

**A RESOLUTION ADOPTING CODES OF ETHICS FOR THE TOWN OF
HUNTERSVILLE BOARD OF COMMISSIONERS AND OTHER TOWN BOARDS,
COMMITTEES, AND COMMISSIONS OF THE TOWN**

WHEREAS, N.C.G.S. § 160A-86 requires local governing boards boards to adopt a code of ethics, as amended from time to time, to guide the actions of the governing board members in the performance of the their official duties as a member of the governing board; and

WHEREAS, the Code of Ethics for the Board of Commissioners for the Town of Huntersville (the “Town Board”) was last updated in 2010; and

WHEREAS, it is also important to establish and adopt a code of ethics, as amended from time to time, to guide the actions of other Town Boards, Committees, and Commissions to guide the members of said boards, committees, and commissions in the performance of their duties; and

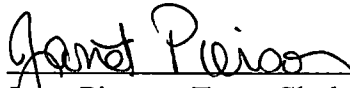
WHEREAS, the Town Board has reviewed the proposed updates to the Code of Ethics for the Town Board and the proposed Code of Ethics for other Town Boards, Committees, and Commissions as attached hereto and incorporated herein; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

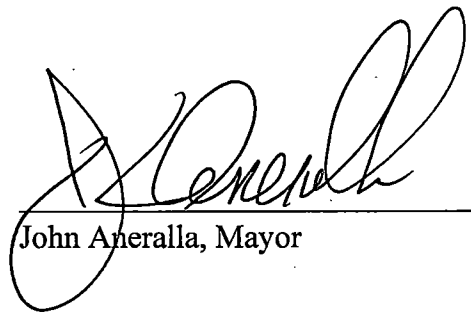
1. Pursuant to N.C.G.S. § 160A-86, the Town Board approves and adopts the attached Codes of Ethics, as may be amended from time to time.
2. The Codes of Ethics shall be effective upon the date of adoption.

Adopted this the 15th day of February, 2021.


ATTEST:


Janet Pierson, Town Clerk




John Aneralla, Mayor

Approved as to form:


Emily Sloop, Town Attorney

***Code of Ethics for Members
of Boards, Committees, and Commissions of the
Town of Huntersville, North Carolina***

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, §160A-86 of the North Carolina General Statutes requires local Governing Board Members to adopt a code of ethics, and

Whereas, it is appropriate that members of other town boards, committees, and commissions, (collectively “Members” hereinafter), also adhere to a Code of Ethics.

Whereas, as public officials we are charged with upholding the trust of the citizens of the town and with obeying the law, and

NOW, THEREFORE, in recognition of our blessings of liberty and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the Town of Huntersville, North Carolina, we the Board of Commissioners of the Town of Huntersville do hereby adopt the following General Principles and Code of Ethics to guide Members, in their lawful decision making.

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

1. The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon reasonable exercise of the trust conferred by the people upon their elected officials.
2. Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
3. 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.

4. Members must always remain aware that they play different roles at different times. The Members must also know how to distinguish among these roles in order to determine when each role is appropriate and how to act accordingly within each role in order to conform their behavior to standards of ethical conduct that warrant the trust of the Governing Board and citizens of the Town. The roles that the Members may play include roles:
 - a. As advocates, who must strive to advance the legitimate needs of the citizens;
 - b. As advisors, who make informed recommendations; and
 - c. As decision makers, who arrive at fair and impartial quasi-judicial or administrative determinations.

CODE OF ETHICS

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

Section One

Members should obey all laws applicable to their official actions. Members should be guided by the spirit of transparency, as well the letter of the law in whatever they do.

At the same time, Members should feel free to assert positions and opinions without fear of reprisal from fellow Members or citizens. However, in doing so, Members:

- (a) shall not act in violation of a Town policy;
- (b) who serve in an advisory capacity shall be mindful that their chief responsibility is to provide informed advice to the Board of Commissioners or other decision-making body, rather than to serve as an advocate for personal interests or interests of the public at large.

(c) shall understand that they hold a position of trust on behalf of the Town and its citizens; and

(d) shall assert policy positions and opinions on matters related to the jurisdiction and subject matter of the body on which they serve only through the transparency of official proceedings of the body, or in a capacity and manner appropriate for a member of such body. Members shall not represent their individual views as being representative of the full body unless they have been formally authorized by the body to do so.

These guidelines are especially important to Chairpersons who must recognize that they are often viewed as speaking for the body. To declare that a Member is behaving unethically because one disagrees with that Member on a question of policy (and not because of the Member's behavior) is unfair, dishonest, irresponsible, and unethical in and of itself.

Members should endeavor to keep up to date, through the Board's attorney and other resources, about ongoing legal or ethical issues they may face in their official positions. This educational function is in addition to the day-to-day advice Members may receive concerning specific situations that arise.

Section Two

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 ethical values.
- Consistently behaving with respect toward everyone with whom they interact.
- Exhibiting trustworthiness.
- Using their best independent judgment to pursue the common good as they see it and presenting their opinions to all in a reasonable, forthright, and consistent manner.
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinion and

ideas of others. This characteristic includes declining anything of value in exchange for voting in a certain manner on matters before the body.

- For Members who act in a quasi-judicial capacity, disclosing contacts and information about issues that they receive about quasi-judicial matters outside of the quasi-judicial proceedings themselves and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings.
- Treating other Members and the public with respect and honoring the opinions of others even when there are differences of opinion.
- Not reaching conclusions on issues until all sides have been heard.
- Showing respect for their offices and not behaving in ways that reflect badly on those offices.
- Abstain from direct or indirect participation as an advisor or decision maker in any matter in which they have a conflict of interest.
- Not misrepresenting facts or distorting information for the purpose of achieving a desired outcome.
- Recognizing that individual Members are not generally allowed to act on behalf of the body on which they serve, may only do so if the body specifically authorizes it, and that the body must take official action as a body.
- Members shall not vote on any advisory or legislative decision regarding a development regulation adopted where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. For the purposes of this Code of Ethics, identifying a “direct, substantial, and readily identifiable financial impact” shall involve an analysis of the following factors:
 1. The number of people affected. If the effect on the Member is the same as the effect on a significant number of citizens, then it is fair to allow the Member to vote.
 2. Extent of financial impact. Financial impact means a positive or a negative financial impact. An insignificant financial interest,

whether positive or negative, is not substantial enough to sway a person's vote and should not be used to avoid the duty to vote.

3. Likelihood that the financial impact will actually occur. Remote, tenuous, or speculative impacts are not readily identifiable.

- A Member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. As defined by the North Carolina General Statutes, and for purposes of this Code of Ethics, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild and includes step, half, and in-law relationships.
- For Members who act in a quasi-judicial capacity, they shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

Section Three

Members should avoid impropriety in the exercise of their official duties with the goal that their official actions be above reproach. Although opinions may vary about what behavior is inappropriate, Members will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the Member's action would conclude that the action was inappropriate.

Section Four

If a Member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek advice of the Town attorney, and should consider publicly disclosing the facts of the situation, and the steps taken to resolve it (such as consulting with the attorney).

Section Five

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.

Members should faithfully attend and prepare for all meetings. They should carefully analyze all credible information properly submitted to them and be mindful of the need not to engage in ex parte communications in quasi-judicial matters.

Members should be willing to bear their fair share of their respective body's workload. To the extent appropriate, they should be willing to put the Town's interest ahead of their own.

Section Six

Members should conduct the affairs of the body on which they serve 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 inspire and preserve 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 the Members or Town employees.

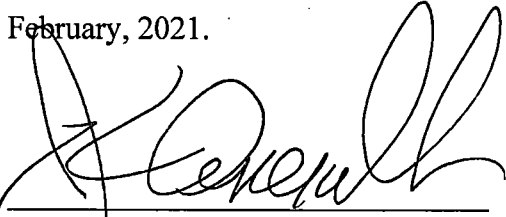
In order to ensure strict compliance with the laws concerning openness, Members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should take deliberate steps to make certain that any closed sessions held by the body are lawfully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

Section Seven

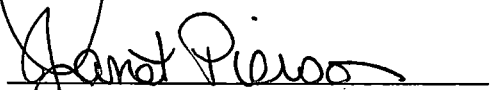
These general principles and this Code of Ethics is in addition to and not in substitution of the Town of Huntersville Conflicts of Interest Policy, as amended from time to time, which is incorporated herein by reference.

These general principles and this Code of Ethics shall become effective upon adoption.

PASSED and ADOPTED by the Board of Commissioners this 15th day of February, 2021.



John Ameralla, Mayor



Janet Pierson, Town Clerk



***Code of Ethics for the
Governing Board of the
Town of Huntersville, North Carolina***

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, §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 the town and with obeying the law, and

NOW, THEREFORE, in recognition of our blessings of liberty and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the Town of Huntersville, North Carolina, and acting pursuant to the requirements of §160A-86 of the North Carolina General Statutes, we the Board of Commissioners of the Town of Huntersville do hereby adopt the following General Principles and Code of Ethics to guide the Board of Commissioners, including the Mayor, in its lawful decision making.

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

1. The stability and proper operation of democratic, representative government depend upon public confidence in the integrity of the government and upon reasonable exercise of the trust conferred by the people upon their elected officials.
2. Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.

3. The Governing Board 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.
4. The Governing Board must always remain aware that they play different roles at different times. The Governing Board must also know how to distinguish among these roles in order to determine when each role is appropriate and how to act accordingly within each role. The roles that the Governing Board play include roles:
 - a. As advocates, who must strive to advance the legitimate needs of their citizens;
 - b. As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions; and
 - c. As decision makers, who arrive at fair and impartial quasi-judicial determinations, which adhere to the rules of due process.
5. The Governing Board must be aware of their obligations to conform their behavior to standards of ethical conduct that warrant the trust of their citizens.
6. Governing Board should at all times bear in mind the Oath of Office that each Board member took:

“[To] support and maintain the Constitution and laws of the Unites States, and the Constitution and laws of North Carolina not inconsistent therewith, and [to] faithfully discharge the duties of [their] office,” North Carolina Constitution, Article VI, Sec. 7. Oath.

CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Mayor and the Board of Commissioners of the Town of Huntersville (collectively, including the Mayor, referred to hereinabove and hereinbelow as “Board” or “Governing Board”), and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or a substitute for a Board member’s best judgment.

Section One

The Governing Board should obey all laws applicable to their official actions as members of the Board. The Governing Board should be guided by the spirit of transparency, as well as the letter of the law in whatever they do.

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

The Governing Board should endeavor to keep up to date, through the Board's attorney and other resources, about ongoing legal or ethical issues they may face in their official positions. This educational function is in addition to the day-to-day advice the Board may receive concerning specific situations that arise.

Section Two

The Governing Board 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 ethical values.
- Consistently behaving with respect toward everyone with whom they interact.
- Exhibiting trustworthiness.
- Living as if they are on duty as elected officials regardless of where they are or what they are doing.
- Using their best independent judgment to pursue the common good as they see it and presenting their opinions to all in a reasonable, forthright, and consistent manner.

- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinion and ideas of others. This characteristic includes declining anything of value in exchange for voting in a certain manner on matters before the Governing Board or in exchange for executing Town contracts.
- Disclosing contacts and information that they receive about quasi-judicial matters outside of the quasi-judicial proceedings themselves and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings.
- Treating other Governing Board members and the public with respect and honoring the opinions of others, even when there are differences of opinion.
- Not reaching conclusions on issues until all sides have been heard.
- Showing respect for their offices and not behaving in ways that reflect badly on those offices.
- Abstain from direct or indirect participation as an advisor or decision maker in any matter in which they have a conflict of interest.
- Not misrepresenting facts or distorting information for the purpose of achieving a desired outcome.
- Recognizing that individual members of the Governing Board are not generally allowed to act on behalf of the Board, may only do so if the Board specifically authorizes it, and that the Board must take official action as a Board.
- Respecting the limitations of the roles as individual Governing Board members when not sitting as the Governing Board.
- A Governing Board member shall not vote on any legislative decision regarding a development regulation adopted where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. For the purposes of this Code of Ethics, identifying a “direct, substantial, and readily

identifiable financial impact” shall involve an analysis of the following factors:

1. The number of people affected. If the effect on the board member is the same as the effect on a significant number of citizens, then it is fair to allow the board member to vote.
 2. Extent of financial impact. Financial impact means a positive or a negative financial impact. An insignificant financial interest, whether positive or negative, is not substantial enough to sway a person’s vote and should not be used to avoid the duty to vote.
 3. Likelihood that the financial impact will actually occur. Remote, tenuous, or speculative impacts are not readily identifiable.
- A Governing Board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. As defined by the North Carolina General Statutes, and for purposes of this Code of Ethics, a “close familial relationship” means a spouse, parent, child, brother, sister, grandparent, or grandchild and includes step, half, and in-law relationships.
 - When the Governing Board is exercising its quasi-judicial functions, a member of the Governing Board shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons’ constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

Section Three

The Governing Board should avoid impropriety in the exercise of their official duties with the goal that their official actions be above reproach. 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 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 Four

If a Governing Board member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek 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).

Section Five

The Governing Board 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 Governing Board should faithfully attend and prepare for all meetings. They should carefully analyze all credible information properly submitted to them and be mindful of the need not to engage in ex parte communications in quasi-judicial matters.

The Governing Board 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 interest ahead of their own.

Section Six

The Governing Board should conduct the affairs of the Board in an open and public manner. They should comply with all applicable laws governing open meetings, contracting, and public records, recognizing that doing so is an important way to inspire and preserve 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 the Governing Board or their employees.

In order to ensure strict compliance with the laws concerning openness, the Governing Board 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 Board are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

Section Seven

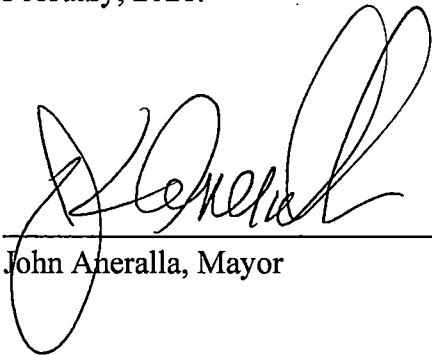
All members of the Governing Board shall receive a minimum of two clock hours of ethics education within twelve months after their initial election or appointment to the office and again within twelve months after each subsequent election or appointment to the office in accordance with N.C.G.S. Section 160A-87. The ethics education shall cover laws and principles that govern conflicts of interest and ethical standards of conduct at the local government level. The ethics education may be provided by the North Carolina League of Municipalities, North Carolina Association of County Commissioners, North Carolina School Boards Association, the School of Government at the University of North Carolina at Chapel Hill, or other qualified sources at the choice of the governing board. The clerk to the governing board shall maintain a record verifying receipt of the ethics education by each member of the governing board

Section Eight

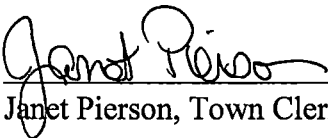
These general principles and this Code of Ethics is in addition to and not in substitution of the Town of Huntersville Conflicts of Interest Policy, as amended from time to time, which is incorporated herein by reference.

These general principles and this Code of Ethics shall become effective upon adoption and shall replace all previously adopted Codes of Ethics.

PASSED and ADOPTED by the Board of Commissioners this 15th day of February, 2021.



John Aheralla, Mayor



Janet Pierson, Town Clerk