

RESOLUTION ADOPTING CODE OF ETHICS FOR THE
CITY OF DURHAM AND REQUIRING PUBLIC OFFICIALS
TO DISCLOSE CERTAIN INFORMATION.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DURHAM:

Section 1. The Code of Ethics set forth in Attachment A is hereby adopted by the City Council of the City of Durham.

Section 2. Definitions; Other Terms. The following terms, when used in the Code of Ethics, have the meanings indicated:

1. "Public official" means the Mayor, each member of the City Council, each member of a board, commission, authority, committee or similar entity appointed by the City Council and every City employee.

2. "Gift, favor or special privilege" means anything of value except:

(a) Anything having a value of \$50.00 or less (including food and drink consumed at a single sitting) - unless the receipt is prohibited by G.S. 133-32 (which regulates certain government procurement and contracting activities), or any other state or federal law.

(b) Public events of any kind to which the public official is invited as a representative of the City unless otherwise barred by law.

(c) Lawful campaign contributions.

3."Financial advantage" means something which increases one's "financial interest" as that term is defined below.

4."Financial interest" means a pecuniary interest in or a reasonably foreseeable benefit from public business inuring to the public official or to a business or association owned by the public official or by whom the public official is employed. Financial interest does not include a pecuniary interest or reasonably foreseeable benefit that may accrue to the public official which is merely incidental to the public official's position, or which accrues to the public official as a member of a large class, occupation or profession, to no greater extent than the pecuniary interest or potential benefit could reasonably be foreseen to accrue to all other members of the large class, occupation or profession.

5."Personal advantage" means something which increases one's "personal interest" as that term is defined below.

6. "Personal interest" means a pecuniary interest in or a reasonably foreseeable benefit from public business inuring to (i) a family member of the public official, (ii) a person unrelated by blood or marriage to the public official with whom the public official lives and shares a domestic partnership, and (iii) a business or organization with which the public official or a person described in (i) or (ii) is associated. Personal interest does not include a pecuniary interest or reasonably foreseeable benefit that may accrue to a person, business or organization identified in (i), (ii) or (iii) above which accrues to the person, business or organization as a member of a large class, occupation or profession, to no greater extent than the pecuniary interest or potential benefit could reasonably be foreseen to accrue to all other members of the large class, occupation or profession.

Section 3. Disclosure Statement. For the purposes of this Section 3, the term "public official" means the Mayor and members of the City Council. Within thirty (30) days of taking office, and on or before the following May 1 and on or before each May 1 annually thereafter, every public official shall file a written Disclosure Statement with the City Clerk. The Disclosure Statement shall be on a form to be provided by the City Manager. The City Manager shall include on the Form, information showing the annual compensation paid by the City to the Mayor and the Members of the City Council pursuant to the annual Budget Ordinance. The following information shall be disclosed by each public official:

1. The address or location of all real property within the City or County of Durham in which the public official owns any direct or indirect interest, including leasehold interests and options to purchase. The value of any property listed need not be disclosed.

2. The principal sources (but not the amounts) of income of the public official during the calendar year preceding the filing of the Disclosure Statement. For income received from business activities: the name, address and principal business activity of each source of income must be shown. The following need not be listed or disclosed:

(a) The amount of income received from any source.

(b) Compensation received from the City.

(c) Income received pursuant to a court order.

(d) Social security payments and other similar income received pursuant to any state or federal entitlement program.

(e) Any source of income which amounted to less than 10% of the gross income received by the public official during the preceding calendar year. "Gross income" is cal-

culated in the same manner as gross income is calculated for federal income tax reporting purposes.

3. The name and address of any business entity or not for profit corporation of which the public official is an owner, officer or director. With respect to ownership, the name and address of a business entity in which the public official owns an interest of 10% or less need not be listed.

Section 4. Enforcement.

1. Jurisdiction for enforcing this resolution is as follows:

(a) For violations of this resolution by the Mayor or a member of the City Council, jurisdiction lies with the City Council.

(b) For violation of this resolution by a member of a board, commission, authority, committee or other similar entity appointed by the City Council, jurisdiction lies with the City Council.

(c) For violations of this resolution by the City Manager, the City Clerk or the City Attorney, jurisdiction lies with the City Council.

(d) For violations of this resolution by a subordinate of the City Manager, jurisdiction lies with the City Manager.

(e) For violations of this resolution by a subordinate of the City Clerk, jurisdiction lies with the City Clerk.

(f) For violations of this resolution by a subordinate of the City Attorney, jurisdiction lies with the City Attorney.

2. (a) The City Council may remove from office the Mayor or any member of the City Council for misfeasance, malfeasance, corruption, neglect of duty, or other misconduct in office pursuant to the provisions of Section 15(2) of the Charter of the City of Durham.

(b) The City Council may sanction the Mayor or any member of the City Council for violations of this Resolution. Such sanctions may include, by way of example and not limitation, Resolutions of Censure for serious, flagrant or repeated violations of this Resolution; Resolutions or Letters of Reprimand for other violations; or Warning Letters for violations which are technical or inadvertent in nature.

(c) The City Council may remove from office or sanction any member of a board, commission, committee or similar entity appointed by the City Council for violations of this Resolution.

(d) The City Council may remove or discipline the City Manager, City Clerk or City Attorney for violations of this Resolution pursuant to applicable law.

(e) The City Manager, City Clerk and City Attorney may remove or discipline subordinates for violations of this Resolution pursuant to applicable personnel rules and regulations.

3. The City Council may schedule such hearings, conduct such investigations and take such other actions as it deems appropriate when acting pursuant to this Section.

Section 5. This Resolution shall not be construed to prevent any board, commission, authority, committee or similar entity, one or more of the members of which are appointed by the City Council, from adopting stricter rules of ethics than those prescribed in this Resolution, nor shall this Resolution be construed to prevent the City Manager, City Clerk or City Attorney from prescribing stricter rules of ethics for their subordinates than those prescribed herein.

Section 6. This Resolution is effective upon passage and supersedes Resolution #3025.

DURHAM CITY COUNCIL CODE OF ETHICS

IT IS THE PURPOSE AND INTENT OF THIS CODE OF ETHICS TO PRESCRIBE A HIGH STANDARD OF CONDUCT FOR ALL CURRENT AND FUTURE MEMBERS OF THE DURHAM CITY COUNCIL. TO THIS END, EVERY MEMBER OF THE DURHAM CITY COUNCIL SHALL:

- I. OBEY ALL APPLICABLE LAWS REGARDING OFFICIAL ACTIONS TAKEN AS A BOARD MEMBER.
 1. Support the Constitution of the United States and the Constitution of North
 2. Administer the laws of the Nation, State and City fairly and impartially.
 3. Abide by the spirit and letter of the laws of the United States and North Carolina.
 4. Carry out the lawful orders and policies, including this Code of Ethics, of the City Council.

- II. ACT WITH INTEGRITY AND INDEPENDENCE.
 1. Grant no special treatment or advantage to any citizen beyond that which is available to every other citizen except by due process of law.
 2. Grant to every citizen a fair and impartial hearing on any matter which may be heard before the public official.

- III. AVOID IMPROPRIETARY IN THE EXERCISE OF A BOARD MEMBER'S OFFICIAL DUTIES.
 1. Seek no personal or financial advantage¹ by means of his or her public office or appointment.
 2. Make full and timely disclosure of any personal or financial interest² which the public official has in any public business which may come before him or her and not advocate that interest in any public or private discussion of the public business.
 3. Abstain from voting upon any matter in which the public official has a financial interest.

4. Refuse personal gifts, favors or special privileges in every instance where (i) the public official reasonably believes the gift, favor or special privilege³ would not have been offered had it not been for the position of the public official, or (ii) there exists a reasonable belief that the givers' interests are likely to be affected by the actions of the public official, or (iii) the gift, favor or special privilege is or may reasonably be considered to be designed to influence the actions of the public official.

5. Not (i) use information that is not available to the general public for his or her personal or financial advantage³, or (ii) violate the provisions of G.S. 14.234.1 concerning the misuse of confidential information.

IV. FAITHFULLY PERFORM THE DUTIES OF OFFICE.

1. Council members shall faithfully attend all relevant public meetings whenever possible.
2. Council members shall endeavor to be prepared to effectively participate in public meetings.
3. Council members shall refrain from engaging in conversations outside of formal quasi-judicial hearings.

V. CONDUCT OFFICIAL BUSINESS IN AN OPEN AND PUBLIC MANNER.

1. Council members shall comply with all applicable laws related to open meetings and public records.
2. Council members shall foster an atmosphere of transparency and candor in conducting the public business.

¹ See definition of "Financial advantage" and "Personal advantage" in Resolution #8145.

² See definition of "Financial interest" and "Personal interest" in Resolution #8145.

³ See definition of "gift, favor or special privilege" in Resolution #8145.