

Policy #61

ETHICS AND CONFLICTS OF INTEREST GUIDELINES FOR TOWN ADVISORY BOARDS AND COMMITTEES

The Troutman Town Council, in adopting a Code of Ethics for the Council, has found that

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

The council believes that similar precepts apply to boards and committees of the Town (hereinafter "board"). The goal of any Town decision-maker or policy advisor should be to make fair and unbiased decisions or recommendations that are free of any perception of impropriety.

Therefore, these guidelines have been adopted for Town boards. These guidelines are designed to provide guidance to board members in making decisions in situations where there may be a potential conflict or the potential for the appearance of a conflict. Violation of these guidelines is grounds for removal of the violator from his or her board position but is not grounds for vacating or otherwise calling into question or doubt any advisory or other decision that has been made.

Guidelines

- *Definitions.* For the purpose of these Guidelines, the following definitions should be used:
 - "*Financial Interest*" means any pecuniary benefit accruing to the board member.
 - "*Close familial relations*" means a relationship involving a board member's spouse, parent, child, sibling, grandparent or grandchild, including a board member's step, half, and in-law relationships, and includes the-board member's "in-laws"
 - "*Close business relations*" means a relationship involving some person or entity with which the board member is associated for business purposes, and includes the board member's employer, partner, co-owner, and a client for whom the board member is presently working or regularly does work.

- *Financial interest in the matter.* Appointed advisory board members shall refrain from publicly advocating for or against, discussing, debating or voting on advisory decisions that are or will be before their board, when they have a direct and identifiable financial interest in the matter before the board. If the financial interest is very small and is shared by others in similar situations, or if the impact of the decision on the board member is remote or speculative, then the board member may disclose that interest and may discuss, debate and vote after such public disclosure.

- *Close familial or business relations with party.* Appointed advisory board members shall refrain from advocating for or against, discussing, debating and voting on advisory decisions which are or will be before their board, when they have close familial or business relations with any party in the matter.

- *No appearance of impropriety.* Appointed advisory board members shall conduct themselves in a manner that does not raise a reasonable perception or belief that there is a conflict of interest or an abuse of their position ("appearance of impropriety"). Complying with this requirement may require that an advisory board member refrain from advocating, discussing, debating and voting even if they have no direct and identifiable financial interest or close familial or business relations in the matter. For instance, a board member should not publicly lobby or advocate concerning a matter that will come before their board nor should a board member use, for their own financial interest, information obtained because of their position on the board before such information is generally available to the public. Board members should not do business with the Town other than the type of business that might be engaged in by any citizen of the Town, such as obtaining permits and approvals. In some cases, the appearance of impropriety may be adequately dispelled with disclosure and explanation of the perceived impropriety.

- Planning and Zoning Board members shall not vote on recommendations regarding any zoning map amendment, text amendment, or historic landmark application where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member, or the landowner or applicant is a person with whom the member has a close familial, business, or other associational relationship.

- The Zoning Board of Adjustment (ZBOA) exercises quasi-judicial functions. For "quasi-judicial" decisions the law requires all the elements of a fair trial, including an impartial decision-maker. Therefore, the conflict-of-interest standard for ZBOA members when making quasi-judicial decisions is higher than that for other boards and is established by state law. At a minimum:

A member of any board exercising quasi-judicial functions 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. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

- Close working relationships between council members and advisory board members are essential to fulfilling public responsibilities. For this and similar reasons, board members shall also be mindful of the following:

- During the course of public meetings, board members should conduct themselves with professionalism and show courtesy to fellow board members, other town representatives and the public. At meetings, board members should approach disagreements in a positive fashion, and refrain from personal criticisms of meeting participants and other town representatives.
- Once a decision is reached by a majority of any board, the minority should respect and honor the decision.

The Troutman Town Council acknowledges and appreciates the freedom of speech rights to which all board members are entitled. Council and board members acknowledge the importance of maintaining a relationship of mutual trust and respect for one another, particularly as such applies to the fulfillment of their roles.

Adopted this the _____ day of _____, 2022, by the Troutman Town Council.

Teross Young, Mayor

Attest: _____
Kimberly H. Davis, Clerk