



*Resolution Adopting a Revised Code of Ethics for the
Town of Waxhaw, North Carolina*

WHEREAS, the proper operation of government requires that Public officials be independent, impartial and responsible to the people;

WHEREAS, as Public officials we are charged with upholding the trust of the citizens of the Town of Waxhaw, and with obeying the law; and

WHEREAS, as Public officials we desire to faithfully perform our duties in an open and public manner in a way to uphold the integrity of the Town of Waxhaw.

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 Town of Waxhaw, we the Waxhaw Board of Commissioners do hereby adopt the attached Code of Ethics to guide all Town officials, which includes employees, appointed members of boards and committees, and elected officials, in making decisions and in the performance of their lawful duties.

This Code of Ethics replaces and supersedes the following: (i) Town Code 31.01 (which shall be deleted); (ii) Town of Waxhaw Personnel Policy, Article IV, § 7; (iii) Town of Waxhaw Personnel Policy, Article IV, § 8; and (iv) Resolution Adopting a Code of Ethics for the Board of Commissioners of the Town of Waxhaw dated December 14, 2010 & September 11, 2018.

Adopted and effective this 23rd day of October 2018.

Stephen E. Maher, Mayor

ATTEST:

Melody Shuler, Town Clerk





Town of Waxhaw Code of Ethics

I. Purpose

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for Town Officials and to help determine what conduct is appropriate in particular cases. It should not be considered as a substitute for the law or for a Town Official's best judgment. This Code of Ethics shall supplement the required code of ethics implemented by the Waxhaw ABC Board. The Town of Waxhaw upholds, promotes and demands the highest standards of ethics from all Town Officials, including employees, appointed members of boards and committees, and elected officials. Town officials have an obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents.

II. Definitions

The following terms and phrases used in this Code of Ethics shall have the meanings as indicated:

1. *Public Official* means any elected or appointed official.
2. *Town Board* or *Board* means the Waxhaw Board of Commissioners and each member thereof including the Mayor.
3. *Immediate Family* means, any child, spouse, sibling, parent, grandparent, in-law, or other person sharing the household of a Public Official.
4. *Interest* means direct or indirect material pecuniary benefit accruing to a Town Official as a result of a contract or transaction with a Business Entity that is the subject of an official act or action by or with the Town. A Town Official shall be deemed to have an Interest as a result of a contract or transaction with:
 - (A) Any Business Entity in which the Town Official owns ten percent (10%) or more equity interest, or is an officer, director, or employee;
 - (B) Any Business Entity or Non-profit Organization from which the Town Official or a member of the Town Official's Immediate Family received payments for services

rendered in any capacity or other distribution in excess of \$5,000 during the preceding 12 months;

(C) Any Non-profit Organization in which the Town Official or a member of the Town Official's Immediate Family is an employee; or

(D) Any Business Entity in which any member of the Town Official's Immediate Family is an executive officer, director, or employee.

III. Supplemental Town Board Provisions

1. Comply with Laws. Town Board members 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.

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 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.

2. Uphold Integrity and Independence. Public Officials should act with integrity and independence from improper influence as they exercise the duties of their office. All Town Board members and all Board and Commission members should also act in good faith for the betterment of Waxhaw as they exercise the duties of their office. Characteristics and behaviors consistent with this standard include the following:

- A. Adhering firmly to a code of sound values;
- B. Behaving consistently and with respect toward everyone with whom they interact;
- C. Exhibiting trustworthiness;
- D. Living as if they are on duty as elected officials regardless of where they are or what they doing;
- E. 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;

- F. Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others;
 - G. 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;
 - H. Treating other Board members and the public with respect and honoring the opinions of others even when the Board members disagree with those opinions;
 - I. Not reaching conclusions on issues until all sides have been heard;
 - J. Showing respect for their offices and not behaving in ways that reflect badly on those offices;
 - K. Recognizing that they are part of a larger group and acting accordingly; and
 - L. Recognizing that individual Town 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.
3. Avoid Impropriety. Public Officials 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, the Town Board will consider impropriety in terms of whether a reasonable person who is aware of all of 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 Town Attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it, such as consulting with the attorney.
4. Performance of Duties. Public Officials should faithfully perform 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. Board members 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 demand 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 interest ahead of their own.

5. Openness of Processes. 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 make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit.
6. Ethics Training. Town Board members shall receive a minimum of two (2) clock hours of ethics education within twelve (12) months after initial election or appointment to the office and again within twelve (12) months after each subsequent election or appointment to the office in accordance with N.C.G.S. 160A87.

IV. Prohibited Conduct

No elected official, officer, or employee of the Town of Waxhaw shall participate in the award or administration of an Town contract if that person, that person's spouse, or a member of that person's immediate family has a financial interest or any other interest in the company selected award.

V. Enforcement

1. Advisory Opinion. When any Public Official has a doubt as to the applicability of any provision of this Code of Ethics to a particular situation related to his or her potential future conduct, or has a doubt or question as to the definition of terms used in this Code of Ethics, he or she may apply for an advisory opinion based on the particular set of facts of his or her situation. Inquires shall be directed to the Town Attorney. The Town Attorney (as applicable) shall assess the facts as presented and advise the Town Official on the applicability of the Code of Ethics upon the Town Official's situation.
2. Reporting, Investigation and Enforcement. A Public Official who has knowledge of their own or of another person's potential conflict of interest or violation of this Code of Ethics is required to report to either the chair or Town Manager. The Town Manager and Town Attorney will conduct an investigation (unless the violation involves either of them) but may retain outside counsel if the investigation involves a Town Board member. Violations involving the Town Manager, Town Attorney, boards and committees appointed by the Town Board, or Town Board members will be enforced

by the Town Board if informal resolution is unsuccessful by the designated Board liaison and one other Board Member.

Any violation of this policy will subject the officer, employee or agent to disciplinary action up to and including dismissal from employment or removal from appointed office. Violations involving Town Board members are governed under paragraph 3 below.

If upon an investigation it is determined that a violation of criminal law may have occurred, the matter shall be directed to the appropriate law enforcement agency or official.

3. Procedures for Town Board Members. A violation of this Code of Ethics may subject a Town Board member to a resolution of non-support or censure (see Appendix). All inquiries regarding this matter should be directed to the Town Attorney; the Town Attorney shall assess the facts as presented and advise on the subsequent measures. No such resolution shall be adopted until the person alleged to have committed the violation has been given notice of the alleged violation and provided with the opportunity to appear before the Town Board and be heard regarding the allegation. The accused member shall be allowed to participate in the debate but shall not be allowed to vote on the motion to adopt the resolution. Any and all votes during the hearing shall be taken by the ayes and noes and recorded in the Town Board's minutes. A resolution of nonsupport requires a simple majority vote while a censure resolution requires a two-thirds super majority. This provision does not preclude any enforcement action through the judicial process.

Appendix:

Extreme caution is advised before partaking in the censure procedure. Censure is a serious and costly process, not to be taken lightly. Carefully consider the implications and consequences of the censure procedure before commencement