

CODE OF ETHICS FOR STOKES COUNTY COMMISSIONERS

A POLICY OF THE BOARD OF COUNTY COMMISSIONERS OF STOKES COUNTY, NORTH CAROLINA, TO BE KNOWN AS THE STOKES COUNTY CODE OF ETHICS; PROVIDING FOR TITLE; PROVIDING FOR INTENT AND PURPOSE; PROVIDING FOR ACKNOWLEDGMENT; PROVIDING FOR INTERPRETATION AND ADVISORY OPINIONS; PROVIDING FOR DEFINITIONS; PROVIDING FOR CONFLICTS OF INTEREST AND DISCLOSURE; PROVIDING FOR ACCEPTANCE AND REPORTING OF GIFTS; PROVIDING FOR REPRESENTATION OF CLIENTS AFTER LEAVING OFFICE; PROVIDING FOR VOTING CONFLICTS; PROVIDING FOR PROHIBITION OF CAMPAIGN CONTRIBUTIONS BY CONTRACTORS; PROVIDING FOR AVAILABILITY OF DOCUMENTS TO THE PUBLIC; PROVIDING FOR ENFORCEMENT; PROVIDING FOR TREATMENT OF CITIZENS, EMPLOYEES, DEPARTMENT HEADS, COUNTY MANAGER AND ELECTED OFFICIALS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the adherence to the highest standards of ethics protects the integrity of County government and fosters public confidence in the actions of County Commissioners; and

WHEREAS, in the public interest, North Carolina Statutes - prohibits conflicts of interest and establishes standards for the ethical conduct of elected officials in situations where conflicts may exist; and

WHEREAS, elected Public Officers should not be denied the opportunity available to all other citizens to pursue private economic interests, except when such pursuits conflict with the responsibility of these officials to the public interest; and

WHEREAS, the Board of County Commissioners finds and declares that the enactment of a local Code of Ethics for County Commissioners, which is supplemental to other applicable North Carolina statutes and rules, is in the best interests of the citizens of Stokes County, and will help ensure that elected Public Officers abide by the highest ethical standards;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF STOKES COUNTY, NORTH CAROLINA, THAT:

Section 1. Title.

1.01 This Policy shall be known as the Stokes County Code of Ethics.

Section 2. Intent and Purpose.

2.01 The proper operation of County government requires that County Commissioners be independent and impartial; that County policy and decisions be made through established processes; that a County Commissioner not use public office to obtain private benefits; that a County Commissioner avoid actions which create the appearance of using public office to obtain a benefit; and that the public have confidence in the integrity of its County government and County Commissioners.

2.02 This Stokes County Code of Ethics is supplemental to applicable provisions of the Constitution of North Carolina and North Carolina Statutes, which the Board of County Commissioners hereby adopts and incorporates by reference.

Section 3. Acknowledgment.

3.01 All County Commissioners, upon taking their oath of office to their current term, shall submit a signed statement to the County Attorney acknowledging that they have received and read the Stokes County Code of Ethics, that they understand it, and that they are bound by it.

Section 4. Interpretation, Advisory Opinions.

4.01 When in doubt as to the applicability and interpretation of the Stokes County Code of Ethics, any County Commissioner may request an advisory opinion from the County Attorney's office. The County Attorney's Office shall keep a file, open to the public, of all written opinions issued and submit a copy of each opinion rendered to every County Commissioner.

4.02 Any County Commissioner may request a review by the Board of County Commissioners of any advisory opinion. A majority vote of the Board of County Commissioners shall be the final determination of said opinion.

Section 5. Definitions.

5.01 Unless expressly provided herein to the contrary, for purposes of this Stokes County Code of Ethics, the following definitions shall apply:

- a. A Conflict* or A Conflict of Interest* shall mean a situation in which regard for a private interest outweighs a public duty or interest.
- b. A County Commissioner* shall mean any member of the Board of County Commissioners of Stokes County, North Carolina.
- c. To Participate* shall mean any attempt to influence a decision by oral, written or other communication, whether made by a person subject to this Stokes County Code of Ethics or at his or her direction.

- d. A Person* shall mean individuals, firms, association, joint ventures, partnerships, estates, trusts, business trusts, syndicate, fiduciaries, corporations (profit or not-for-profit), professional corporations or associations, and all other groups or combinations however constituted.
- e. A Relative* shall mean an individual who is related to the subject County Commissioner as father, mother, son, daughter, brother, sister, uncle or aunt, or anyone who is engaged to be married to the subject County Commissioner.

Section 6. Conflicts of Interest.

6.01 Prohibition of Doing Business with the County.

- a. No County Commissioner acting in his or her official capacity may, either directly or indirectly, purchase, rent or lease any realty, goods or services for the County, from any person in which the County Commissioner, or his or her relative, is an officer, partner, director or proprietor, or in which he or she or any relative (or any combination of them) has a material interest. For purposes of this Section, ownership of five (5) or more percent of the total assets of a business entity shall constitute a material interest.
- b. No County Commissioner acting in a private capacity may rent, lease or sell any realty, goods or services to the County.

6.02 Prohibition - Conflicting Employment or Contractual Relationship. No County Commissioner shall have or hold any employment or contractual relationship with any person if the approval, concurrence, decision, recommendation or advice of the County Commissioner in his or her official capacity may be sought, obtained or required on any county matter involving such person. Any County Commissioner finding themselves in such an Employment or Contractual Relationship at the present time must make a declaration of said Employment or Contractual Relationship and abstain from participation in any deliberations or decisions regarding or relating to said Employer or Contractual Relation.

Section 7. Acceptance and Reporting of Gifts.

7.01 A County Commissioner, or individual elected to that office, shall not, directly or indirectly, solicit, accept or agree to accept for himself or herself, or for a relative, anything of value which can be reasonably inferred as intended or expected to be intended to influence the performance of an official act. For the purposes of this sub-section, Any thing of value* shall mean things not intended for educational and informational purposes that are valued at over \$5.

Section 8. Voting Conflicts.

8.01 A County Commissioner is prohibited from voting or participating in his or her official position on any matter if he or she knows or should know that doing so would inure, either directly or indirectly, to:

- a. His or her special private gain; or
- b. The special private gain of any person by whom he or she is retained for compensation; or
- c. The special private gain of any of his or her relatives.

For the purposes of this sub-section, A special private gain* shall mean economic benefit of any kind that inures to the person, as opposed to a class of similarly situated persons.

8.02 County Commissioners prohibited from voting or participating on any matter pursuant to sub-section 8.01 above, shall:

- a. Publicly state to the assembly the nature of their interest in the matter in which they are prohibited from voting and participating; and
- b. Request permission from the board to abstain from voting; and
- c. Disclose in writing the nature of their interest in the matter from which they are prohibited from voting and participating. Such written disclosure shall be submitted within seven (7) days after the vote occurs in a memorandum to the Clerk of the Board, who shall incorporate the memorandum in the minutes.

Section 9. Representation of Clients After Leaving Office

9.01 A County Commissioner is prohibited for two (2) years after leaving office from representing for compensation any person before any entity of the Stokes County government, including county staff or consultants.

Section 10. Prohibition of Campaign Contributions by Contractors.

10.01 A County Commissioner, or candidate for County Commissioner, shall not solicit or accept political campaign contributions from any person who is an officer, partner, director or proprietor of, or has a material interest in, a business entity which has a contract, or is in negotiations to contract, or has had a contract in the previous 24 months with Stokes County in excess of \$5,000 per year either for personal services or for the furnishing of material, supplies, services, or equipment to Stokes County, or for selling land or a building to Stokes County, or for any franchise agreements with

Stokes County. For purposes of this Section, ownership of five (5) or more percent of the total assets of a business entity shall constitute a material interest.

Section 11. Availability of Documents to the Public

11.01 The County Attorney shall ensure that copies of public documents relevant to the conduct in office by County Commissioners are available in print form at the office of the Clerk of Court and at all branches of the Stokes County Library, and in electronic form on the individual County Commissioner's official web site, as maintained by Stokes County Information Services (IS). These documents shall include, but not be limited to, the following:

- a. The signed acknowledgment statement required in Section 3 above;
- b. All advisory opinions requested by that County Commissioner under the provisions of Section 4 above.

Section 13. Enforcement.

13.01 Persons making a complaint of violations of this Code of Ethics shall submit the complaint to the County Attorney, who will determine legal sufficiency.

13.02 If the County Attorney determines that legal sufficiency exists, the County Attorney shall hire and appoint a Hearing Officer to determine probable cause of violation or violations.

13.03 If the Hearing Officer determines probable cause of violations, the Board of County Commissioners shall make a final determination upon a majority vote of all members, except for the member who is the subject of the complaint.

13.04 None of these proceedings shall be bound by the strict rules of evidence, and the standard of proof required for a final determination of violation shall be a preponderance of evidence.

13.05 At the sole discretion of the Board of County Commissioners, sanctions may include reprimand or censure, or removal or exclusion from leadership positions, governing boards, and other official positions or duties that do not conflict with North Carolina Statutes.

Section 14. Treatment of Stokes County Citizens, employees, Department Heads, County Manager and Stokes County Officials.

14.01 It shall be the policy of the Stokes County Board of Commissioners to treat the citizens of Stokes County, Stokes County Employees, Stokes County Department Heads, the Stokes County Manager and Stokes County Elected Officials with respect and courtesy. The Stokes County Board of Commissioners shall expect all Stokes County employees, department heads and county manager to treat the citizens of Stokes County with respect and courtesy. The Board of Commissioners shall expect department heads to treat employees with respect and courtesy. The Board of Commissioners shall expect the county manager to treat department heads and employees with respect and courtesy.

14.02 The Stokes County Board of Commissioners shall enforce this policy vigorously.

14.03 The following procedure shall be followed in the handling of complaints.

- a. A complaint by a citizen of an employee shall be first brought to the Department Head. If unsatisfied, the citizen may next bring the complaint to the County Manager, except in the instances where the department head is directly answerable to the Board of Commissioners. If still unsatisfied, the citizen may bring the complaint to the Board of Commissioners in closed session.
- b. If the complaint is against a Department Head, the citizen may bring the complaint directly to the County Manager or Board of Commissioners; whichever is applicable in sub-section 11.03 a.
- c. If the complaint is against the County Manager or a County Commissioner, the citizen may bring the complaint directly to the Board of Commissioners. If the complaint is against the County Manager it shall be heard in closed session. If the complaint is against a County Commissioner, the complaint shall be heard in open session.
- d. A complaint by an employee shall follow the same procedures as part b. and c. above in closed session.
- e. A complaint by a department head shall be according to part c. above in closed session.
- f. A complaint by the County Manager shall be brought before the Board of Commissioners in closed session.
- g. A complaint by a County Commissioner shall be brought before the Board of Commissioners in closed session, except in the case of a complaint against a fellow commissioner, which shall be heard in open session.

Section 15. Effective Date.

The provisions of the Stokes County Code of Ethics shall be effective December 2, 2002, and shall apply to all County Commissioners holding office on that date.

Sandy McHugh
Chairman

Darlene Bullins
Clerk to the Board