

A CODE OF CONDUCT FOR THE RALEIGH CITY COUNCIL

The policy of the City of Raleigh is to uphold and promote the highest standard of ethics and professional conduct from all of its officials, whether elected to the city council; appointed to advisory boards, commissions or committees; or city staff. All members of the city council should continuously strive to maintain the utmost standards of personal integrity, truthfulness, honesty, professionalism, transparency and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws, rules and regulations. It is recognized that each council member is a duly elected public official with all of the First Amendment rights attaching to that status.

Raleigh has rules of ethical conduct established by state statute and city resolution, as well as clear delineations of its powers and authorities set out in various state statutes, the city charter, and the city code of ordinances. In addition to those documents, this code of conduct is established to help guide council members in their relations with each other, the citizens, the media, and the city staff as advocates, legislators, decision-makers and role models for all citizens of the City of Raleigh.

Demonstrating professionalism and respect for each individual through words and actions is the touchstone that can help guide elected and appointed officials to do the right thing in even the most difficult situations. This code of conduct has been created to ensure that clear guidelines exist for carrying out responsibilities and is intended to describe the professional and respectful manner in which the city council should conduct themselves and treat one another, city staff, and others they encounter while serving as an elected official of the City of Raleigh. It describes desired behavior, manners, and courtesies suitable for various occasions.

THE CITY COUNCIL

It is important to remember that all council members, other than certain emergency powers assigned to the Mayor, have the same voting rights and equal status in council activities and should be treated with equal respect. All council members are encouraged to:

1. Fully participate in council meetings and other official activities.
2. Prepare fully for all meetings and be familiar with the agenda for those meetings and events.

3. Represent the city at ceremonial functions when required.
4. Be focused and pay attention during council and committee meetings.
5. Demonstrate honesty, integrity and transparency in every action and statement.

PROTOCOL

Ceremonial Events

The city manager will develop a protocol for responding to inquiries from the public for representation from the city council at public events. The mayor or the mayor's representative is always the official representative of the city for official purposes.

Political Endorsements

Council members have the right to support and endorse candidates for any public office. It is inappropriate to make any such support or endorsements at council meetings or any public meetings held pursuant to G.S. 143-318.10.

Public Hearing Procedure

Public hearings shall be conducted according to the rules set out in the N.C. General Statutes and the Raleigh City Code and Charter. The mayor has the responsibility to efficiently run public hearings and has discretion, within the law, to modify the hearing process to make it more efficient. It is generally not appropriate to make comments during a public hearing and council members should not argue or debate with speakers during a public hearing.

INTRA COUNCIL CONDUCT

Because of the nature of democratically elected governing bodies it is imperative to remember that council members come from different backgrounds in terms of geography, socioeconomic status, gender, race and many other characteristics. It is important to remember that all are there to serve the public and it is important that cordial working relations are maintained.

In Public Meetings

1. Practice civility, professionalism, and decorum in discussion and debate. Members should refrain from making belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.

2. Honor the role of the mayor as presiding officer. If there is serious disagreement with a ruling by the mayor it can be challenged on a point of order.
3. Be punctual and keep comments to the topic under discussion. Meetings should begin on time as a sign of respect for the time of fellow members, city staff, and for the citizens attending the meeting.
4. Continue respectful behavior in private. Private discussions should be entitled to the same level of consideration and respect given to public comments and discussions.
5. Be thoughtful in all forms of communication, including the use of email and social media.
6. Always abide by the rules of debate found in Raleigh City Code 1-1029, and excerpted below:

Sec. 1-1029. - RULES OF DEBATE.

(a) Presiding officer may debate and vote, etc.

The Mayor or such other member of the council who may be presiding may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any rights and privileges of a council member by reason of his acting as the presiding officer.

(b) Getting the floor; improper references to be avoided.

Every member desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.

(c) Interruptions.

A member, once recognized, shall not be interrupted when speaking unless it be to call the member to order, or as herein otherwise provided. If a member, while speaking, be called to order, the member shall cease speaking until the question of order be determined, and if in order, the member shall be permitted to proceed.

(Code 1959, §2-9)

7. Always abide by the rules for proper decorum at council meetings set out in Raleigh City Code 1-1033:

Sec. 1-1033. - DECORUM; REQUIRED.

(a) By Council Members:

While the council is in session, the members must preserve order and decorum; and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the council nor disturb any member while speaking or refuse to obey the orders of the council or its presiding officer, except as otherwise herein provided.

(b) By Other Persons:

Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the council shall be forthwith, by the presiding officer, barred from further

audience before the council, unless permission to continue be granted by a majority vote of the council.
(Code 1959, §2-13)

8. Always abide by the rules for the enforcement of decorum set out in Raleigh City Code 1-1034, excerpted below:

Sec. 1-1034. - ENFORCEMENT OF DECORUM REQUIREMENTS.

Any person who violates the order and decorum of a council meeting shall be guilty of a misdemeanor. When directed by the council, the Chief of Police or such member or members of the Police Department as the Chief may designate shall be sergeant-at-arms of the council meetings. ... The Mayor or a council member may only be placed under arrest for breach of decorum by a vote of the council.

(Code 1959, §2-14; Ord. No. 1978-748, §1, 3-14-78)

CONDUCT WITH CITY STAFF

Governance of a city relies on the cooperative efforts of elected officials, who set policy, and the professional city staff which, under the council-manager form of government, implement and administer the policies of the city council and are responsible for the day-to-day administration of city business. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by elected officials and the staff for the benefit of the community.

1. Treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected.
2. Limit contact to specific city staff. Questions of staff and requests for additional background information should be directed to the city manager's office, the city attorney, the city clerk, or department directors.
3. Do not disrupt city staff from their jobs.
4. Never publicly criticize an individual employee. Comments about staff performance should only be made to the city manager's office through private correspondence or conversation.
5. Do not get involved in administrative functions. Council members shall not attempt to influence city staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, granting of city licenses and permits, or any other administrative or operational functions. The Raleigh City Charter, Section 3.6, also contains information about the prohibition of council interference in administrative functions.
6. Do not attend meetings with city staff unless requested by staff. Even if the council member does not say anything, the council member's presence implies support or

partiality for or against matters pending staff disposition, intimidates staff, and hampers staff abilities to objectively perform their job. This prohibition does not apply to public meetings as defined by G.S. 143-318.10.

7. Limit requests for staff support. Requests for additional staff support should be made to the city manager who is responsible for allocating city resources in order to maintain a professional, well-run city government.
8. Do not solicit political support from staff.

CONDUCT WITH THE PUBLIC

Public meetings and hearings can be an unnerving experience for some people as they are appearing in an unfamiliar setting and for something that is important to them in their daily lives. Therefore it is important to treat every person appearing before city council with the following courtesies:

1. Be welcoming to speakers no matter the person's point of view.
2. Be an active listener. The speaker is there because the speaker feels strongly about the issue. The respectful thing is to pay attention.
3. Avoid debate and argument with the public. It is never appropriate to belligerently challenge or belittle a speaker. Council members' personal opinions or inclinations about upcoming votes should not be revealed at public hearing until the hearing is closed. Council members should remember that their body language and tone of voice can also appear to be intimidating or aggressive.
4. Make no personal comments about other council members. Disagreements are fine but do it in a civil way.

CONDUCT WITH OTHER PUBLIC AGENCIES

If a council member appears before another governmental or organization to give a statement on an issue the member should:

1. State whether the opinion being given is personal opinion or is the official stance of the city.
2. Whether their statement is the majority or minority opinion of the council or a council opinion at all.
3. Support the official position of the city and not give a personal viewpoint.

4. Make sure that correspondence and communications differentiate between personal and city council opinions.

CONDUCT WITH BOARDS AND COMMISSIONS

The city has established a number of boards and commissions to carry out various city functions. Citizens who serve on boards and commissions become more involved in government and serve as advisors to the city council. They are a valuable resource to the city council and should be treated with appreciation and respect. In light of these comments council members should keep the following in mind when dealing with boards and commissions:

1. The mere presence of a council member at a meeting of an appointed board or commission may affect the board and commission and interfere with its function. If a council member feels compelled to attend a meeting of a board or commission meeting, in a role other than as the official liaison to that board or commission, be careful to express only personal opinions. If the board or commission is conducting a public hearing, particularly a quasi-judicial hearing, the member would best be advised to depart from the hearing. Council members should be aware that participating in or making public comments during a public hearing could be viewed as unfairly affecting the process. Prior to making any public comments at a board or commission meeting the council member should clearly state that comments are made as individual opinion and not the position of the city council.
2. Limit contact with board and commission members and do not lobby them on behalf of individuals or businesses.
3. Be respectful of diverse opinions of the board and commission members and the people appearing before them.
4. Keep your political support and opinions away from public forums.

CONDUCT WITH THE MEDIA AND USE OF ELECTRONIC AND SOCIAL MEDIA

Members should never attempt to express an opinion on an issue as the position of the city unless the full council has endorsed that position. Whenever possible the mayor should be the official spokesperson for the city unless the Mayor or the council endorse someone else. Any contacts by members in which they are asked to express in any media

the position of the city should be done in consultation with the communications department, if the member feels that the communications department can help with either the content, timing of, or location at which the message or response is to be given.

1. While exercising transparency do not reveal closed session deliberations or other confidential information.
2. Correspondence with elected or city officials, electronic or otherwise, and all communications involving city business are subject to public record requests and to scrutiny by the media.
3. All social media opinions should be made with proper disclaimer – *“This is the opinion of the individual and not the opinion of the City of Raleigh.”*

SANCTIONS

Because of the nature of council members as duly elected public officials, it is difficult to dictate strict adherence to rules of behavior. Few legal mechanisms exist to enforce behavior either at or away from the council table. However, council members who intentionally and repeatedly fail to follow proper conduct may be reprimanded or formally censured by vote of the full council. Additionally, serious infractions of this Code of Conduct or of the Code of Ethics could lead to other sanctions as prescribed by law.

APPENDIX

Resolution (1988)-955

Adopted: February 21, 2017

RESOLUTION NO. (1988) 955

A RESOLUTION TO DELINEATE THE ETHICAL RESPONSIBILITIES OF THE RALEIGH CITY COUNCIL

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. Declaration of Policy. The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policies 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.

In recognition of these goals, a code of ethics is hereby adopted. The purpose of this resolution is to establish absolute minimum guidelines for ethical standards of conduct for all officials covered by this resolution by setting forth those acts or actions that are incompatible with the best interests of the city.

Section 2. Definitions. As used in this article, the following terms shall have the meanings indicated:

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

City official means the Mayor and members of the City Council.

Immediate household means the city official, his spouse and all dependent children of the city official.

Interest means direct or indirect pecuniary or material benefit accruing to a city 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 city. For the purpose of this article, a city official shall be deemed to have an interest in the affairs of:

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

- (4) **Interest of employer.** A city official who is an employee of an entity involved in a contract or undertaking with the City or which seeks the benefit of an official action of the City, may have a conflict of interest if the city official's participation or vote in the matter would provide the city official a direct or indirect pecuniary or material benefit which would otherwise not be received by the city official.

The relationship of employer-employee does not automatically create an interest which is prohibited by this ethics code. Any city official who believes such a conflict may exist shall disclose the nature of the conflict to the City Council. After receiving the disclosure the City Council shall, by recorded vote, either excuse the member from voting or make a finding that no conflict exists. The definition of employer shall include professional relationships where the city official is employed in connection with the matter before the Council or is generally employed by the client who has the matter before the Council.

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

Section 3. Standards of conduct. All city officials as defined in this article shall be subject to and abide by the following standards of conduct.

- (a) Interest in contract or agreement. No city official, as herein defined, shall have or thereafter acquire an interest in any contract or agreement with the City.
- (b) Use of official position. No city official shall use his official position or the City's facilities for his private gain, nor shall any city official appear before or represent any private person, group or interest before any department, agency, commission or board of the City except in matters of purely civic or public concern. The provisions of this paragraph are not intended to prohibit a city official's use of parking permits and are not intended to prohibit his speaking before neighborhood groups and other nonprofit organizations.
- (c) Disclosure of information. No city 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 financial or personal interest;
 - (2) A business entity of which he is an owner (in part or in whole), an officer or a director; or
 - (3) The financial or personal interest of a member of his immediate household.
- (d) Incompatible service. No city 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 unless otherwise permitted by law and unless disclosure is made as provided in this article.

- (e) Gifts. No city official or member of his immediate household shall directly or indirectly solicit, accept or receive any gift having a value exceeding \$50.00 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 or could reasonably be expected to influence him in the performance of his official duties, or was intended as a reward for an official action on his part. Legitimate political contributions shall not be considered as gifts under the provisions of this paragraph. This section is not intended to prohibit customary gifts or favors between city officials or the friends and relatives of their spouses, minor children, or members of their household where it is clear that it is that relationship rather than the business of the individual concerned which is the motivating factor for the gift or favor. This section does not prohibit meals consumed at a function in which the entire membership of the City Council is invited.
- (f) Special treatment. No city official shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

Section 4. Disclosure of interest in legislative action. The Mayor or any member of the City Council who has an interest in any official act or action before the Council shall publicly disclose on the record such interest, and shall withdraw from any consideration of the matter if excused by the body.

Section 5. Investigations.

- (a) The City Council may direct the City Attorney to investigate any apparent violation of this article, as it applies to the Mayor or any member of the City Council and to report the findings of his investigation to the City Council.
- (b) Any person who believes that a violation of this article has occurred may file a complaint in writing with the City Council.

Section 6. Sanctions. If the City Council, after receipt of an investigation of the City Attorney, has cause to believe a violation has occurred, the City Council shall schedule a hearing on this matter. The official who is charged with the violation shall have the right to present evidence, cross-examine witnesses, including the complainant or complainants, and be represented by counsel at the hearing. If, upon the conclusion of the hearing, the Council finds that a violation has occurred, the Council may adopt a resolution of censure which shall be placed as a matter of record in the minutes of the official meeting. Any such vote shall be adopted by at least a 3/4 vote of the membership of the Council (not including the official who was charged with the violation). Should the resolution of censure be adopted, the violation shall be referred to the District Attorney for disposition as appropriate.

Section 7. Advisory opinions. When any city official has a doubt as to the applicability of any provision of this article to a particular situation, or as to the definition of terms used in this article, he may apply to the City Attorney for an advisory opinion. The city official shall have the opportunity to present his interpretation of the facts at issue and of the applicability of provisions of this article before such advisory opinion is made.

Section 8. Nothing herein shall supersede or repeal any existing city charter, city ordinance or state statute provisions relating to ethical standards for municipal officials.

Adopted: May 17, 1988

Effective: May 17, 1988

Distribution: City Council
City Manager
City Attorney

