

MINUTES OF ETHICS TRAINING WORKSHOP
CITY COUNCIL OF THE CITY OF SANFORD
SANFORD, NORTH CAROLINA

The City Council met at the Sanford Municipal Center, 225 E. Weatherspoon Street, on Wednesday, September 1, 2010, at 10:30 A.M. for a training workshop. The following people were present:

Mayor Cornelia P. Olive	Council Member James Williams.
Mayor Pro Tem Mike Stone	Council Member Walter H. McNeil, Jr.
Council Member L. I. "Poly" Cohen	Council Member Sam Gaskins
City Manager Hal Hegwer	Council Member Charles Taylor
City Attorney Susan Patterson	Council Member Linwood Mann
Deputy City Clerk Janice Cox	

Absent:

City Clerk Bonnie White

Mayor Olive called the meeting to order.

ETHICS TRAINING FOR LOCAL OFFICIALS (Exhibit A)

The council completed the workshop Ethics for North Carolina Local Government Elected Officials by webinar. School of Government representatives Fleming Bell and Eileen Youens led the online workshop. They explained and led discussions around the below stated objectives for this ethics training.

Define ethics and ethical behavior. There was discussion of what is meant by ethics. Characteristics of the most ethical elected officials were noted. There was discussion of citizen and public officials' expectations. This included holding each other accountable for ethical principles such as honesty, fairness, and caring; citizens wanting public officials to make decisions based on what is good for their communities, not on what is good for the elected officials' own individual interests; and recognizing that public officials are the "especially responsible citizens." They have been given a public trust.

Distinguish between legal and ethical standards. There was discussion about how what's legal differs from what's ethical; how the law generally provides a floor, not a ceiling, for one's behavior; the differences between private life and public life; any special behaviors that should distinguish ethical public officials from other persons; ways of thinking and deciding about ethical problems; why we use a code of ethics and what are their limitations; drafting a code of ethics--the topics that codes must address, and consequences of violating the code of ethics; and issues in drafting a code of ethics—how detailed the code should be; what subjects it should cover; whether to use a positive or negative tone; and who should prepare the code and whom should it cover.

Explain the effects of role conflicts and interest conflicts on ethical decision making. Council was made aware of the three statutes addressing conflicts of interest in contracting. G.S.

14-234 – Conflicts of interest—Public officers (including board members and public employees may not make or administer a contract on behalf of a public agency to derive a direct benefit from the contract. In addition, contracts entered into in violation of this statute are void. G.S. 14-234.1 – Misuse of secret information—A board member may not benefit from the use of non-public information that the member has learned through the member’s official position. G.S. 133-32 – Gifts and favors—A board member may not accept gifts or favors from a past, current, or potential future vendor or contractor if he/she is charged with the duty of preparing plans, specifications, or estimates for public contracts; awarding or administering public contracts; or inspecting or supervising construction. Violations of these statutes can result in a Class I misdemeanor, punishable by up to 120 days imprisonment and a fine in an amount left to the judge’s discretion. There is no maximum allowable fine for a Class I misdemeanor.

There are statutes that deal with conflicts of interest in voting. In general, a board member has a duty to vote. However, there are limited situations when a board member may be excused from voting. G.S. 160A-75(cities) allows a board member to be excused from voting only on matters involving the consideration of the member’s own official conduct or financial interest and on matters on which the member is prohibited from voting under the following statutes: G.S. 160A-381(d)(cities) prohibits a board member from voting on a rezoning map or text amendment if the outcome of the matter is reasonably likely to have a direct, substantial and readily identifiable financial impact (positive or negative) on the member. G.S. 160A-381(e1) specifies that when the board is acting as a board of adjustment, a board member may not participate or vote if the board member may not be able to make an impartial decision on the matter before the board.

The discussions also addressed how to apply a process when making ethical decisions; how to develop a successful code of ethics; following the laws governing conflicts in contracting, and determining when you cannot vote and when you must vote on issues before the governing board.

At the conclusion of the webinar, the workshop adjourned for council members to attend the Law & Finance Committee meeting at 1:00 P.M.

Respectfully submitted,

Cornelia P. Olive, Mayor

Janice Cox, Deputy City Clerk

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