

## **CODE OF ETHICS FOR THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS**

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

**WHEREAS**, as public officials this Board is charged with upholding the trust of the citizens of Buncombe County and with obeying the law;

**NOW, THEREFORE**, in recognition of our obligations as citizens of the State of North Carolina and as public officials representing the citizens of Buncombe County, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the Board of Commissioners for the County of Buncombe do hereby adopt the following General Principles and Code of Ethics to guide the Board of Commissioners in its lawful decision-making:

### **GENERAL PRINCIPLES**

1. 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.
2. Government decision and policy must be made and implemented through proper channels and processes of the governmental structure.
3. 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.
4. 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; as legislators who balance the public interest and private rights in considering and enacting ordinances, orders and resolution; as decision makers who arrive at fair and impartial quasi-judicial and administrative determinations.
5. Board members must know how to distinguish among these roles, to determine when each role is appropriate and to act accordingly.
6. Board members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents.

## **CODE OF ETHICS**

*The purpose of this code of Ethics is to establish guidelines for ethical standards of conduct for the Buncombe County Board of Commissioners and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for the Board member's best judgment.*

### **County Commissioners Shall Obey the Law**

All members of the Board of Commissioners for Buncombe County should obey all laws applicable 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.

### **County Commissioners Shall Uphold the Integrity and Independence of the Office**

All members of the Board of Commissioners for Buncombe County should demonstrate the highest standard of personal integrity, truthfulness, honesty and fortitude in all public activities in order to inspire public confidence and trust in county government. They should participate in establishing, maintaining, and enforcing, and should observe high standards of conduct so that the integrity and independence of the office may be preserved.

### **County Commissioners Shall Avoid Impropriety and the Appearance of Impropriety in All His or Her Activities**

It is essential that county government attract those citizens best qualified and willing to serve. County commissioners have legitimate interests - economic, professional and vocational - of a private nature. A County Commissioner should not be denied, and should not deny to other County Commissioners or citizens, the opportunity to acquire, retain and pursue private interests-- economic or otherwise, except when it conflicts with their responsibility to the public and cannot be avoided. Each member of the Buncombe County Commission should exercise his/her best judgment to determine when this is the case. Members should respect and comply with the law and conduct at all times in a manner that promotes public confidence in the integrity of the office of county commissioner and of county government. Members should not allow family, social, or other relationships to unduly influence my conduct or judgment and should not lend the prestige of the office of County Commissioner to advance the private interests of others; nor should he/she convey or permit others to convey the impression that he/she is in a special position to influence them. If a County Commissioner believes that his/her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the County Attorney and should consider publically disclosing the facts of the situation and the steps taken to resolve it.

### **County Commissioners Shall Perform the Duties of the Office Diligently**

County Commissioners should perform the duties of the office as prescribed by law and should give precedence to these duties over other activities. In the performance of these duties, the following standards shall apply:

*Legislative Responsibilities.*

County Commissioners 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 Board of County Commissioners and open government.

County Commissioners should respect the legitimacy of the goals and interests of other county commissioners and shall respect the rights of others to pursue goals and policies different from their own.

*Adjudicative Responsibilities.*

County Commissioners should be faithful to the general and local laws pertaining to the office and strive for professional competence in them. They should be un-swayed by partisan interests, public clamor, or fear of criticism. County Commissioners should demand and contribute to the maintenance of order and decorum in proceedings before the Board of County Commissioners. County Commissioners should be honest, patient, dignified and courteous to those with whom they deal in their official capacity, and should require similar conduct of staff. County Commissioners should accord to every person who is legally interested in a proceeding before the Commission, full right to be heard according to law. County Commissioners should dispose promptly of the business of Buncombe County.

*Administrative Responsibilities.*

County Commissioners should clearly distinguish legislative, adjudicatory and administrative responsibilities and should refrain from inappropriate interference in the impartial administration of county affairs by county employees. Commissioners 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 commissioners and other county officials. County Commissioner should conserve the resources of the County and employ county equipment, property, funds and personnel only in legally permissible pursuits and in a manner that exemplifies excellent stewardship.

**County Commissioners Shall Conduct the Affairs of the Board in an Open and Public Manner**

County Commissioners must be aware of the letter and intent of the State's Open Meetings Law, and conduct the affairs of the Board of County Commissioners 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 county government and the office of county commissioner. Consistent with this goal of preserving public trust, county commissioners shall be aware of the need for discretion in deliberations when the lack of discretion would pose a threat to the resources of the county, to the reputation of current or potential county employees, to orderly and responsible decision making, to the integrity of other governmental processes or to other legitimate interests of the county.

County Commissioners should be informed concerning campaign finance, conflict of interest and other appropriate state and federal laws and will scrupulously comply with the provisions of such laws. Each member should refrain from financial and business

dealings that tend to reflect adversely on the Board or on county government or to interfere with the proper performance. Each member should manage his/her personal financial interests to minimize the number of cases in which he/she must ask to be excused from voting on matters coming before the Board. Each member should not disclose any information acquired in his/her official capacity as a County Commissioner in financial dealings or for any other purpose not related to official duties.

**County Commissioners Shall Refrain from Political Activity Inappropriate to His/Her Office**

County Commissioners have a civic responsibility to support good government by every available means, to continue to inform and educate the citizenry about the affairs and processes of county government and to make themselves available to citizens of the county so that they may ascertain and respond to the needs of the community. In doing so, each member may join or affiliate with civic organizations whether partisan or non-partisan, may and should attend political meetings, may and should advocate and support the principles or policies of civic or political organizations consistent with the Constitution and laws of the United States and North Carolina. Each member should maintain the dignity appropriate to the office, and will encourage members of his/her family to adhere to the same standards of political conduct that apply to the Commissioners. Each member should not make pledges or promises of conduct in office that he/she cannot or will not perform or are illegal if it were performed.

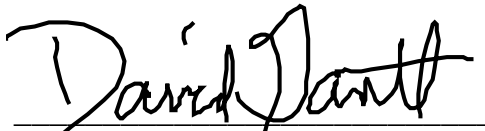
This Code of Ethics shall be effective upon its adoption.

Adopted this the 3rd day of August, 2010.


ATTEST

BOARD OF COMMISSIONERS  
BUNCOMBE COUNTY

  
KATHY HUGHES, CLERK

  
DAVID GANTT, CHAIRMAN

APPROVED AS TO FORM

  
MICHAEL FRUE, COUNTY ATTORNEY