THE CITY OF ASHEVILLE

Staff Report

Council Meeting Date: June 22, 2021

Subject: Ethics Policy for Advisory Boards & Commissions

Staff Resource(s): Sarah Gross, Deputy City Clerk

Action Requested: Adoption of Ethics Policy for Advisory Boards & Commissions

Background:
- This is a formal policy to establish ethical standards of conduct for advisory board members.
- The policy will help ensure that all public meetings are a welcoming, respectful, safe, and productive atmosphere to conduct business.
- Topics covered within the policy include Meeting Rules of Deorum; Operating Code of Conduct; Harassment; Social Media, and Conflict of Interest for advisory board members
- The policy provides the Board Chair, Council Liaison, City Staff Liaison with the authority to further investigate and/or enforce violations of this policy.
- On November 23, 2010, City Council adopted Code of Ethics for Asheville City Council.

Vendor Outreach Efforts:
- N/A

Council Goal(s):
- A Connected & Engaged Community

Committee(s):
- Boards & Commissions Council Committee - June 8, 2021 - Unanimously recommended to full Council.

Pro(s):
- Establish guidelines for ethical standards of conduct for board and commission members
- Helps ensure that public meetings are welcoming and respectful of members, staff and community members.

Con(s):
- None noted.

Fiscal Impact:
- None.

Suggested Motion:
- Move to adopt the Ethics Policy for Advisory Boards & Commissions.

Attachment(s)
- Resolution
- Ethics Policy for Advisory Boards & Commissions

RESOLUTION NO. 21-____

RESOLUTION ESTABLISHING AN ETHICS POLICY FOR ADVISORY BOARDS & COMMISSIONS

WHEREAS, pursuant to Section 160A-86 the Asheville City Council has adopted a Code of Ethics and it is appropriate that members of City appointed Boards & Commissions also adhere to a Code this Ethics; and

WHEREAS, it is essential that Council appointed public committee meetings are welcoming, safe, and productive atmospheres to conduct the business of the public; and

WHEREAS, a Code of Ethics establishes guidelines for ethical standards of conduct for committee members to help determine what conduct is appropriate in particular circumstances.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Ethics Policy for Advisory Boards and Commissions is hereby adopted as set forth in Exhibit A, attached hereto and incorporated.

Read, approved, and adopted this the 22nd day of June 2021.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney

ATTACHMENT A

Ethics Policy for Advisory Boards & Commissions

Purpose

The purpose of this Ethics Policy for Advisory Boards & Commissions (hereinafter referred to as the “Ethics Policy”) is to establish requirements for ethical standards of conduct for Boards & Commission members and ensure that all City of Asheville Boards & Commission committee meetings are equitable and welcoming to all participants as well as to create a respectful, safe and productive atmosphere to conduct the business of the public body. This policy should be used as a guide for appropriate conduct. It should not be considered a substitute for the law, and should be applied in conjunction with Board members’ best judgment.

Meeting Rules of Decorum

Board members should conduct the affairs of the public body in an open and public manner. They should remember that when they meet they are conducting the public’s business to provide advisory recommendations or related functions to, or on behalf of, the City Council. For official meetings of the board, members shall:

- Be civil and courteous in their language. Insults, profanity, use of vulgar language or gestures, or other inappropriate behavior are not allowed and may constitute cause for immediate removal from the meeting.
- Be respectful of others’ opinions and allow space for differing opinions to be expressed.
- Avoid unnecessary and superfluous use of the written chat feature while participating in virtual meetings of the board.
- Be visible and on camera to the extent possible while participating in virtual meetings of the board.
- State their name and/or be recognized by the Chair before speaking in virtual meetings of the board.
- Refrain from personal attacks and/or threats directed towards board members, City Staff or other attendees and members of the public.

Operating Code of Conduct

Board members should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to gain the public’s trust. They should remember when they meet that they are conducting the public’s business, and to the extent appropriate, they should be willing to put the City’s interests ahead of their own. Board members shall:

- Be respectful to other board members and City Staff.

- Understand they hold a standard of trust on behalf of the City of Asheville and community members.
- Recognize that individual board members are generally not allowed to act on behalf of the full body or the City of Asheville, except and only when authorized to do so, and that the board may only take official action as a body.
- Use their best independent judgment to pursue the common good for the City of Asheville as they see it, presenting their opinions in a reasonable and respectful manner.
- Respect and honor the majority decision of the body after a vote has been taken.
- Attend and prepare for meetings.
- Be mindful they serve in an advisory capacity to the City Council and may act within the scope of designated responsibilities as outlined in their establishing resolutions.
- Be mindful committee members cannot direct the work of City Staff.
- Boards Not solicit or knowingly accept gifts or favors in connection with board work.
- Not use City resources or personnel for private or personal uses.
- Be fair and impartial with all votes and discussion.

Harassment

The City is committed to an environment in which all individuals are treated with respect and dignity. Each board member has the right to work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices, including harassment of any kind. Under this policy, harassment is verbal, visual or physical conduct that denigrates or shows hostility or aversion toward an individual. Sexual harassment is defined as unsolicited and unwelcome sexual advances, requests for sexual favors, or other unsolicited and unwelcome verbal, visual, or physical conduct of a sexual nature. You are expected to show good judgment in the area of community relations and avoid actions which violate another person's right to a working environment free of harassment.

City officials, managers and supervisors are bound to maintain the confidentiality of all investigations of alleged violations of the harassment policy. However, management cannot "guarantee confidentiality". Depending on circumstances, there may be situations where investigative findings must be released to appropriate outside authorities.

Social Media

What we choose to post online personally is up to the individual. However, as a City volunteer, it's important to remember that what is posted could reflect poorly on the City or impact the board's ability to be effective in its role. This should extend to communications that may include letters to the editor, speaking at public forums, etc. Board Members shall:

- Always ensure that it is clear that they are not posting on behalf of the City or their specific board, unless specifically authorized to do so. Members shall use a disclaimer anytime they are making individual public facing statements pertaining to a matter related to City business.

    - Sample disclaimer:“These are my own personal opinions and do not represent those of the City of Asheville and/or the board.”
    - The use of this or a similar phrase, however, does not relieve board members of their responsibility to comply with the remaining provisions of this or any other City policy.
- Be mindful that nothing posted on social media is private, and it all lasts forever. Even if you haven’t made a post or comment “public,” it’s not really private and you are still responsible to ensure it complies with the Ethics, and other applicable policies.
- Be respectful. The City and Community members expect you to be truthful, courteous, and respectful toward residents, customers, and anyone else associated with the City.

Conflict of Interest

- If a member believes that he or she may have an interest in a matter on the board’s agenda that may affect his or her ability to remain impartial and unbiased, he or she shall consult with the Staff Liaison and the City Attorney’s Office prior to the meeting if possible.
- Conflict of interests may include substantial financial interest; close familial, associational or business relationship. Members should be familiar with, but understand that some may not apply in all situations; it is best to seek advice from staff as to when these apply.
- City staff and the City Attorney’s Office will assist the member in determining whether it is necessary or appropriate to recuse the member from any vote, action, or discussion.
- Recusal should be done by a vote of the remaining members of the board.
- If a member is excused from voting on a matter before the board, he or she should leave the meeting at the beginning of consideration of said matter. An approved recusal shall not affect the quorum.
- Unless formally recused for a conflict of interest, all members have a duty to vote and cannot abstain from a matter.

Compliance

The Chair of each public body, Council Liaison and/or City Staff liaison(s) have the authority to further investigate and enforce compliance of this Ethics Policy for Advisory Boards. Failure to comply with the guidelines set out in this policy may result in immediate removal of a member from a meeting, and/or removal from the Board.