation may take the place of a signed form and shall serve as the applicant's pledge to follow the standards set out in the Code of Ethics.

Please print, sign, and submit the following page.



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ACKNOWLEDGEMENT FORM

I have read and understand the Village of Marvin Code of Ethics. As a Board Member or Employee of the Village, I will endeavor to follow the standards set out in the Code of Ethics.

Signature of Public Official *Printed Name* *Date*

Signature or Board Member *Printed Name* *Date*

Signature of Employee *Printed Name* *Date*

Signature of Village Clerk *Printed Name* *Date*

Important Note: A copy of this signed acknowledgement form must be kept on file along with a completed and signed application.