

**SAMPSON COUNTY BOARD OF COMMISSIONERS
CODE OF ETHICS ADOPTED PURSUANT TO N.C.G.S. § 160A-86**

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, Section 160A-86 of the North Carolina General Statutes requires boards of county commissioners to adopt a code of ethics to guide actions by the governing board members in the performance of the member's official duties as a member of that governing board; and

WHEREAS, as elected local government officials we are charged with upholding the trust of the citizens of Sampson County, North Carolina and with obeying relevant laws.

NOW THEREFORE, BE IT RESOLVED in recognition. of our blessings and obligations as citizens of the State of North Carolina and as elected county commissioners representing the citizens of Sampson County, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, the Sampson County Board of Commissioners does hereby adopt the following general principles and code of ethics to guide the board and its individual members in lawful decision-making. (Hereinafter the terms "elected local government official(s) or elected official(s), the board, board member(s) or elected member(s)," shall be used interchangeably when referring to the members of or to the Sampson County Board of Commissioners.)

GENERAL PRINCIPLES UNDERLYING THIS 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.
- Elected local government officials must be able act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.
- Elected local government officials must always remain aware that at various times they play different roles:
 - (i) as advocates, who strive to advance the legitimate needs of their citizens;
 - (ii) as legislators, who balance the public interest and private rights in considering

and enacting ordinances, orders, and resolutions; and

(iii) as fair and impartial decision-makers, when making quasi-judicial and administrative determinations.

- Elected local government officials must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
- Elected local government officials 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 be guided by his or her own conscience 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 board members 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. Board members should take care to obey all laws that apply to their official actions as board members. 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. No board member should assert that a fellow board member is behaving unethically based upon a disagreement with that board member on a question of policy rather than on the board member's ethical behavior. The board and its members shall endeavor to keep it and themselves up-to-date on new or on-going legal or ethical quandaries or difficulties that they may face in their official positions.

Section 2. Board members should act with integrity and with independence from improper influence as they exercise the functions of their offices. Board members should use their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner. They should be self-governing and not subject to improper influence, while at the same time being able to consider the opinions and ideas of others. At the same time, however, board members should recognize that they are part of the board and should act accordingly. They should respect their office and the board and not behave in ways that reflect badly on either. They should treat other board members and the public with respect, and should honor the opinions of others even when they disagree. They should recognize that they are not generally authorized to act on behalf of the board, since the board must take official action as a body.

Section 3.

(a) Board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. A board member is considered to be acting with

impropriety if a reasonable person who was made aware of the totality of the circumstances surrounding the board member's action would conclude that it was more likely than not that the behavior did not benefit someone in the board member's position.

(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.

Section 4. Board members should be faithful in the performance of the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. In furtherance of their obligation, board members should be faithful in their attendance at meetings and in their preparation for those meetings. They should carefully analyze all credible information that is provided to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. As a group of citizens to whom much has been entrusted, the board should demand full accountability from those over whom it has authority. The board should set a good example for others in the community, keeping in mind that trust and respect must continually be earned. 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. Board members 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. This recognition includes sensitivity to those matters or documents recognized by law as non-public, confidential or protected. Board members should be always aware that when meeting they are conducting the public's business. Board members should always be aware that their individual written and electronic communications to each other, staff, constituents and others about matters within the purview of the board should also be regarded as the conduct of the public's business. They should also remember that the records of their local government belong to the public and not to them or their employees. They should make clear that a climate of openness is to be maintained at all times in the conduct of the public's business. In order to insure strict compliance with the laws governing openness, board members should strive to be open. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps before they go into closed session for any reason to insure that the closed session will be conducted solely for lawful purposes and that such sessions do not stray from the purpose for which they are called.

ADDITIONAL LEGAL RESTRICTIONS APPLICABLE TO CERTAIN CONDUCT

Criminal Violations. The governing board has no authority to bring criminal charges against its members or to otherwise control its members' behaviors; however, board members should always be vigilant to avoid conduct and conflicts for which they might be subject to criminal prosecution, well beyond the scope of this code of ethics. There are three very broad criminal statutes which prohibit certain conduct as follows:

N.C.G.S. § 14-234 prohibits all public officers and employees from:

- (i) obtaining any direct benefit from any contract in which they are involved in making or administering on behalf of their government agency,
- (ii) influencing or attempting to influence anyone else in the governmental agency who is involved in making or administering any contract from which the officer or employee will obtain a direct benefit, or
- (iii) soliciting or receiving any gift, reward, or promise of reward in exchange for recommending or influencing the award of a contract by the governmental agency.

It is important to remember that in the context of this statute, a person directly benefits from a contract if he or she, or his or her spouse, owns more than a 10 percent interest in the company which is the contractor; derives any income or commission from the contract; or acquires any property under the contract.

N.C.G.S. § 14-234.1 prohibits any public officer or employee from misusing any information made known to the public officer or employee in his or her official capacity before it is made public by acquiring an interest in any property, transaction, or enterprise, or gain any pecuniary benefit which may be affected by such information or official action; or to intentionally aid anyone else in doing any of these acts.

N.C.G.S. § 133-32 prohibits all public officers and employees with the duties of awarding or administering public contracts from accepting any gift or favor from any current, past or potential contractor with the governmental agency.

Statutory Obligations without Criminal Penalties. In addition to the statutes with criminal penalties, there are a number of statutes that prescribe obligations or limit the actions of board members without specific consequences to the individual board members. These statutes are as follows:

N.C.G.S. § 153A-44 requires a board member to avoid voting only on matters that involve his or her own financial interest or official conduct. Otherwise, this statute infers that board members are obligated to vote.

N.C.G.S. § 153A-340(g) requires a board member to avoid voting on any zoning map or text amendment where the outcome will likely have a direct, substantial, and readily identifiable financial impact on that board member.

N.C.G.S. § 153A-345(e1) requires a board member to avoid voting in any quasi-judicial hearing involving a subdivision, zoning, or development matter rising under Article 18 of Chapter 153A if that board member's participation will violate the affected party's constitutional right to an impartial decision-maker. Impermissible conflicts under this standard include having

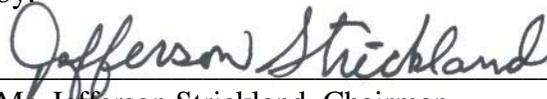
a fixed opinion prior to hearing the matter that is not susceptible to change; undisclosed *ex parte* communications; having a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. It is important to note that violation of this statute by only one board member invalidates the vote of the entire board.

N.C.G.S. § 160A-87 requires each board member to receive two clock hours of ethics education within 12 months of his or her each election or appointment to a term on the board with the clerk to the board to maintain a record verifying compliance of this requirement by each board member.

Adopted at a regular meeting held December 6, 2010.

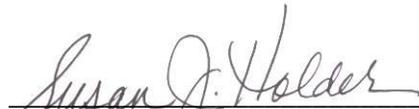
Sampson County Board of Commissioners

by:



Mr. Jefferson Strickland, Chairman

Attest:



Susan J. Holder, Clerk to the Board

This document was drafted by the Annette C. Chancy, acting as Sampson County Attorney, November 8, 2010. It is acknowledged that portions were contributed by R. Moorefield and that much of the language is substantially taken from A Model Code of Ethics for North Carolina Elected Officials, authored by A. Fleming Bell, II, and published by the School of Government, The University of North Carolina at Chapel Hill, 2010.