Code of Ethics of the Town of Indian Trail Town Council

Preamble

The stability and proper operation of a democratic representative government depends on the continuing consent of the governed, upon the public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people. Government decisions and policy must be made and implemented through proper channels and processes of the governmental structure. The purpose of this code is to establish guidelines for ethical standards of conduct for the Mayor and Town Council members. It should not be considered a substitute for the law or the Mayor's or Town Council's best judgment.

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

Canon One

The Mayor and Town Council Members Shall Obey the Law

The Mayor and Town Council members shall support the Constitution of the United States, the Constitution of North Carolina and the laws enacted by Congress of the United States and the General Assembly pursuant thereto.

Canon Two

The Mayor and Town Council Members Should Uphold the Integrity and Independence of His or Her Office

The Mayor and Town Council members 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 local government. The Mayor and Town Council members should participate in establishing, maintaining, and enforcing, and should themselves observe high standards of conduct, as 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.

Canon Three

The Mayor and Town Council Members Should Avoid Impropriety and the Appearance of Impropriety in All His or Her Activities

A. It is essential that local government attract those citizens best qualified and wiling to serve. The Mayor and Town Council members have legitimate interests- economic, professional and vocational- of a private nature. The Mayor and Town Council members should not be denied, and should not deny to other Town Council members 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. The Mayor and Town Council Members must exercise their best judgment to determine when this is the case.
B. The Mayor and Town Council members 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 Mayor and Town Council members and of local government.
C. The Mayor and Town Council members 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 Mayor and Town Council members 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.

Canon Four

A Mayor and Town Council Member Should Perform the Duties of the Office Diligently

The Mayor and Town Council members 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 shall apply:

A. Legislative Responsibilities

1. The Mayor and Town Council members 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 Town Council and open government.

2. The Mayor and Town Council members should respect the legitimacy of the goals and interests of other Town Council members and should respect the rights of others to pursue goals and policies different from their own.

B. Adjudicative Responsibilities

1. The Mayor and Town Council members should be faithful to the general and local laws pertaining to the office and strive for professional competence in them. They should be unswayed by partisan interests, public clamor or fear of criticism.
2. The Mayor and Town Council members should demand and contribute to the maintenance of order and decorum in proceedings before the Town Council.
3. The Mayor and Town Council members 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. The Mayor and Town Council members should accord to every person who is legally interested in a proceeding before the Town Council full right to be heard according to the law.
5. The Mayor and Town Council members should dispose promptly of the business of the Town for which they are responsible.

C. Administrative Responsibilities

1. The Mayor and Town Council members should clearly distinguish legislative, adjudicatory and administrative responsibilities and should refrain from inappropriate interference in the impartial administration of Town affairs by Town employees. The Mayor and Town Council members 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 Town Council members and other local government officials.
2. The Mayor and Town Council members should conserve the resources of the Town in their charge. They should employ Town equipment, property, funds and personnel only in legally permissible pursuits and in a manner that exemplifies excellent stewardship.
3. The Mayor and Town Council members should require Town employees subject to their direction and control to observe the standards of fidelity and diligence that apply to Town Council members as well as those appropriate for employees.
4. The Mayor and Town Council members should take or initiate appropriate disciplinary measures against a Town employee for improper conduct for which the Town Council member may become aware.
5. The Mayor and Town Council members 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.

Canon Five

The Mayor and Town Council Members Should Conduct the Affairs of the Town Council in an Open and Public Manner

The Mayor and Town Council members should be aware of the letter and intent of the State's Open Meetings Law. They should conduct the affairs of the Town Council 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 local government and the office of the Mayor and Town Council members. Consistent with this goal of preserving public trust, the Mayor and Town Council members should be aware of the need for discretion in deliberations when the lack of discretion would pose a threat to the resources of the Town, to the reputation of current or potential Town employees, to orderly and responsible decision making, to the integrity of other governmental processes or other legitimate interests of the Town.

Canon Six

The Mayor and Town Council Members Should Recognize His or Her Extra-Governmental Activities to Minimize the Risk of Conflict with His or Her Official Duties

A. The Mayor and Town Council members 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. The Mayor and Town Council members should refrain from financial and business dealings that tend to reflect adversely on the Town Council or on local government or to interfere with the proper performance of official duties.
C. The Mayor and Town Council members should manage their personal financial interests to minimize the number of cases in which they must abstain from voting on matters coming before the Town Council.
D. Information acquired by Town Council members in their official capacity should not be used or disclosed in financial dealings or for any other purpose not related to official duties.

Canon Seven

The Mayor and Town Council Members Should Refrain From Political Activity Inappropriate to His or Her Office

A. The Mayor and Town Council members 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 local government, and to make themselves available to citizens of the Town so that they may ascertain and respond to the needs of the community. In doing so, Town Council members 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 consistent with the Constitution and laws of the United States and North Carolina.

B. Candidates for the office of Town Council member and Mayor, 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 a 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 identity, 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.

Adopted
4-12-2005

A RESOLUTION AMENDING THE CODE OF ETHICS
OF THE INDIAN TRAIL TOWN COUNCIL
#R091208-1

WHEREAS, the Town of Indian Trail has adopted a Code of Ethics for the Town of Indian Trail Town Council (the "Code of Ethics"); and

WHEREAS, the Town Council believes that the Code of Ethics should be clarified with respect to the use of electronic mail communications;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA AS FOLLOWS:

1. Cannon Five of the Code of Ethics is amended to read as follows:

The Mayor and Town Council Members Should Conduct the Affairs of the Town Council in an Open and Public Manner

The Mayor and Town Council members should be aware of the letter and intent of the State's Open Meetings Law. They should conduct the affairs of the Town Council 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 local government and the office of the Mayor and Town Council members. The Mayor and Town Council members should, whenever possible, send electronic communications related to Town business on and over the Town's computer system, rather than using personal electronic communication accounts, so that a record of any electronic communications will be available to and maintained by the Town. Consistent with the goal of preserving public trust, the Mayor and Town Council members should be aware of the need for discretion in deliberations when the lack of discretion would pose a threat to the resources of the Town, to the reputation of current or potential Town employees, to orderly and responsible decision making, to the integrity of other governmental processes or other legitimate interests of the Town.

SO RESOLVED THIS THE 8th DAY OF DECEMBER, 2009

THE TOWN COUNCIL OF INDIAN TRAIL

by _____
Honorable John Quinn, Mayor

Attest:

_____
Interim Town Clerk