

1 RESOLUTION ADOPTING CODE OF ETHICS FOR THE  
2 CITY OF DURHAM AND REQUIRING PUBLIC OFFICIALS  
3 TO DISCLOSE CERTAIN INFORMATION.  
4

5  
6 BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DURHAM:  
7

8 Section 1. The Code of Ethics set forth in Attachment A is  
9 hereby adopted by the City Council of the City of Durham.  
10

11 Section 2. Definitions; Other Terms. The following terms,  
12 when used in the Code of Ethics, have the meanings indicated:  
13

- 14 1. "Public official" means the Mayor, each member of  
15 the City Council, each member of a board, commission,  
16 authority, committee or similar entity appointed by  
17 the City Council and every City employee.  
18
- 19 2. "Gift, favor or special privilege" means anything  
20 of value except:  
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  - 22 (a) Anything having a value of \$50.00 or less  
23 (including food and drink consumed at a single  
24 sitting) - unless the receipt is prohibited by  
25 G.S. 133-32 (which regulates certain government  
26 procurement and contracting activities), or any  
27 other state or federal law.  
28
  - 29 (b) Public events of any kind to which the public  
30 official is invited as a representative of the  
31 City unless otherwise barred by law.  
32
  - 33 (c) Lawful campaign contributions.  
34
- 35 3. "Financial advantage" means something which increases  
36 one's "financial interest" as that term is defined below.  
37
- 38 4. "Financial interest" means a pecuniary interest in or  
39 a reasonably foreseeable benefit from public business  
40 inuring to the public official or to a business or  
41 association owned by the public official or by whom the  
42 public official is employed. Financial interest does  
43 not include a pecuniary interest or reasonably foresee-

1           able benefit that may accrue to the public official which  
2           is merely incidental to the public official's position,  
3           or which accrues to the public official as a member of a  
4           large class, occupation or profession, to no greater  
5           extent than the pecuniary interest or potential benefit  
6           could reasonably be foreseen to accrue to all other  
7           members of the large class, occupation or profession.  
8

9           5. "Personal advantage" means something which increases  
10          one's "personal interest" as that term is defined below.  
11

12          6. "Personal interest" means a pecuniary interest in or a  
13          reasonably foreseeable benefit from public business  
14          inuring to (i) a family member of the public official,  
15          (ii) a person unrelated by blood or marriage to the  
16          public official with whom the public official lives and  
17          shares a domestic partnership, and (iii) a business or  
18          organization with which the public official or a person  
19          described in (i) or (ii) is associated. Personal  
20          interest does not include a pecuniary interest or  
21          reasonably foreseeable benefit that may accrue to a  
22          person, business or organization identified in (i), (ii)  
23          or (iii) above which accrues to the person, business or  
24          organization as a member of a large class, occupation or  
25          profession, to no greater extent than the pecuniary  
26          interest or potential benefit could reasonably be  
27          foreseen to accrue to all other members of the large  
28          class, occupation or profession.  
29

30                Section 3. Disclosure Statement. For the purposes of this  
31          Section 3, the term "public official" means the Mayor and members  
32          of the City Council. Within thirty (30) days of taking office,  
33          and on or before the following May 1 and on or before each May 1  
34          annually thereafter, every public official shall file a written  
35          Disclosure Statement with the City Clerk. The Disclosure  
36          Statement shall be on a form to be provided by the City Manager.  
37          The City Manager shall include on the Form, information showing  
38          the annual compensation paid by the City to the Mayor and the  
39          Members of the City Council pursuant to the annual Budget  
40          Ordinance. The following information shall be disclosed by each  
41          public official:  
42

43                1. The address or location of all real property within

1 the City or County of Durham in which the public  
2 official owns any direct or indirect interest,  
3 including leasehold interests and options to  
4 purchase. The value of any property listed need  
5 not be disclosed.  
6

7 2. The principal sources (but not the amounts) of  
8 income of the public official during the calendar  
9 year preceding the filing of the Disclosure State-  
10 ment. For income received from business activities:  
11 the name, address and principal business activity of  
12 each source of income must be shown. The following  
13 need not be listed or disclosed:

14 (a) The amount of income received from any source.  
15

16 (b) Compensation received from the City.  
17

18 (c) Income received pursuant to a court order.  
19

20 (d) Social security payments and other similar income  
21 received pursuant to any state or federal  
22 entitlement program.  
23

24 (e) Any source of income which amounted to less than 10%  
25 of the gross income received by the public official  
26 during the preceding calendar year. "Gross income"  
27 is calculated in the same manner as gross income is  
28 calculated for federal income tax reporting  
29 purposes.  
30

31 3. The name and address of any business entity or not for  
32 profit corporation of which the public official is an  
33 owner, officer or director. With respect to ownership,  
34 the name and address of a business entity in which the  
35 public official owns an interest of 10% or less need not  
36 be listed.  
37

38  
39 Section 4. Enforcement.  
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41 1. Jurisdiction for enforcing this resolution is as follows:  
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43 (a) For violations of this resolution by the Mayor or a

1 member of the City Council, jurisdiction lies with  
2 the City Council.

3  
4 (b) For violation of this resolution by a member of a  
5 board, commission, authority, committee or other  
6 similar entity appointed by the City Council,  
7 jurisdiction lies with the City Council.

8  
9 (c) For violations of this resolution by the City  
10 Manager, the City Clerk or the City Attorney,  
11 jurisdiction lies with the City Council.

12  
13 (d) For violations of this resolution by a subordinate  
14 of the City Manager, jurisdiction lies with the City  
15 Manager.

16  
17 (e) For violations of this resolution by a subordinate  
18 of the City Clerk, jurisdiction lies with the City  
19 Clerk.

20  
21 (f) For violations of this resolution by a subordinate  
22 of the City Attorney, jurisdiction lies with the  
23 City Attorney.

24  
25 2. (a) The City Council may remove from office the Mayor  
26 or any member of the City Council for misfeasance,  
27 malfeasance, corruption, neglect of duty, or other  
28 misconduct in office pursuant to the provisions of  
29 Section 15(2) of the Charter of the City of Durham.  
30 (See Appendix \_\_\_\_)

31  
32 (b) The City Council may sanction the Mayor or any  
33 member of the City Council for violations of this  
34 Resolution. Such sanctions may include, by way of  
35 example and not limitation, Resolutions of Censure  
36 for serious, flagrant or repeated violations of  
37 this Resolution; Resolutions or Letters of Reprimand  
38 for other violations; or Warning Letters for  
39 violations which are technical or inadvertent in  
40 nature.

41  
42 (c) The City Council may remove from office or sanction  
43 any member of a board, commission, committee or

1 similar entity appointed by the City Council for  
2 violations of this Resolution.

3  
4 (d) The City Council may remove or discipline the City  
5 Manager, City Clerk or City Attorney for violations  
6 of this Resolution pursuant to applicable law.

7  
8 (e) The City Manager, City Clerk and City Attorney may  
9 remove or discipline subordinates for violations of  
10 this Resolution pursuant to applicable personnel  
11 rules and regulations.

12  
13 3. The City Council may schedule such hearings, conduct  
14 such investigations and take such other actions as  
15 it deems appropriate when acting pursuant to this  
16 Section.

17  
18 Section 5. This Resolution shall not be construed to  
19 prevent any board, commission, authority, committee or similar  
20 entity, one or more of the members of which are appointed by the  
21 City Council, from adopting stricter rules of ethics than those  
22 prescribed in this Resolution, nor shall this Resolution be  
23 construed to prevent the City Manager, City Clerk or City  
24 Attorney from prescribing stricter rules of ethics for their  
25 subordinates than those prescribed herein.

26  
27 Section 6. This Resolution is effective upon passage and  
28 supersedes Resolution #3025.

**APPROVED BY  
CITY COUNCIL**

NOV 6 1995

*D. Ann Gray*  
DEPUTY CITY CLERK

CODE OF ETHICS

IT IS THE PURPOSE AND INTENT OF THIS CODE OF ETHICS TO PRESCRIBE A HIGH STANDARD OF CONDUCT FOR PUBLIC OFFICIALS. TO THIS END, EVERY PUBLIC OFFICIAL SHALL:

I. RESPECT THE LAW.

It is the obligation of every public official to:

1. Support the Constitution of the United States and the Constitution of North Carolina.
2. Faithfully discharge the duties of his or her office.
3. Abide by the laws of the State and Nation.
4. Carry out the lawful orders and policies, including this Code of Ethics, of the City Council.

II. TREAT CITIZENS FAIRLY.

It is the obligation of every public official to:

1. Administer the laws of the Nation, State and City impartially.
2. Grant no special treatment or advantage to any citizen beyond that which is available to every other citizen except by due process of law.
3. Grant to every citizen a fair and impartial hearing on any matter which may be heard before the public official.

III. ACT HONESTLY.

It is the obligation of every public official to:

1. Seek no personal or financial advantage<sup>1</sup> by means of his or her public office or appointment.
2. Make full and timely disclosure of any personal or financial interest<sup>2</sup> which the public official has in any

1 public business which may come before him or her and  
2 not advocate that interest in any public or private  
3 discussion of the public business.  
4

5 3. Abstain from voting upon any matter in which the public  
6 official has a financial interest.  
7

8 4. Refuse personal gifts, favors or special privileges in  
9 every instance where (i) the public official reasonably  
10 believes the gift, favor or special privilege<sup>3</sup> would not  
11 have been offered had it not been for the position of  
12 the public official, or (ii) there exists a reasonable  
13 belief that the givers' interests are likely to be  
14 affected by the actions of the public official, or  
15 (iii) the gift, favor or special privilege is or may  
16 reasonably be considered to be designed to influence  
17 the actions of the public official.  
18

19 5. Not (i) use information that is not available to the  
20 general public for his or her personal or financial  
21 advantage<sup>3</sup>, or (ii) violate the provisions of G.S.  
22 14.234.1 concerning the misuse of confidential infor-  
23 mation.  
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36 <sup>1</sup> See definition of "Financial advantage" and "Personal advantage"  
37 in Resolution #\_\_\_\_\_.

38  
39 <sup>2</sup> See definition of "Financial interest" and "Personal interest" in  
40 Resolution #\_\_\_\_\_.

41  
42 <sup>3</sup> See definition of "gift, favor or special privilege" in  
43 Resolution #\_\_\_\_\_.

CITY OF DURHAM DISCLOSURE STATEMENT  
TO BE FILED BY THE MAYOR AND MEMBERS  
OF THE CITY COUNCIL

NAME: \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_

I. ADDRESS AND LOCATION OF ALL REAL PROPERTY WITHIN THE CITY OR COUNTY OF DURHAM OWNED BY THE UNDERSIGNED, INCLUDING LEASEHOLD INTERESTS AND OPTIONS TO PURCHASE. (Value of the property need not be listed).

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

II. PRINCIPAL SOURCES OF THE UNDERSIGNED'S INCOME DURING THE CALENDAR YEAR PRECEDING THE FILING OF THIS STATEMENT, INCLUDING THE NAME, ADDRESS AND PRINCIPAL ACTIVITY OF EACH SOURCE OF INCOME. (The following need not be disclosed: i) the amount of income received from any source, ii) compensation received from the City, iii) income received pursuant to a court order, iv) social security payments and other similar income received pursuant to any state or federal entitlement program, and v) any source of income which amounted to less than 10% of the undersigned's gross income for the calendar year covered by this statement. "Gross income" is calculated in the same manner as gross income is calculated for federal income tax reporting purposes).

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

[The annual compensation of the Mayor is \$ \_\_\_\_\_.]

[The annual compensation of a Council member is \$ \_\_\_\_\_.]

III. NAME AND ADDRESS OF ANY BUSINESS ENTITY OR NOT FOR PROFIT CORPORATION OF WHICH THE UNDERSIGNED IS AN OWNER, OFFICER OR DIRECTOR (With respect to ownership, the name and address of a business entity in which the undersigned owns an interest of 10% or less need not be listed).

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

( PLEASE ATTACH ADDITIONAL SHEETS AS NECESSARY)