

VILLAGE OF WESLEY CHAPEL ETHICS POLICY FOR OFFICIALS

Policy Purpose

The proper operation of democratic government requires that:

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

In recognition of these goals, an ethics policy for Village of Wesley Chapel officials is hereby adopted. The purpose of this policy is to establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the best interests of the Village.

Policy Statement

Wesley Chapel Village officials shall:

- Obey all local, state and federal laws.
- Uphold the integrity and independence of his/her office or position, yet be responsive to the needs of those he/she represents in an advocacy capacity.
- Avoid impropriety in the exercise of the board member's official duties; demonstrate the highest standards of personal integrity, truthfulness and honesty in all their public activities.
- Faithfully perform the duties of the office.
- Conduct the affairs of the Village of Wesley Chapel in an open and public manner, including complying with all applicable laws governing open meetings and public records.
- Participate in establishing, maintaining, and enforcing the standards of conduct and disclosure as set forth in this policy.
- Per NCGS § 160A-84 all Village officials shall provide record of Ethics Education to be filed with the Village Clerk.

Definitions

The following words, terms and phrases, when used in this policy, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business entity means any business, proprietorship, firm, partnership, person in a representative or fiduciary capacity, association, venture, trust, or corporation which is organized for financial gain or for profit.

Village official means the mayor, members of the Village Council, Village appointees to advisory boards

Immediate household means the Village official, spouses and all dependents of the Village official.

Interest means direct or indirect financial, fiscal, economic, or material benefit accruing to a Village official as a result of a contract or transaction which is or may be the subject of an official act or action by or with the Village. For the purpose of this policy, a Village official shall be deemed to have an interest in the affairs of:

- (1) Any person in his/her immediate household, as such term is defined in this section;
- (2) Any business entity in which the Village official is an officer, manager or director;
- (3) Any business entity in which in excess of five percent of the stock of, or legal or beneficial ownership of, is controlled or owned directly or indirectly by the Village official; or

(4) Any nonprofit organization on which the Village official currently serves as an officer, manager, director, or board member.

Official act or action means any legislative, administrative, appointive or discretionary act of any Village official.

Standards of Conduct

(a) **Scope.** All Village officials shall be subject to and shall abide by the standards of conduct in this section.

(b) **Interest in contract or agreement.** No Village official shall have or thereafter acquire an interest in any contract or agreement with the Village.

(c) **Use of official position.** No Village official shall use his/her official position or the Village's facilities or resources for private gain, nor shall he/she appear before or represent any private person, group or interest before any department, agency, commission or board of the Village except in matters of purely civic or public concern. Members of the Village Council shall refrain from using their position to unduly influence the deliberations or outcomes of advisory board proceedings. Village officials shall represent the official policies or positions of the appropriate board to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, officials shall explicitly state they do not represent their body or the Village of Wesley Chapel, and shall avoid any inference thereof. This subsection is not intended to prohibit a Village official from speaking before neighborhood groups and other nonprofit organizations.

(d) **Disclosure of confidential information.** No Village official shall use or disclose confidential information gained in the course of or by reason of his official position for purposes of advancing:

(1) His/her financial or personal interest;

(2) A business entity or non-profit organization of which he/she is an owner in part or in whole, an officer, manager or a director; or

(3) The financial or personal interest of a member of his/her immediate household or that of any other person.

(e) **Incompatible service.** No Village official shall engage in or accept private employment or render service for private interest, when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties, unless otherwise permitted by law and unless disclosure is made as provided in this policy.

(f) **Gifts.** No Village official shall directly or indirectly solicit any gift or accept or receive any gift having a value of \$50.00 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her, or could reasonably be expected to influence him/her, in the performance of his official duties, or was intended as a reward for any official action on his part. Legitimate political contributions shall not be considered as gifts under this subsection.

(g) **Special treatment.** No Village official shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

Disclosure of Interest in Official Action

All Village officials who have interest in any official act or action before the council shall publicly disclose on the record of the council the nature and extent of such interest and shall withdraw from any consideration of the matter if excused by the council.

General Disclosure Statement

(a) Every Village official shall file with the Village clerk, on January 15th of each year, a statement containing the following information:

(1) The identity, by name and address, of any business entity or nonprofit organization of which he/she or any member of his immediate household is an officer, manager, director, or board member, or in which in excess of five percent of the stock of, or legal or beneficial ownership of, is controlled or owned directly or indirectly by such person. Additionally, the Village official and spouse shall give the names of their employers or, if self-employed, shall state the nature of their work.

(2) The identity, by location and address, of all real property located in the Village of Wesley Chapel or area of consideration for annexation by the Village of Wesley Chapel, owned or leased by the Village official or any member of his immediate household, including an option to purchase or option to lease for ten years or more, other than his personal residence.

(b) The statements required by this section shall be filed on a form prescribed by the Village clerk and are public records available for inspection and copying by any person during normal business hours. The Village clerk is authorized to establish and charge reasonable fees for the copying of statements.

Investigations; Filing of Complaints

The Village Council, by majority vote, may direct the Village attorney to investigate any apparent violation of this policy, as it applies to any Village official and to report the findings of the investigation to the Village Council. Any person who believes that a violation of this policy has occurred may file a complaint in writing with the Village Council when a Village official is the subject of the complaint.

Hearings on Violations; Sanctions; Rights of Accused at Hearings

If the Village Council, after the receipt of investigation findings, has cause to believe a violation of this policy has occurred, shall schedule a hearing on the matter. The Village official who is charged with the violation shall have the right to present evidence, cross examine witnesses, including the complainant and to be represented by counsel at the hearing. If, after such hearing and a review of all the evidence, the Village Council finds that a violation of this policy has occurred, it shall take, by majority vote, whatever lawful disciplinary action deemed appropriate, including but not limited to reprimand, suspension, demotion, termination of service, or adoption of a resolution of censure which shall be placed as a matter of record in the minutes of an official council meeting. The Village official accused of a violation of this policy shall not vote in these proceedings. If, after hearing proceedings, the Village Council, by majority vote, determines that no violation has occurred, the Village Council agrees to reimburse the accused Village official for legal expenses incurred for the purpose of the hearing.

Advisory Opinions

The Village of Wesley Chapel does not attempt to deny Village officials the opportunity to acquire, retain, or pursue private interests, economic or otherwise. However, these interests may potentially conflict with their responsibility in public office. When any Village official has a doubt as to the applicability of any section of this policy to a particular situation, or as to the definition of terms used in this policy, he/she may apply to the Village attorney for an advisory opinion. The Village official shall have the opportunity to present his/her interpretation of the facts at issue and of the applicability of sections of this policy before such advisory opinion is made.