

CITY OF LEXINGTON, NORTH CAROLINA
RESOLUTION 20-23

CODE OF ETHICS FOR LEXINGTON CITY COUNCIL



CODE OF ETHICS
for Elected Officials

WHEREAS, 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; and

WHEREAS, a governing board's code of ethics must cover the need to obey all applicable laws, the need to uphold the integrity and independence of the office, the need to avoid impropriety in the exercise of duties, the need to faithfully perform the duties of the office, and the need to conduct the affairs of the board in an open and public manner; and

WHEREAS, governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure; and

WHEREAS, board members must act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent; and

WHEREAS, board members must always remain aware that at various times they play different roles: Advocates, who strive to advance the legitimate needs of their residents and businesses; Legislators, who balance the public interest and private rights in considering and enacting ordinances, resolutions, etc.; and Decision-makers, who arrive at fair and impartial determinations that consider long-term effects in the community; and

WHEREAS, board members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly; and

WHEREAS, board members must be aware of their obligation to conform their behavior to standards of ethical conduct that instill 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.

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for Lexington Mayor and City Council 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 ethical judgment.

Section 1. 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 (versus a board member's behavior) is unfair, irresponsible, and itself unethical.

Section 2. Board members should act with integrity and independence from improper influence as they exercise the duties of their office. Characteristics and behaviors consistent with this standard include, but not limited to, the following:

- A. Adhering firmly to City's established Vision and Mission, and shared 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 are doing;
- E. Using their best independent judgment to pursue the common good as they see it, and 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. Declaring publicly conflicts of interest, including but not limited to financial;
- H. Exercising the individual responsibility and duty to vote;
- I. Treating other board members, staff, and the public with respect and honoring the opinions of others even when the board members disagree with those opinions;
- J. Not reaching conclusions on issues until all sides have been heard;
- K. Showing respect for their office and not behaving in ways that reflect badly on those in office or the City of Lexington;
- L. Citizens expect local officials to act in the best interest of the public and not to use their office for their personal benefit;
- M. Working with the Mayor and staff to promote behavior that encourages residents' confidence in City government;
- N. Recognizing that they are part of a larger group and acting accordingly;
- O. Recognizing that individual 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 should take official action as a body; and
- P. Respecting legalities of public records and safeguarding confidentiality of sensitive matters.

Section 3. Board members 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 of the relevant facts and circumstances surrounding the board member's action would conclude that the action was inappropriate.

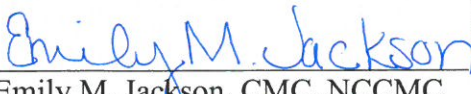
Section 4. If a board member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the board's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney) should occur before board action takes place. City Council members should notify the governing board related to potential conflicts of interest and it be required to

disclose their reason to recuse themselves for financial interest within the public meeting. Use of City facilities for personal gain are strictly prohibited.


Section 5. Board members should faithfully perform the duties of their office. 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 consistent with, but not limited to, the following:

- A. Keep in mind that trust and respect must continually be earned;
- B. Board members should faithfully attend and prepare for meetings;
- C. Make sure all board members have the same information with which to make decisions. They should carefully analyze all credible information properly submitted to them;
- D. Submit questions about board agenda items ahead of the meeting;
- E. 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;
- F. To the extent appropriate, be willing to put the board's interests ahead of their own;
- G. Work as a team to jointly develop and hold itself accountable to a common code of conduct. Demonstrate teamwork by making clear to the public that decision-making power rests with the majority, not with individual board members;
- H. Conduct the affairs of the board in an open and public manner, make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit;
- I. 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;
- J. Disclose conflicts of interest, including but not limited to financial interest;
- K. In order to ensure compliance with the laws concerning openness, board members should limit/restrict cell phone use and messaging during public meetings and should not deliberate outside the meeting in majority; and
- L. Take deliberate steps to make certain that any closed sessions held by the board are lawfully conducted and that such sessions do not stray from the purposes for which they are called and safeguard the content from any discussion outside a closed session.
- M. When violations of the Code of Conduct/Ethics occur, Mayor and City Council will promptly consult with the City Attorney, North Carolina League of Municipalities, and the University of North Carolina at Chapel Hill - School of Government to rectify the violation.

Adopted unanimously by the governing board this the 23rd day of January 2023.


Emily M. Jackson, CMC, NCCMC
City Clerk




Jason Hayes
Mayor