

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

2

HOUSE BILL 1452
Committee Substitute Favorable 4/23/09

Short Title: Local Government Code of Ethics.

(Public)

Sponsors:

Referred to:

April 13, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE ALL CITIES, COUNTIES, LOCAL BOARDS OF EDUCATION,
3 UNIFIED GOVERNMENTS, SANITARY DISTRICTS, AND CONSOLIDATED
4 CITY-COUNTIES TO ADOPT A CODE OF ETHICS FOR THE GOVERNING BOARD
5 AND TO REQUIRE THE MEMBERS OF THOSE GOVERNING BOARDS TO
6 RECEIVE EDUCATION ON ETHICS LAWS APPLICABLE TO LOCAL
7 GOVERNMENT OFFICIALS.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. Article 5 of Chapter 160A of the General Statutes is amended by
10 adding a new Part to read:

11 "Part 3A. Ethics Codes and Education Programs.

12 **"§ 160A-83. Local governing boards' code of ethics.**

13 (a) Governing boards of cities, counties, local boards of education, unified
14 governments, sanitary districts, and consolidated city-counties shall adopt a resolution or policy
15 containing a code of ethics to guide actions by the governing board members in the
16 performance of the member's official duties as a member of that governing board.

17 (b) The resolution or policy required by subsection (a) of this section shall address at
18 least all of the following:

19 (1) The need to obey all applicable laws regarding official actions taken as a
20 board member.

21 (2) The need to uphold the integrity and independence of the board member's
22 office.

23 (3) The need to avoid impropriety in the exercise of the board member's official
24 duties.

25 (4) The need to faithfully perform the duties of the office.

26 (5) The need to conduct the affairs of the governing board in an open and public
27 manner, including complying with all applicable laws governing open
28 meetings and public records.

29 **"§ 160A-84. Ethics education program required.**

30 (a) All members of governing boards of cities, counties, local boards of education,
31 unified governments, sanitary districts, and consolidated city-counties shall receive a minimum
32 of two clock hours of ethics education within 12 months of election or appointment.

33 (b) The ethics education shall cover laws and principles that govern conflicts of interest
34 and ethical standards of conduct at the local government level.

35 (c) The ethics education may be provided by the North Carolina League of
36 Municipalities, North Carolina Association of County Commissioners, North Carolina School



1 Boards Association, the School of Government at the University of North Carolina at Chapel
2 Hill, or other qualified sources at the choice of the governing board.

3 (d) The clerk to the governing board shall maintain a record verifying receipt of the
4 ethics education by each member of the governing board."

5 **SECTION 2.** G.S. 115C-47 is amended by adding a new subdivision to read:

6 "(53) To adopt a code of ethics. – Local boards of education shall adopt a
7 resolution or policy containing a code of ethics, as required by
8 G.S. 160A-83."

9 **SECTION 3.** G.S. 115C-50 reads as rewritten:

10 **"§ 115C-50. Training of board members.**

11 (a) All members of local boards of ~~education~~ education, whether elected or appointed,
12 shall receive a minimum of 12 clock hours of training annually. The 12 clock hours of training
13 may include the ethics education required by G.S. 160A-84.

14 (b) The training shall include but not be limited to public school law, public school
15 finance, and duties and responsibilities of local boards of education.

16 (c) The training may be provided by the North Carolina School Boards Association, the
17 School of Government at the University of North Carolina at Chapel Hill, or other qualified
18 sources at the choice of the local board of education."

19 **SECTION 4.** Article 4 of Chapter 153A of the General Statutes is amended by
20 adding a new section to read:

21 **"§ 153A-53. Ethics.**

22 (a) The board of commissioners shall adopt a resolution or policy containing a code of
23 ethics, as required by G.S. 160A-83.

24 (b) All members of the board of commissioners, whether elected or appointed, shall
25 receive the ethics education required by G.S. 160A-84."

26 **SECTION 5.** Article 1A of Chapter 160B of the General Statutes is amended by
27 adding a new section to read:

28 **"§ 160B-2.3. Ethics.**

29 (a) The governing board shall adopt a resolution or policy containing a code of ethics,
30 as required by G.S. 160A-83.

31 (b) All members of the governing board, whether elected or appointed, shall receive the
32 ethics education required by G.S. 160A-84."

33 **SECTION 6.** Part 2 of Article 2 of Chapter 130A of the General Statutes is
34 amended by adding a new section to read:

35 **"§ 130A-49.5. Ethics.**

36 (a) The governing board shall adopt a resolution or policy containing a code of ethics,
37 as required by G.S. 160A-83.

38 (b) All members of the governing board, whether elected or appointed, shall receive the
39 ethics education required by G.S. 160A-84."

40 **SECTION 7.** The resolution or policy containing a code of ethics that is required
41 by G.S. 160A-83 shall be adopted by each municipality, county, local board of education,
42 unified government, sanitary district, and consolidated city-county on or before January 1,
43 2011. The governing board may look to model local government codes of ethics for guidance
44 in developing the resolution or policy.

45 **SECTION 8.** This act is effective when it becomes law.