

**Code of Ethics, Gift Policy, and Disclosure Requirements
for the Mayor and City Council of the City of Greensboro, North Carolina**

PREAMBLE

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, 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 this City, and with obeying the law, and

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 City of Greensboro, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the City Council do hereby adopt the following General Principles and Code of Ethics to guide the Mayor and City Council in their 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.
- The Mayor and City Council 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.
- The Mayor and City Council members must always remain aware that at various times they play different roles:
 - As advocates, who strive to advance the legitimate needs of 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 determinations in quasi-judicial hearings.

- The Mayor and City Council members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly. The Mayor and City Council 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 their own conscience the touchstone by which to determine what conduct is appropriate.

A. CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Mayor and City Council members and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for an official's best judgment.

1. The Mayor and City Council members should obey all laws applicable to their official actions. The Mayor and City Council members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, the Mayor and City Council members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To declare that the Mayor or a City Council member is behaving unethically because one disagrees with that official on a question of policy (and not because of the City Council member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

2. The Mayor and City Council members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values;
- Exhibiting trustworthiness;
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner;
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others;
- Treating other City Council members, city staff, and the public with respect and honoring the opinions of others even when the City Council members disagree with those opinions;
- Showing respect for their offices and not behaving in ways that reflect badly on those offices;
- Recognizing that they are part of a larger group and acting accordingly; and
- Recognizing that individual City Council members are not generally allowed to act on behalf of the City Council but may only do so if the City Council specifically authorizes it, and that the City Council must take official action as a body.

3. The Mayor and City Council members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach and they should not use their official position for personal gain. They should also not disclose confidential information, including the premature disclosure of what transpired in a closed session. Although opinions may vary about what behavior is inappropriate, this City Council will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the City Council member's action would conclude that the action was inappropriate.
4. If the Mayor or a City Council member believes that their actions, while legal and ethical, may be misunderstood, the official should seek the advice of the City Attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).
5. The Mayor and City Council members should faithfully perform the duties of their offices. 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, keeping in mind that trust and respect must continually be earned.

The Mayor and City Council members should faithfully attend and prepare for meetings. They should demand full accountability from those over whom the City Council has authority.

The Mayor and City Council members should be willing to bear their fair share of City Council's workload. To the extent appropriate, they should be willing to put the City's interests ahead of their own.

6. The Mayor and City Council 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. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to them nor to City employees.

In order to ensure strict compliance with the laws concerning openness, the Mayor and City Council members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the City Council are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

B. GIFT POLICY

City of Greensboro Personnel Policy Manual, Number: B-20, Revision: 3, Effective Date: 08-15-2015 (*or the then-current version*), regarding Gifts is hereby incorporated by reference.

C. CONFLICT OF INTEREST POLICY

City of Greensboro Personnel Policy Manual, Number: B-22, Revision: 2, Effective Date: 06-01-2018 (*or the then-current version*), regarding Conflict of Interest is hereby incorporated by reference.

D. DISCLOSURE REQUIREMENTS

By February 1 of each year, the Mayor and City Council members shall file with the city clerk a financial and personal interest disclosure using the form set forth in Exhibit A attached hereto. The statements required by this section are public records available for inspection and copying by any person during normal business hours.

E. ELECTIONS

No elected city official shall use or caused to be used for partisan or political purposes any city resources, including but not limited to:

1. city funds, which includes state and federal funds in possession of or designated for city use;
2. supplies;
3. media resources;
4. equipment, which includes, but is not limited to, computers and telephones;
5. real property, unless rented through the normal process; and
6. city personnel, which includes, but is not limited to, endorsing or opposing a referendum, election, or a particular candidate for elective office, unless otherwise permitted by law. [G.S. 160A-169 and 160A- 499.3]

Such prohibition extends to the use, whether direct or indirect, of GTN, and other city-authored media resources, including mass (unsolicited) mailings (newsletters, meeting notices, questionnaires, surveys, news releases, facsimiles, posters, flyers, handouts, leaflets and the like) of substantially identical content whether in single or bulk, media buys, advertisements and automatic telephone “robo” calls, and social media channels.

This prohibition does not apply to: (1) mailings or communications which are in direct response to a solicited response, inquires or request from the person(s) to whom the response is directed; (2) updates to the City Council member’s page on the City’s website provided said updates are consistent with established city guidelines and protocols; (3) self-generated electronic communications distributed to subscribers/constituents consistent with such electronic communications that occurred prior to the blackout period as defined below; and (4) meetings, events, activities, mailings or communications of any kind that are held, generated or

disseminated using non-city resources or that are scheduled and paid for, where payment is required, in accordance with all city policies and procedures applicable to any applicant for use of a city facility or amenity.

In effort to minimize, if not avoid, allegations regarding the use or misuse of city resources for campaign/election purposes, the City hereby imposes a “blackout period” commencing on either the first day of the third month before the filing period for elections for Mayor or for City Council or on the date on which a currently elected official publicly announces their candidacy, whichever date first occurs, and ending on general election day upon closure of the polls. During such blackout period, the use of any the aforementioned city resources by a candidate for City Council is prohibited unless such city resources are used, as established by clear and convincing evidence, in the performance of the official duties of a duly elected city council member. Such permitted use shall be in a manner consistent with established city guidelines and protocols, which shall not be amended during the blackout period unless such amendment is absolutely necessary to add clarity to the city established guidelines and protocols. Any such permitted use shall not make, nor be associated with, any reference to that person’s campaign, nor any other participants in such election.

Even if connected with the performance of official duties, images of a duly elected city council member on city media or other city resources should be kept to a minimum during the blackout period so that such use during the blackout period is not disproportionate to the use of the same city resources during the entire calendar year preceding the blackout period. If it appears that said use is disproportionate, the elected official will be informed of such and staff, absent extenuating circumstances, will deny the request. The City Attorney’s Office shall be charged with making any and all determinations required by this policy and compliance with the same. Non-compliance with this policy shall be handled pursuant to the complaint procedure under this policy.

“Council Conversations” episodes will not be produced or aired on GTN during the blackout period.

F. ETHICS COMPLAINT PROCEDURES

1. Except as otherwise provided herein, a complaint that this policy has been violated may be reported to the City Attorney’s Office. The City Attorney’s Office will investigate the complaint, and report the findings to the Mayor for review and additional action if warranted.

In the event a complaint pertains to the Mayor, the investigation will be forwarded to the City Attorney and the City Council. Likewise, if a complaint pertains to the City Attorney, the investigation will be forwarded to the City Manager and City Council.

In the event a complaint pertains to an appointed member of a board or commission, the investigation will be conducted by the City Attorney’s Office and only forwarded to City Council if further action is necessary.

Elected officials and members of boards and commissions may seek guidance about potential conflicts with this policy through the City Attorney’s Office.

2. No person should knowingly file a false complaint or report of a violation of this policy. All reports of complaints are confidential and there will be no retaliation upon the person reporting the complaint.

3. Complaints

- a. Any individual may file a complaint alleging a violation. Complaints shall be filed with the City Clerk on a form provided by the City Clerk. Complaints shall: (i) identify the complainant; (ii) state with specificity the facts that form the basis for the alleged violation; and (iii) cite the provision that has allegedly been violated.
- b. Upon receiving a complaint, the City Clerk shall forward the complaint to the City Attorney for initial review.
- c. The City Attorney shall review the complaint to determine whether it provides the information required in subsection a. If the City Attorney determines that the complaint fails to provide the information required by subsection a., the complainant shall be so informed and afforded an opportunity to provide the required information. If the City Attorney determines that a complaint does provide the required information, the complaint shall be referred to an independent investigator selected by the City Attorney.

4. Investigations

- a. An independent investigator shall review a complaint referred by the City Attorney. In the event that the independent investigator determines that the complaint is either: (i) frivolous; or (ii) does not state a claim of a violation even if the facts alleged are true, then the investigator shall communicate that conclusion in writing to the City Attorney who shall in turn communicate that conclusion to the complainant and the Mayor or, if the subject of the complaint is the Mayor, to the Mayor Pro Tempore.
- b. If the independent investigator determines that the complaint is not frivolous and does state a claim of a violation if the facts alleged are true, the independent investigator shall investigate the allegations and make written findings as to the truthfulness of the factual allegations and conclusions as to whether a violation has occurred. The written findings and conclusions shall be provided to the City Attorney who shall in turn provide them to the complainant, the Mayor, and the City Council.

5. Sanctions

Upon receipt of written findings and conclusions pursuant to Section 4.b., the City Council may sanction the official who was the subject of the investigation. Potential sanctions include the adoption of a Resolution of Censure and any other lawful sanction within the Council's power.