

**CODE OF ETHICS  
FOR THE  
BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, NORTH CAROLINA**

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**PREAMBLE**

**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**, 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 Lee County, and with obeying the law, and

**WHEREAS**, the Board of County Commissioners for Lee County desires to establish an ethics policy that will guarantee high ethical conduct by its elected officials,

**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 County of Lee, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we, the Lee County Board of Commissioners, do hereby adopt the following General Principles and Code of Ethics to guide the Board in its 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 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;
  - As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders and resolutions; and

- As decision-makers, who arrive at fair and impartial quasi-judicial and administrative determinations.
- Board members 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**

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the 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 a Board member's best judgment.

This Code of Ethics will address the five topics as required under G. S. 160A-86 and other topics which the Board believes will ensure compliance with this statute. These five topics are:

- 1) Commissioners must obey all applicable laws;
- 2) A Commissioner shall uphold the integrity and independence of the office of County Commissioner;
- 3) Commissioners shall avoid impropriety in the exercise of the office of County Commissioner;
- 4) Commissioners shall faithfully perform the duties of the office; and
- 5) Commissioners will conduct the affairs of the governing board in an open and public manner.

County Commissioners 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. County Commissioners serve in an important advocacy capacity in meeting the needs for 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, County Commissioners must, at times, act in an adjudicatory or administrative capacity and must, when doing so, act in a fair and impartial manner. County Commissioners must know how to distinguish these roles and when each role is appropriate and must act accordingly. County Commissioners must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each County Commissioner must find within his or her own conscience the touchstone on which to determine appropriate conduct.

### **Section One A County Commissioner Shall Obey the Law**

County Commissioners shall support 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. The Commissioners are sworn in saying that they will support and follow the law. This section reaffirms that commitment.

**Section Two**  
**A County Commissioner Should Uphold the Integrity and Independence of His or Her Office**

County Commissioners 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 county government. County Commissioners 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.

**Section Three**  
**A County Commissioner Should Avoid Impropriety and the Appearance of Impropriety in all His or Her Activities**

- A. It is essential that county government attract those citizens best qualified and willing to serve. County Commissioners have legitimate interests-economic, profession and vocational-of a private nature. County Commissioners 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 conflicts with their responsibility to the public cannot be avoided. County Commissioners must exercise their best judgment to determine when this is the case.
- B. County Commissioners 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 County Commissioner and of county government.
- C. County Commissioners 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 County Commissioner 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 them.

**Section Four**  
**A County Commissioner Should Perform the Duties of the Office Faithfully**

County Commissioners 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. 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.
  - 2. County Commissioners should respect the legitimacy of the goals and interests of other County Commissioners and should respect the rights of others to pursue goals and policies different from their own.
- B. Adjudicative Responsibilities

1. County Commissioners should be faithful to the general and local laws pertaining to the office and strive for professional competence in them. They should not be swayed by partisan interests, public clamor, or fear of criticism.
2. County Commissioners should demand and contribute to the maintenance of order and decorum in proceedings before the Board of County Commissioners.
3. 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 their staff and others subject to their direction and control.
4. County Commissioners should accord to every person who is legally interested in a proceeding before the Board of Commissioners full right to be heard according to law.
5. County Commissioners should dispose promptly of the business of the county for which they are responsible.

C. Administrative Responsibilities

1. 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.
2. County Commissioners should conserve the resources of the county in their charge. They should employ county equipment, property, funds and personnel only in legally permissible pursuits and in a manner that exemplifies excellent stewardship.
3. County Commissioners should require county employees subject to their direction and control to observe the standards of fidelity and diligence that apply to Commissioners as well as those appropriate for employees.
4. County Commissioners should take or initiate appropriate disciplinary measures against a county employee for improper conduct of which the Commissioner may become aware.
5. County Commissioners 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.

**Section Five**  
**A County Commissioner Should Conduct the Affairs of the Board in an**  
**Open and Public Manner**

County Commissioners should be aware of the letter and intent of the State's Open Meetings Law, should 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 should 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 interest of the county.

### **Section Six**

#### **A County Commissioner Should Regulate His or Her Extra-Governmental Activities to Minimize the Risk of Conflict with His or Her Official Duties**

- A. County Commissioners should inform themselves concerning campaign finance, conflict of interest and other appropriate state and federal laws and should scrupulously comply with the provisions of such laws.
- B. County Commissioners 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 of official duties.
- C. County Commissioners should manage their personal financial interests to minimize the number of cases in which they must abstain from voting on matters coming before the Board.
- D. Information acquired by County Commissioners in their official capacity should not be used or disclosed in financial dealings or for any other purpose not related to official duties.

### **Section Seven**

#### **A County Commissioner Should Refrain from Political Activity Inappropriate to His or Her Office**

- A. 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 they may ascertain and respond to the needs of the community. In doing so, County Commissioners may and should 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.
- B. Candidates for the office of County Commissioner, including incumbents:
  - 1. Should inform themselves concerning the laws of this state with regard to campaigns and relevant disclosure requirements and should scrupulously comply with the provisions of such laws;
  - 2. Should maintain the dignity appropriate to the office, and should encourage members of their families to adhere to the same standards of political conduct that apply to Commissioners;
  - 3. Should not make pledges or promises of conduct in office that they will not or cannot perform or would be illegal if it were performed;
  - 4. Should not misrepresent their identify, qualifications, present position, or other fact; and
  - 5. Should avoid pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office.

This Ethics Policy is adopted this 20th day of September 2010 and becomes effective immediately.



Gaynell M. Lee, Clerk

Richard B. Hayes  
Richard B. Hayes, Chairman

Larry C. Oldham  
Larry C. "Doc" Oldham, Vice Chairman

Amy M. Dalrymple  
Amy M. Dalrymple, Commissioner

James C. Kelly  
James C. Kelly, Commissioner

Nathan E. Paschal  
Nathan E. Paschal, Commissioner

Robert T. Reives  
Robert T. Reives, Commissioner

Linda A. Shook  
Linda A. Shook, Commissioner

**ATTACHMENT "A"**  
**APPLICABLE LAWS AND REGULATIONS**

1. Avoid deriving a direct benefit from contracts in which you are involved in making or administering on behalf of the public agency. (G. S. 14-234(a)(1); criminal penalty; note defined terms in the statute: direct benefit, involved in making or administering a contract.)
2. Avoid attempting to influence others who are 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); criminal penalty; note defined terms in the statute: direct benefit, involved in making or administering a contract.)
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); criminal penalty.)
4. Consider the ethical and practical consequences of deriving a direct benefit from a contract that is 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; criminal penalty.)
7. Avoid receiving any gift or favor from a current, past, or potential contractor. (G. S. 133-32(a); criminal penalty.)
  8. Consider the ethical and practical consequences of accepting a gift or favor under any exception to the statutory prohibition, and 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 that your board can determine whether or not you have a conflict that allows 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); 160A-381(d).)
  11. Do not participate in or vote on any quasi-judicial matter, including matters that come before the board when acting in a quasi-judicial capacity under G. S. 153A-345 or 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 else who is 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.” (153A-345(e1), 160A-388(e1); violation of the constitutional standard by one member invalidates the entire vote.)

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 or requirement to be excused from voting. (G. S. 153A-44; 160A-75.)