MINUTES

COUNCIL FINANCE, HUMAN RESOURCES and CITIZEN APPOINTMENT COMMITTEE

Monday, May 28, 2025 – 11:00am
City Hall Council Chambers

Members Present:	Lauren Wise, Chair, Council Member Gary Daniel, Vice-Chair, Council Member Susan Miller, Citizen Member
Staff Present:	Wilson Hooper, City Manager Kelley Craig, Human Resources Director Becky McCann, Communications Coordinator Denise Hodsdon, City Clerk
Guests:	Harvey Sankey

A. Welcome & Call to Order

Committee Chair Lauren Wise welcomed everyone and called the meeting to order at 11:02am.

B. Certification of Quorum

The quorum was certified by City Clerk Denise Hodsdon.

C. Approval of Agenda

Ms. Hodsdon asked to discuss the Rosenwald Community Advisory Board within the agenda as item E and code of ethics as item F. Mr. Daniel made the motion to approve the agenda as amended and the motion was seconded by Ms. Miller. All voted in favor.

D. Approval of Minutes

Ms. Miller moved to approve the minutes from the April meeting and Mr. Daniel seconded the motion. All voted in favor.

E. Rosenwald Committee Advisory Board Eligibility Requirements

Mr. Hooper informed the committee that at large members of the Rosenwald Community Advisory Board (RCAB) must be members of the Rosenwald community. Ms. Hodsdon clarified that six at large members of the Rosenwald community and of those six, four are designated as members by the Mary C. Jenkins Community Center

Board of Directors with two designated for unaffiliated Rosenwald residents. Further, Ms. Hodson noted that the rules state that the Finance, Human Resources, and Citizen Appointment Committee may review and recommend changing to the composition of advisory boards at its discretion. Ms. Hodsdon asked if the committee wished to make any changes to the rules for membership. Mr. Daniel stated that he didn't feel that these rules needed to be changed at this point. Ms. Miller noted the importance of having members with relative skills to join the RCAB. It was agreed that no changes needed to be made at this time.

F. Code of Ethics

Mr. Hooper reintroduced the code of ethics that was discussed two months ago. He noted that he has added the recommendations from the committee previously. He stated that the ABC Board, with it being largely governed by the State, would not be necessarily considered within this draft of the Code of Ethics



STAFF REPORT
Finance, Human Resources, & Citizen Appointment Committee May 28, 2025

Title: Code of Ethics, etc. for Council appointments
Speakers: Wilson Hooper, City Manager

Background/Discussion
In January, this committee held its first discussion on a potential Code of Ethic for Council-appointed policy and advisory committees.

The Brevard City Council appoints members to four[1] statutory, and eight[2] elective subcommittees. The criteria for appointment varies from committee to committee, but all appointments are approved by vote of full Council.

The four statutory committees are codified either in statute or city ordinance, while the eight remaining are merely declared by resolution. For the purposes of the matter at hand, this distinction is important because caselaw suggests that appointments to committees codified in law are more permanent and those appointees have more protection by the appointing board. Appointees to committees established by resolution [illegible] serve "at the pleasure of Council"

In other words, appointees of codified boards can only be removed for cause and must be given due process (and the ABC board appears to have further protections by state law) whereas appointees to boards established by resolution can be removed at any time by any reason by the appointing board.

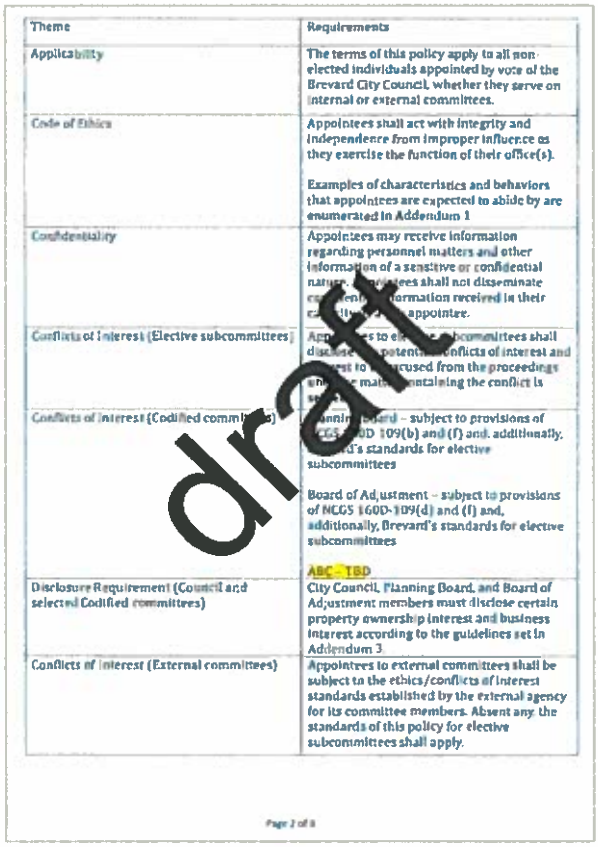
Why does this matter? Because the City Council has no way of removing appointees to codified boards. And for neither category – codified or elective – does City Council require that appointees follow a code of ethics[3]

The table on the next page is intended to help start discussion on these matters. Its contents were discussed in January, and updates have been made to reflect committee feedback.

[1] ABC Board of Directors, Brevard Board of Adjustment, Brevard Planning Board, Brevard Housing Authority
[2] Downtown Master Plan Committee, Finance, Human Resources & Citizen Appointment Committee, Parks, Trails, and Recreation Committee, Public Safety Committee, Public Works & Utilities Committee; Housing Committee; Rosenwald Community Advisory Board, Ecusta Trail Advisory Board
[3] Statutory committees may have conflict of interest guidance in some of their governing legislation, but it is typically more specific than a code of ethics would be.

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Theme	Requirements
Applicability	The terms of this policy apply to all non-elected individuals appointed by vote of the Brevard City Council, whether they serve on internal or external committees.
Code of Ethics	Appointees shall act with integrity and independence from improper influence as they exercise the function of their office(s). Examples of characteristics and behaviors that appointees are expected to abide by are enumerated in Addendum 1
Confidentiality	Appointees may receive information regarding personnel matters and other information of a sensitive or confidential nature. Appointees shall not disseminate confidential information received in their capacity as appointee.
Conflicts of Interest (Elective subcommittees)	Appointees to elective subcommittees shall disclose potential conflicts of interest and recuse themselves from the proceedings and vote matter containing the conflict is [illegible]
Conflicts of Interest (Codified committees)	Planning Board – subject to provisions of NCGS 160D-109(b) and (f) and, additionally, Brevard's standards for elective subcommittees Board of Adjustment – subject to provisions of NCGS 160D-109(d) and (f) and, additionally, Brevard's standards for elective subcommittees ABC – TBD
Disclosure Requirement (Council and selected Codified committees)	City Council, Planning Board, and Board of Adjustment members must disclose certain property ownership interest and business interest according to the guidelines set in Addendum 3
Conflicts of Interest (External committees)	Appointees to external committees shall be subject to the ethics/conflicts of interest standards established by the external agency for its committee members. Absent any the standards of this policy for elective subcommittees shall apply.

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Addendum 1

A. Behave consistently with respect towards everyone with whom they interact
B. Exhibit trustworthiness
C. Use their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner
D. Remain incorruptible, self-governing, and not subject to improper influence while at the same time be able to consider the opinions and ideas of others
E. Disclose contacts and info about issues they receive outside of public meetings, and refrain from seeking or receiving information about quasi-judicial matters outside of quasi-judicial proceedings themselves
F. Treat other committees/boards and committee/board members and the public with respect
G. Be careful not to reach conclusions on issues until all sides have been heard
H. Show respect for their appointed office and refrain from behaving in ways that reflect badly on the office, the committee, the City of Brevard, or the appointing body
I. Recognize that they are part of a larger group and [illegible] propriately
J. Recognize that individual committee/board [illegible] not generally allowed to act on behalf of the committee/board, but may [illegible] if the board specifically authorizes, and that the board must so authorize official [illegible] as a full body
K. Be faithful in the performance of the duties of their office
L. Act as especially responsible residents [illegible] carefully and respect
M. Abide by the attendance standards established by the committee/board
N. Be willing to bear the fair share of the [illegible] and
O. Avoid the appearance of conflict [illegible] and not use their position for personal gain or profit

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Process for removal (Elective subcommittees, external committees)	Though appointees service at the pleasure of City Council, the following due process has been electively applied. Appointees shall be subject to a similar approach utilized for normal employees, with two different procedures being established for "unsatisfactory job performance" and "detrimental personal conduct," the latter being more severe and thus subject to faster action. The City Manager shall be designated to investigate claims of either type of conduct, and he/she shall offer an action/no action recommendation to the full City Council. Instances of "unsatisfactory job performance" (examples of which are listed in Addendum 2) must be addressed with an initial communication for unsatisfactory job performance and an opportunity to remedy the behavior prior to any action by Council to rescind the appointment. Council may address instances of "detrimental personal conduct" (examples of which are listed in Addendum 2) with immediate action. However, appointees shall be notified by the City Clerk of potential Council action with regard to the appointment.
Process for removal (Co[illegible] committee)	Case law suggests that members of these committees must be offered due process prior to removal. Staff suggests adopting a similar approach to that utilized for normal employees, with two different procedures being established for "unsatisfactory job performance" and "detrimental personal conduct", the latter being more severe and thus subject to faster action. The City Manager shall be designated to investigate claims of either type of conduct, and he/she shall offer an action/no action recommendation to the full City Council.

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Addendum 2

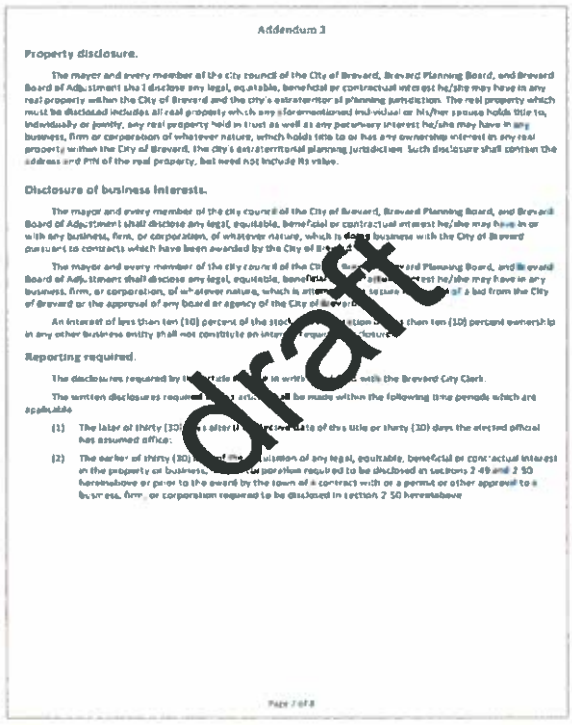
Examples of unsatisfactory job performance

1. Violation of any provision of the Code of Ethics in the opinion of the appointing body, Brevard City Council
2. Failure to meet the attendance standard as established by the committee/board
3. Physical or mental incapacity to perform duties after reasonable accommodation
4. Conduct that discredits the appointee or the City, or willful conduct resulting in the misrepresentation of the City
5. Use of the platform for political or partisan purposes including but not limited to: endorsing candidates/parties, soliciting donations, interfering with elections, using City supplies or equipment for political/partisan purposes.
6. Consistent and willful obstruction of committee proceedings and staff work, or other acts intended to frustrate the work of the City and its agents

Examples of detrimental personal conduct

1. Fraud or theft
2. Conviction of a felony or the entry of a plea of [illegible] to
3. Willful or wanton destruction to property
4. Willful or wanton acts that endanger the [illegible] of others
5. Possession of unauthorized firearms or [illegible] on the job
6. Brutality of excessive force in the perfor[illegible]
7. Reporting to work under the influence of [illegible] or partaking of such while on duty. Prescribed medication may be taken within limits set by a physician as long as medically necessary and does not impair job performance
8. Requesting or accepting [illegible] for favors or influence
9. Harassment of an employee and/or the public on the basis of sex or any other protected class
10. Harassment of an employee and/or the public with threatening and/or obscene gestures and/or language
11. Using threatening and/or [illegible] language/gestures during official proceedings
12. Unauthorized release of confidential information or official records

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Addendum 3

Property disclosure.

The mayor and every member of the city council of the City of Brevard, Brevard Planning Board, and Brevard Board of Adjustment shall disclose any legal, equitable, beneficial or contractual interest he/she may have in any real property within the City of Brevard and the city's extraterritorial planning jurisdiction. The real property which must be disclosed includes all real property which any aforementioned individual or his/her spouse holds title to, individually or jointly, any real property held in trust as well as any pecuniary interest he/she may have in any business, firm or corporation of whatever nature, which holds title to or has any ownership interest in any real property within the City of Brevard, the City's extraterritorial planning jurisdiction. Such disclosure shall contain the address and PIN of the real property, but need not include its value.

Disclosure of business interests.

The mayor and every member of the city council of the City of Brevard, Brevard Planning Board, and Brevard Board of Adjustment shall disclose any legal, equitable, beneficial or contractual interest he/she may have in or with any business, firm, or corporation, of whatever nature, which is doing business with the City of Brevard pursuant to contracts which have been awarded by the City of Brevard.

The mayor and every member of the city council of the City of Brevard, Brevard Planning Board, and Brevard Board of Adjustment shall disclose any legal, equitable, beneficial or contractual interest he/she may have in any business, firm, or corporation, of whatever nature, which is attempting to secure a contract or a bid from the City of Brevard or the approval of any board or agency of the City of Brevard.

An interest of less than ten (10) percent of the stock, bonds or other evidence of more than ten (10) percent ownership in any other business entity shall not constitute an interest requiring disclosure.

Reporting required.

The disclosures required by this article shall be made in writing to the Brevard City Clerk.

The written disclosures required by this article shall be made within the following time periods which are applicable:

(1) The later of thirty (30) days after the effective date of this title or thirty (30) days the elected official has assumed office.

(2) The earlier of thirty (30) days after the acquisition of any legal, equitable, beneficial or contractual interest in the property or business, or person required to be disclosed in sections 2-49 and 2-50 hereinabove or prior to the award by the town of a contract with or a permit or other approval to a business, firm, or corporation required to be disclosed in section 2-50 hereinabove

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Mr. Hooper asked that the committee refer to the distributed document and began by discussing the disclosure requirements (see attached on page 2). He then noted the requirements for the elective subcommittees, noting the "two strikes, you're out," approach and that appointees must be subject to performance requirements and not demonstrate detrimental person conduct. He noted that some behaviors could rise to the level of immediate dismissal from a committee. Mr. Hooper concluded that the Code of Ethics section listed on page 2 of the draft could use further input from the committee.

The committee discussed the draft at length. Ms. Miller asked if the committee would be involved in the investigation of violation of the code of ethics. Mr. Daniel and Mr. Wise agreed that the committee should not have a role in this way, as the city manager should take the lead in this area and bring his recommendations to the full city council.

Mr. Daniel noted that the code, after approval by the city council, should be presented in a way that doesn't offend the city's volunteer committee members. Ms. Miller stated that the State requires that ABC Board members take an ethics class and that the State does a thorough audit of ABC Boards. Mr. Hooper shared that he seems that the city council could appoint ABC board members, then the city council should have the ability to remove members from that board if necessary. She stated that the city attorney continues to review the ABC/State standards in this regard.

Mr. Hooper shared that he had drafted this code limiting the disclosure to City Council, Planning Board, and Board of Adjustment with regard to their conflict of interest standards. He asked for the committee's input in this regard. Members of the committee

discussed this element of the addendum regarding a committee member's obligation to expose their potential conflict of interest in any relative situation. The committee agreed with Mr. Hooper's draft.

Mr. Daniel made a motion to endorse the code with amendments discussed during the meeting. Ms. Miller seconded the motion and all voted in favor. Mr. Hooper indicated that the Code would go next before full City Council for review and approval.

G. Public Comment

Harvey Sankey asked is the City Council has a Code of Ethics. Mr. Hooper responded in the affirmative but noted that this more stringent Code would supersede the State required ethics course. Mr. Harvey asked if there had been any issue with the code of ethics in the past and asked if all appointees would be required to sign. Mr. Hooper responded in the affirmative.

H. Set Date for Next Meeting

The next meetingof the committee was scheduled for June 23, 2025 at 11am.

I. Adjourn

With no further business, Mr. Daniel made a motion to adjourn the meeting, seconded by Ms. Miller. All voted in favor and the meeting adjourned at 11:38am

Minutes Approved: 7/28/2025

X _____
Lauren Wise, Chair, Council Member or
Gary Daniel, Vice Chair, Council Member

X Selena D. Coffey
Selena D. Coffey
Assistant to the City Manager