

November 15, 2010

The Board of Commissioners of Franklin County, North Carolina, met for its Regular Meeting at 7:00 P.M. in the Commissioner's Conference Room located in the County Administration Building with the following Commissioners present: Chair Penny McGhee, Vice-Chairman Sidney E. Dunston, E. Shane Mitchell, Harry L. Foy, Jr., David T. Bunn, Robert L. Swanson and Donald C. Lancaster.

Chair McGhee congratulated newly reelected Commissioners David Bunn and Harry Foy. Commissioner McGhee was also reelected for another term.

Chair McGhee asked the Board to consider approval of the consent agenda.

Commissioner Dunston made the motion to approve the consent agenda, seconded by Commissioner Swanson. The motion duly carried with all present voting "AYE." Items approved are as follows:

1. CONSENT AGENDA

- A. November 1, 2010 Minutes
- B. Releases, Adjustments, Refunds, and Tax Collection Report
- C. CDBG Scattered Sites Grant (08-SSH)
- D. Public Officials and Employee Bonds

2. COMMENTS FROM THE PUBLIC

This was the time set aside by the Board of Commissioners to allow individuals five minutes to address the Board on issues concerning the county.

Rosemary Champion, 1168 White Level Road, Louisburg

- Mrs. Champion encouraged the Board to suspend discussions regarding the Adequate Public Schools Ordinance following years of discussion regarding impact fees and the recent Supreme Court decision denying Union County, North Carolina from the use of such impact fees. She stated many counties have been involved in lawsuits similar to Union and feels it's time to "put the issue to bed" until more legislative authority is provided by the General Assembly.

3. RECOGNITION: CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

The Board recognized the Franklin County Finance Department for attaining the Certificate of Achievement for Excellence in Financial Reporting for the eleventh consecutive year. The award signifies that the financial records of the County meet national standards for accuracy.

4. RECOGNITION: NCAAO 2010 JOSEPH E. HUNT DISTINGUISHED JURISDICTION AWARD

The Tax Office was recognized for attaining the North Carolina Association of Assessing Officers 2010 Joseph E. Hunt Distinguished Jurisdiction Award. The award was presented on November 4, 2010 in recognition of outstanding achievement in tax administration and public service.

County Manager Angela L. Harris then recognized Solid Waste Director John Faulkner and his staff for receiving the “Big Sweep” award. The award was given based on the tremendous support and participation in the Big Sweep effort.

5. DISCUSSION: CODE OF ETHICS TRAINING/CODE OF ETHICS RESOLUTION

The County Clerk provided a draft Code of Ethics to be considered by the Board for adoption prior to January 1, 2011. The Board was also asked (and required) to schedule two hours of ethics training required of each member before January 1, 2011.

The Board collectively decided to receive the training via a webinar offered through the University of North Carolina School of Government. Commissioners will view the webinar at the County Administration Building on November 29, 2010 at 7:00 P.M.

The Board then reviewed and discussed the draft Code of Ethics provided and learned from the County Attorney (Darnell Batton) that the suggested code offered by the School of Government is nearly identical to the Code of Ethics adopted in October, 1992 by the Franklin County Board of Commissioners. Mr. Batton said the code already included all of the components required by law.

Commissioner Foy said he would like to see more detail included in the resolution regarding nepotism. Mr. Batton encouraged the Board address the topic in detail within the County’s personnel policy which is scheduled for revision in the near future. The Board agreed to Mr. Batton’s suggestion.

Mr. Batton reminded the Board that it is not being asked to vote immediately on the resolution regarding the Code of Ethics.

The Board asked staff to make the following changes to the document:

Canon Three, Section C. will read “County commissioners shall not allow family, social, or other relationships to unduly influence their conduct or judgment *in their role as a county commissioner** and shall not lend the prestige of the office of county commissioner to advance the private interests of others; nor shall they convey or permit others to convey the impression that they are in a special position to influence them.”

* *indicates added language*

Commissioner Lancaster made the motion to approve the Resolution Adopting the Code of Ethics with the understanding that nepotism will be addressed in detail in the rewrite of the County’s personnel policy. The motion was seconded by Commissioner Mitchell and duly carried approval with all present voting “AYE.”

RESOLUTION ADOPTING CODE OF ETHICS

PREAMBLE

WHEREAS, the stability and proper operation of democratic representative government depends upon the continuing consent of the governed, upon the public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people. Government decisions and policy must be made and implemented through proper channels and processes of the governmental structure. The purpose of this code is to establish guidelines for ethical standards of conduct for county commissioners. It should not be considered a substitute for the law of a county commissioner’s best judgment.

WHEREAS, county commissioners must be able to act in a manner to maintain their integrity and independence, yet must be responsive to the interests and needs of those they represent. County commissioners serve in an important advocacy capacity in meeting the needs of their citizens and should recognize the legitimacy of this role as well as the intrinsic importance of this function to the proper functioning of representative government. At the same time, county commissioners must, at time, act in an adjudicatory or administrative

capacity and must, when doing so, act in a fair and impartial manner. County Commissioners must know how to distinguish these roles and when each role is appropriate and they must act accordingly. County commissioners must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each county commissioner must find within his or her own conscience the touchstone on which to determine the appropriate conduct.

NOW, THEREFORE, BE IT RESOLVED by the Franklin County Board of Commissioners: the following Code of Ethics be adopted:

CANON ONE

A COUNTY COMMISSIONER SHALL OBEY THE LAW

County Commissioners shall support the Constitution of the United States, the Constitution of North Carolina and obey the laws enacted by the Congress of the United States and the General Assembly pursuant thereto.

CANON TWO

A COUNTY COMMISSIONER SHALL UPHOLD THE INTEGRITY AND INDEPENDENCE OF HIS OFFICE

County Commissioners shall demonstrate the highest standards of personal integrity, truthfulness, honesty and fortitude in all their public activities in order to inspire public confidence and trust in county government. County commissioners shall participate in establishing, maintaining, and enforcing, and shall themselves observe high standards of conduct so that the integrity and independence of their office may be preserved. The provisions of this code should be construed and applied to further these objectives.

CANON THREE

A COUNTY COMMISSIONER SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL HIS OR HER ACTIVITIES

- A. It is essential that county government attract those citizens best qualified and willing to serve. County commissioners have legitimate interests – economic, professional and vocational – of a private nature. County Commissioners shall not be denied, and shall not deny to other county commissioners or citizens, the opportunity to acquire, retain and pursue private interests, economic or otherwise except when conflicts with their responsibility to the public cannot be avoided. County commissioners must exercise their best judgment to determine when this is the case.
- B. County commissioners shall respect and comply with the law and shall conduct themselves at all times in a manner that promotes public confidence in the integrity of the office of county commissioner and of county government.
- C. County commissioners shall not allow family, social, or other relationships to unduly influence their conduct or judgment in their role as a County Commissioner and shall not lend the prestige of the office of county commissioner to advance the private interests of others; nor shall they convey or permit others to convey the impression that they are in a special position to influence them.

CANON FOUR

A COUNTY COMMISSIONER SHALL PERFORM THE DUTIES OF THE OFFICE DILIGENTLY

County commissioners shall, while performing the duties of the office as prescribed by law, give precedence to these duties over other activities. In the performance of these duties, the following standards shall apply:

- A. Legislative Responsibilities.
 1. County commissioners shall actively pursue policy goals they believe to be in the best interests of their constituents within the parameters of orderly decision-making, rules of the Board of County Commissioners and open government.
 2. County commissioners shall respect the legitimacy of the goals and interests of other county commissioners and shall respect the rights of others to pursue goals and policies different from their own.
- B. Adjudicative Responsibilities.
 1. County commissioners shall be faithful to the general and local laws pertaining to the office and strive for professional competence in them. They shall be unswayed by partisan interests, public clamor, or fear of criticism.
 2. County commissioners shall demand and contribute to the maintenance of order and decorum in proceedings before the board of county commissioners.
 3. County commissioners shall be honest, patient, dignified and courteous to those with whom they deal in their official capacity, and shall require similar conduct of their staff and others subject to their direction and control.
 4. County Commissioners shall accord to every person who is legally interested in a proceeding before the commission full right to be heard according to law.
 5. County commissioners shall dispose promptly of the business of the county for which they are responsible.

C. Administrative Responsibilities.

1. County commissioners shall clearly distinguish legislative, adjudicatory and administrative responsibilities and shall refrain from inappropriate interference in the impartial administration of county affairs by county employees. Commissioners shall diligently discharge those administrative responsibilities that are appropriate, shall maintain professional competence in the administration of these duties and shall facilitate the diligent discharge of the administrative responsibilities of fellow commissioners and other county officials.
2. County commissioners shall conserve the resources of the county in their charge. They shall employ county equipment, property, funds and personnel only in legally permissible pursuits and in a manner that exemplifies excellent stewardship.
3. County commissioners shall require county employees subject to their direction and control to observe the standards of fidelity and diligence that apply to commissioners as well as those appropriate for employees.
4. County commissioners shall take or initiate appropriate disciplinary measures against a county employee for improper conduct of which the commissioner may become aware.
5. County commissioners shall not employ or recommend the appointment of unnecessary employees and shall exercise the power of employment only on the basis of merit, avoid favoritism and refrain from illegal discrimination and nepotism. They shall not approve compensation of employees beyond the fair value of services rendered.

CANON FIVE**A COUNTY COMMISSIONER SHALL CONDUCT THE AFFAIRS OF THE BOARD IN AN OPEN AND PUBLIC MANNER**

County commissioners must be aware of the letter and intent of the State's Open Meetings Law, and conduct the affairs of the Board of County Commissioners consistent with the letter and spirit of that law and consistent with the need to inspire and maintain public confidence in the integrity and fairness of county government and the office of county commissioners. Consistent with this goal of preserving public trust, county commissioners shall be aware of the need for discretion in deliberations when the lack of discretion would pose a threat to the resources of the county, to the reputation of current or potential county employees, to orderly and responsible decision making, to the integrity of other governmental processes or to other legitimate interests of the county.

CANON SIX**A COUNTY COMMISSIONER SHALL REGULATE HIS OR HER EXTRA-GOVERNMENTAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH HIS OR HER OFFICIAL DUTIES**

- A. County commissioners shall inform themselves concerning campaign finance, conflict of interest and other appropriate state and federal laws and shall scrupulously comply with the provisions of such laws.
- B. County commissioners shall refrain from financial and business dealings that tend to reflect adversely on the Board or on county government or to interfere with the proper performance of official duties.
- C. County commissioners shall manage their personal financial interests to minimize the number of cases in which they must ask to be excused from voting on matters coming before the board.
- D. Information acquired by county commissioners in their official capacity shall not be used or disclosed in financial dealings or for any other purpose no relate to official duties.

CANON SEVEN**A COUNTY COMMISSIONER SHALL REFRAIN FROM POLITICAL ACTIVITY INAPPROPRIATE TO HIS OR HER OFFICE**

- A. County commissioners have a civic responsibility to support good government by every available means, to continue to inform and educate the citizenry about the affairs and processes of county government, and to make themselves available to citizens of the county so that they may ascertain and respond to the needs of the community. In doing so, county commissioners may and should join or affiliate with civic organizations whether partisan or non-partisan, may and should attend political meetings, may and should advocate and support the principles or policies of civic or political organizations consistent with the Constitution and laws of the United States and North Carolina.
- B. Candidates for the office of county commissioner, including incumbents:
 1. Shall inform themselves concerning the laws of this state with regard to campaigns and relevant disclosure requirements and shall scrupulously comply with the provisions of such laws;
 2. Shall maintain the dignity appropriate to the office, and should encourage members of their families to adhere to the same standards of political conduct that apply to commissioners;
 3. Shall not make pledges or promises of conduct in office that they will not or cannot perform or would be illegal if it were performed;
 4. Shall not misrepresent their identity, qualifications, present position, or other fact; and

5. Shall avoid pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office.
-

6. OTHER BUSINESS

- EMS Distribution Program

7. APPOINTMENTS

Town of Bunn ETJ Zoning Board

The Board was asked to consider the appointment of Mr. Carvel Cheves to the Town of Bunn ETJ Zoning Board to fill the unexpired term of Patrick Denton and to serve a subsequent term which will expire April 1, 2013.

Commissioner Lancaster made the motion to appoint Carvel Cheves to the Town of Bunn ETJ Zoning Board, seconded by Commissioner Swanson. The motion duly carried approval with all present voting "AYE."

8. BOARD, MANAGER AND CLERK'S COMMENTS

This was the time set aside for the Board of County Commissioners, the County Manager, and the Clerk to the Board to report on various activities. The Board may also discuss other items of interest.

County Clerk Kristen G. King: Mrs. King reminded the Board of collective Ethics Training scheduled for November 29, 2010 at 7:00 P.M. at the County Administration Building. She also invited to the Board to attend the annual employee service pin ceremony scheduled for December 6, 2010 from 10:00 until 11:00 A.M. An employee reception will follow from 11:00 A.M. until 2:00 P.M. A swearing-in ceremony and reception for newly reelected commissioners will also be held December 6, 2010 at 4:00 P.M. prior to the Board's regular meeting at 7:00 P.M.

Commissioner Lancaster: No comments.

Commissioner Mitchell: Commissioner Mitchell said he attended a recent meeting of the Airport Board. He commented the airport has seven vacant hangars. He stated the Board should expect a radio project update on December 6, 2010 provided by Christy Shearin, Franklin County Emergency Communications Director.

Commissioner Swanson: No comments.

Commissioner Foy: Commissioner Foy publicly offered his appreciation for reelection.

Commissioner Bunn: No comments.

Commissioner Dunston: Commissioner Dunston stated he had the opportunity to offer remarks at the County's Veteran's Day Ceremony on November 11, 2010 and said it was a pleasure to be a part of the program.

Commissioner McGhee: Commissioner McGhee commented on her participation in mock interviews conducted at Franklinton High School. She said the interviews are a requirement for graduation and stated she had the opportunity to interview students and offer feedback. She also commented the Board was invited by Franklin County Schools to visit the entire completed portion of the new Franklinton High School. The Board

scheduled the visit for December 2, 2010 at 1:30 P.M. The tour will be held for information purposes only.

County Manager Angela L. Harris:

- Mrs. Harris shared photographs of mural completed by fifth grade Louisburg Elementary School students. The artwork is on display at the Health Department. She also said the Health Department's dental clinic will soon display student art as well.

9. CLOSED SESSION

The Board was asked to consider going into Closed Session pursuant to NCGS143-318.11 (a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

Commissioner Swanson made the motion to enter into closed session, seconded by Commissioner Mitchell. The motion carried 6 to 1, with Commissioner Foy voting "NO."

Following the closed session, Commissioner Dunston made a motion to enter back into open session, seconded by Commissioner Foy.

Commissioner Lancaster made the motion to direct staff to refund the APSO (Adequate Public Schools Ordinance) money to the parties who paid fees along with the interest earned on the fees. The motion was seconded by Commissioner Dunston.

Commissioners Bunn and Swanson requested to be recused.

Commissioner Dunston made the motion to recuse Commissioners Bunn and Swanson, seconded by Commissioner Mitchell. The motion duly carried with all present voting "AYE."

A vote was then taken on Commissioner Lancaster's motion to return APSO fees. The motion carried with five commissioners voting "AYE." Commissioners Swanson and Bunn were excused from voting.

Commissioner Dunston made a motion to adjourn, seconded by Commissioner Mitchell. The motion duly carried with all present voting "AYE" and the meeting adjourned at 8:11 P.M.

Penny McGhee, Chair

Kristen G. King, Clerk to the Board