Council-Manager Relations Committee

Monday, August 19, 2013 – 11:45 a.m.
****Room CH-14****

Committee Members: Warren Cooksey, Chair
Mayor Patsy Kinsey
David Howard
James Mitchell

AGENDA

I. Citizen Review Board – Update on Community Input
Staff Resource: Willie Ratchford

II. Handbook for Citizen Advisory Board Members and Code of Ethics
Staff Resource: Stephanie Kelly and Bob Hagemann

III. Closed Session to Discuss City Attorney's Evaluation Survey Results
Staff Resource: Cheryl Brown

Adopt a motion to go into closed session pursuant to G.S. 143-318.11(a) (6) to consider the competence, performance, character, fitness, compensation, and other conditions of employment of the City Attorney.

IV. Next Meeting Date

Monday, September 23, 2014 at 11:45 a.m. in Room 280

CHARLOTTE.

MEMO

TO: Council Manager Relations Committee

FROM: Stephanie C. Kelly, City Clerk

RE: Recognition of Advisory Board Members

DATE: August 15, 2013

At your last meeting this subject was raised by Councilmember Mitchell. In response, I propose the following two options as a way the Mayor and City Council can show their appreciation to board members that have served their full terms:

Option 1

The City Clerk's Office would maintain a master list of board members that have served two full terms and are therefore no longer eligible for reappointment.

On a quarterly basis, the City Clerk's Office would send an invitation to board members that have served two consecutive terms to attend the first business meeting of the month. These former board members would be recognized and presented a certificate of appreciation signed by the Mayor and Mayor Pro Tem during the *Awards and Recognitions* portion of the meeting.

In advance of the meeting, the City Clerk's Office would prepare the certificates for signature by the Mayor and Mayor Pro Tem.

During the course of a year, we estimate there would be no more than 1-10 certificates presented during any given meeting.

The advantages to Option 1:

- Citizens are publicly recognized for their civic service during a televised meeting.
- No additional meetings required for the Mayor and Council to attend.
- Citizens will appreciate certificates signed by the Mayor and Mayor Pro Tem.
- The expenses incurred includes the time and effort to design and send the invitations (unless sent electronically), the purchase and printing of the certificates, which would be minimal.

CHARLOTTE.

Option 2 (modeled after Mecklenburg County)
April is "National Volunteer Month".

City Clerk's Office would prepare invitations to all persons currently serving on an advisory board to attend a reception held in the CMGC Lobby Atrium at 6:00pm on the 2nd Monday in April, prior to the start of the Business Meeting. The invitations would be sent electronically requesting that people RSVP to the CCO by the week before.

The Mayor and Council would end their scheduled Dinner Briefing in #267 at 6:00 p.m. to join the volunteers in the lobby for a short recognition program.

Staff would work beforehand to obtain sponsors to provide refreshments and tokens for all attendees. Staff would also prepare the certificates in-house.

At the start of the 7:00 p.m. Business Meeting, have the attendees enter the Chamber where a proclamation honoring their volunteerism is read by the Mayor. Depending on the number in attendance, City staff would distribute certificates (signed by the Mayor and Mayor Pro Tem) along with a small token of appreciation to attendees. If the number of attendees is manageable, the certificates and tokens could be presented in front of the dais and attendees could shake hands with those at the dais, then exist back out to the lobby.

After the presentations, attendees could be invited to remain or excused from the Chamber as Council goes on with the remainder of the Business Meeting.

Taking into account the total number of positions on all city advisory boards and commissions, the minimum number of invitations that would be emailed is 487, while the maximum number is 494. If 30% of those invited were to attend, that would mean approximately 146-149 volunteers in attendance.

The advantages to Option 2:

- Citizens are publicly recognized for their civic service during a televised meeting.
- Citizens have the opportunity to mingle with the Mayor and Council during the reception.
- No additional meetings required for the Mayor and Council to attend.
- Citizens will appreciate the food, recognition and a gift.
- The expenses incurred includes the time and effort to design and send the invitations (even if sent electronically), the purchase and printing of the certificates, the cost of the reception and gifts if no sponsors are obtained.

cc: Ron Carlee
Bob Hagemann
Carol Jennings

"Clean" Version begins on Page 12 of the Handbook

A RESOLUTION OF THE CHARLOTTE CITY COUNCIL REPEALING A 1983 CONFLICT OF INTEREST POLICY STATEMENT AND ESTABLISHING A CODE OF ETHICS FOR MEMBERS OF BOARDS, COMMITTEES, AND COMMISSIONS OF THE CITY OF CHARLOTTE

Section 1. The January 24, 1983 Resolution of the Charlotte City Council Establishing a Conflict of Interest Policy Statement for Members of City Boards, Agencies, Committees, and Commission recorded at Resolution Book 19, Page 18 is hereby repealed.

Section 2. A Code of Ethics for Members of Boards, Committees, and Commissions of the City of Charlotte, North Carolina, is hereby established as follows:

Code of Ethics for ~~the Mayor and City Council~~ Members of Boards, Committees, and Commissions of the City of Charlotte, North Carolina

WHEREAS, the Constitution of North Carolina, Article I, Section 35, reminds us that a "frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty," and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina's state motto, *Esse quam videri*, "To be rather than to seem," and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics and, pursuant to Section 160A-86, the Charlotte City Council has previously adopted a Code of Ethics for the Mayor and City Council , and

~~WHEREAS, as public officials we are charged with upholding the trust of the citizens of this City, and with obeying the law, and~~

WHEREAS, it is appropriate that members of City boards, committees, and commissions, as well as Mayoral and City Council appointees to non-City bodies (hereinafter "Board Members"), also adhere to a Code of Ethics.

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the City of Charlotte, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the City Council do hereby adopt the following General Principles and Code of Ethics to guide ~~the Mayor and City Council~~ Boards Members in their lawful decision-making.

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

- The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.

- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.

maintained at all times in the governmental unit. ~~They should prohibit unjustified delay in fulfilling public records requests.~~ They should take deliberate steps to make certain that any closed sessions held by the ~~Council~~body are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

~~Section 6.~~

~~General disclosure statement.~~

~~(a) The Mayor and Council members shall file with the city clerk, by February 1 of each year, a statement containing the following information:~~

~~(1) The identity, by name and address, of any business entity of which he or she, or any member of his or her immediate household, is an owner, officer or director. Additionally, the city official and spouse shall give the names of their employers or, if self-employed, shall state the nature of their work.~~

~~(2) The identity, by location and address, of all real property located in the county owned by the city official or any member of his or her immediate household, including an option to purchase, or lease for ten years or more, other than his or her personal residence.~~

~~(3) The identity, by name and address, of any nonprofit organization which was the subject of some official act or action of the city council within the past year and on which the Mayor or any Council member serves as an officer, director, or board member.~~

~~(b) The statements required by this section shall be filed on a form prescribed by the city clerk and are public records available for inspection and copying by any person during normal business hours.~~

~~Section 7.~~

~~(a) The City Council may direct the city attorney to investigate any apparent violation of this policy and to report the findings of his investigation to the City Council.~~

~~(b) Any person who believes that a violation of this article has occurred may file a complaint in writing with the City Council which may thereafter proceed as provided in subsections (a). In addition, any complaint received by the City shall be reported to the Mayor or, if the complaint is regarding the Mayor, to the Mayor Pro Tempore.~~

~~(c) If the City Council, after receipt of an investigation by the city attorney and any additional procedures directed or allowed by the Council, the Council may adopt a resolution of censure which shall be placed as a matter of record in the minutes of an official Council meeting.~~

• Recognizing that individual ~~Council~~Board ~~m~~Members are not generally allowed to act on behalf of the ~~Council~~body but may only do so if the ~~Council~~body specifically authorizes it, and that the ~~Council~~body must take official action as a body

Section 3.a.

~~The Mayor and Council~~Board ~~m~~Members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach and they should not use their official position for personal gain. Although opinions may vary about what behavior is inappropriate, the Council will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the ~~Council~~Board ~~m~~Member's action would conclude that the action was inappropriate.

Section 3.b.

If ~~the Mayor or a Council~~a Board ~~m~~Member believes that his or her actions, while legal and ethical, may be misunderstood, the official should seek the advice of the City Attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

Section 4.

~~The Mayor and Council~~Board ~~m~~Members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

~~The Mayor and Council~~ Board ~~m~~Members should faithfully attend and prepare for meetings. ~~They should demand full accountability from those over whom the board has authority.~~

~~The Mayor and Council~~Board ~~m~~Members should be willing to bear their fair share of the ~~governing board's~~ body's workload. To the extent appropriate, they should be willing to put the City's interests ahead of their own.

Section 5.

~~The Mayor and Council~~ Board ~~m~~Members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to them or City employees.

In order to ensure strict compliance with the laws concerning openness, the Mayor and Council members ~~should make~~have made it clear that an environment of transparency and candor is to be

to the public at large, particularly when the position of advocacy is contrary to a Council policy;

(c) shall understand that they hold a position of trust on behalf of the City and its citizens; and

(d) shall assert policy positions and opinions on matters within or related to the jurisdiction and subject matter of the body on which they serve only through the transparency of official proceedings of the body or in a capacity and manner appropriate for a member of such body. Board Members shall not represent their individual views as being representative of the full body unless they have been formally authorized by the body to do so.

These guidelines are especially important to Chairpersons who must recognize that they are often viewed as speaking for the body.

To declare that ~~the Mayor or a Council~~a Board ~~m~~Member is behaving unethically because one disagrees with that official on a question of policy (and not because of the ~~council member's~~Board Member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Section 2.

~~The Mayor and Council~~Board ~~m~~Members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values
- Exhibiting trustworthiness
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others
- For Board Members who act in a quasi-judicial capacity, disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves
- Treating other ~~council~~Board ~~m~~Members and the public with respect and honoring the opinions of others even when the board members disagree with those opinions
- Showing respect for their offices and not behaving in ways that reflect badly on those offices
- Recognizing that they are part of a larger group and acting accordingly

- ~~The Mayor and Council~~ Board ~~m~~Members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.

- ~~The Mayor and Council~~ Board ~~m~~Members must always remain aware that they may, at various times, ~~they~~ play different roles:

  ~~As advocates, who strive to advance the legitimate needs of their citizens~~
  - As ~~legislators~~advisors, who balance the public interest and private rights in considering and recommending, among other things, ordinances, policies, and decisions ~~enacting ordinances, orders, and resolutions~~
  - As decision-makers, who arrive at fair and impartial determinations.

- ~~The Mayor and Council~~ Board ~~m~~Members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.

- ~~The Mayor and Council~~Board ~~m~~Members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of ~~their constituents~~the Mayor and City Council and the citizens of Charlotte. Each ~~official~~Board Member must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for ~~the Mayor and Council~~Board ~~m~~Members and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a~~n official's~~ member's best judgment.

Section 1.

~~The Mayor and Council~~Board ~~m~~Members should obey all laws applicable to their official actions. ~~The Mayor and Council~~Board ~~m~~Members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, ~~the Mayor and Council~~Board ~~m~~Members should feel free to assert policy positions and opinions without fear of reprisal from fellow Board members or citizens. However in doing so, Board Members:

(a) shall be mindful that they were appointed by the Mayor or City Council, or by another appointing authority to a City Board, Committee, or Commission and, therefore, if they are advising or advocating a position that is contrary to a Council policy, that they notify the Mayor and Council of such as soon as practicable;

(b) who serve in an advisory capacity shall be mindful that their chief responsibility is to advise the Mayor and Council or other decision-making body rather than to advocate

Formatted: Indent: Left: 0.5", Hanging: 0.25"

CHARLOTTE℠

Handbook for Citizen Boards, Committees, and Commission Members

A guide for citizens appointed by the Mayor and City Council

August 2013

TABLE OF CONTENTS

Introduction	4
Appointments to Boards, Committees, and Commissions	4
Qualifications	6
Term of Office	7
Roles and Responsibilities	7
Attendance Policy	10
Resignations and Replacements	11
Code of Ethics Policy	12
Harassment Policy	16
Acknowledgement Form	18

INTRODUCTION

Thank you for volunteering to serve your community through an appointment to one of the citizen boards, committees, and commissions established by the Charlotte Mayor and City Council. This handbook will acquaint you with the Mayor and City Council's policies in regard to boards, committees, and commissions and the particular roles and responsibilities of members. This handbook is provided to new appointees by the Office of the City Clerk along with their notice of appointment.

Boards, committees, and commissions are established by action of the Charlotte Mayor and City Council or by State law to increase citizen input and participation in City government. Some of the boards, committees and commissions exist to advise and make recommendations to City Council, while others have distinct regulatory responsibilities that are established by law.

By accepting this appointment, you are now in a position to work directly with your local government, on behalf of your fellow citizens, to enrich community life on a wide variety of issues. The greater your participation in the work of the board, the greater will be the effectiveness of the board in carrying out its charge and ultimately improving the community.

While the Mayor and City Council set policy and make decisions affecting their constituency, they also consider citizen participation a vital aspect of good government. Working in partnership with the Mayor and City Council, City staff, and your fellow citizens, we can continue to set the standards for excellence in good government and quality of life.

All board and commission meetings shall comply with the North Carolina Open Meetings Law, which requires that all meetings of "public bodies" be open to the public after proper notice is given. The open meetings law (G.S. 143-318.9 through 143-318.18) defines the term *public body* as any board, commission, committee, and so forth, in state or local government that (1) has at least two members and (2) exercises or is authorized to exercise any of these powers: legislative, policy-making, quasi-judicial, administrative, or advisory.

Unless otherwise specified, a quorum is a majority of the actual members of the board or commission. A quorum of the board or commission shall be required in order for any action to be taken.

APPOINTMENTS TO BOARDS, COMMITTEES, AND COMMISSIONS

The Charlotte Mayor and City Council have a long history of providing many opportunities for citizen participation on local government boards, committees, and commissions. There are 38 standing boards, committees, and commissions to which the Mayor, City Council and occasionally the City Manager make appointments. With a few exceptions, appointment powers are divided on a one-third and two-thirds ratio between the Mayor and the City Council.

The Mayor and the City Council appoint citizens to both ad hoc committees and standing committees. Ad hoc committees are temporary committees that have been given a very limited charge and are usually expected to provide recommendations to the Mayor and City Council within one year. Standing committees have ongoing responsibilities and are usually either regulatory or advisory in nature. Regulatory committees are involved in setting policy or operating procedures for the related activity, e.g., the Civil Service Board, the Passenger Vehicle for Hire Board, the Zoning Board of Adjustment. Advisory committees are charged with reviewing and commenting on local plans and policies, e.g., the Planning Commission and the Tree Advisory Committee.

A description of all City boards is available in the City Clerk's Office and on the City Clerk's webpage at: http://charmeck.org/city/charlotte/CityClerk/BoardsandCommissions/Pages/Boards.aspx.

Appointments to boards, committees and commissions are made quarterly. At least four weeks prior to the quarterly date for nominations, the City Clerk's Office provides the Mayor and City Council with the list of upcoming vacancies eligible for appointment. The vacancies are publicized by providing and posting a list of vacancies to local newspapers, the GOV Channel and through the City's website. Terms expiring during any quarter shall remain filled by the person then holding the position until a successor is appointed.

Applicants seeking appointments to a specific board are strongly urged to attend several meetings of the board prior to completing and submitting an application.

An application is required for consideration of an appointment to a City board or commission. All information provided in completing the application becomes public information and is therefore subject to public records requests.

All discussion and consideration of appointments are made in open sessions of the City Council. After the announcement is made, each member of City Council has the opportunity, at a specified meeting, to nominate one person for appointment to each of the positions to be filled. At a subsequent meeting, City Council makes the appointments to fill the vacant positions. This is done by ballot vote and a nominee must receive at least six votes. If no nominee receives at least six votes on the first ballot, the process is repeated with only the names of the top vote getters. This process is repeated until there are two candidates. If there is still not a person receiving six votes, the appointment may be deferred to the next Council meeting.

Once an application for an appointment has been filed with the City Clerk, it is placed on file and remains active for one year. At the end of that period of time, the applicant will be contacted by the City Clerk's Office to see if they wish to seek other opportunities to participate on a City board.

Applications may be obtained from the City Clerk's Office or are available on the City's website: http://charmeck.org/city/charlotte/CityClerk/BoardsandCommissions/Pages/Application.aspx

QUALIFICATIONS

1. Appointees to boards, committees, and commissions shall be registered to vote in Mecklenburg County , unless otherwise specified or provided for by law, ordinance, or City Council action establishing said board or commission, or in the rules or by-laws of said board or commission, if approved by City Council.

2. No citizen shall be eligible to hold concurrently more than two Mayoral or City Council appointments to standing boards, committees, or commissions; this limitation shall not apply to ad hoc committees appointed by the City Council.

3. Criminal background checks are required for nominees to the following boards:
   - Charlotte Regional Visitors Authority
   - Charlotte Housing Authority
   - Citizens Review Board
   - Civil Service Board
   - Domestic Violence Advisory Board
   - Housing Appeals Board
   - Passenger Vehicle for Hire Board
   - Zoning Board of Adjustment

   A nominee to the Citizens Review Board who has a felony or Class A1 misdemeanor conviction, a Class 1 or Class 2 misdemeanor conviction within three years of the date of nomination shall not be eligible to serve. Appointments to the other listed boards may be denied for those persons convicted of crimes against a person, or crimes against property where intent is an element, or any offense involving drugs, alcohol, or gambling. Other crimes may also be considered by the Council in making appointments.

4. An oath of office (or affirmation) is required for some boards, committees, and commissions. Where applicable, newly appointed board members will take and sign an oath of office or affirmation following their appointment. A new member may not vote on any matter until the oath of office has been administered. Reappointed members shall also be administered the oath of office, if applicable.

5. Appointees to boards, committees, and commissions shall receive a copy of this handbook and be asked to date and sign an acknowledgement of same.

TERM OF OFFICE

No member of any board or commission may serve more than two full consecutive terms. After serving two full consecutive terms, a person must be off the board or commission for one full term before being eligible for appointment to the same body. An exception to this rule may be made on a case by case basis (i.e., a need for continuity or experience).

An individual may not serve on more than two boards, committees, or commissions at one time.

ROLES AND RESPONSIBILITIES OF BOARD MEMBERS, CHAIRPERSONS AND STAFF

The roles and responsibilities listed below are general guidelines. It is important that dialogue take place between the members, chairpersons, and staff on how the specific board can function at its optimum. The members and chairperson of a board serve as advisors to the Mayor and City Council and receive their charge from the Mayor and City Council. The staff is an employee of the City, usually with other job responsibilities, and is accountable to their Department Head and/or City Manager. Responsibilities clearly defined by the chairperson and staff will make the board and its work more effective.

A. Board Members

Board members are an important part of the City of Charlotte government process. They are selected to be part of a board or commission that advises the City Council on pertinent issues, policy-making, and project development and implementation. This can be accomplished in the following ways:

- It is important for every member to be aware of the time, energy, and commitment that is involved in being part of an advisory board.
- The majority of work of the advisory board is accomplished at the monthly meeting. Therefore, all members in attendance contribute to the most effective work plan.
- Individual members are encouraged to prepare materials that are substantive and meet required deadlines.
- Members may be asked by the chairperson to complete specific tasks which may include serving on subcommittees.
- Every member contributes to the problem-solving process.
- All members are required to vote on recommendations and actions of the group unless a potential conflict of interests exists (see Code of Ethics Policy, page 12).

- In order for the board to provide the most comprehensive information to the Mayor and City Council, each member works in the spirit of compromise and negotiation in order to reach consensus when possible.

- A member must notify the chairperson and the staff support person if he / she cannot attend a meeting

- Members are asked to keep up-to-date on information relating to board interest areas.

- Members shall not represent their individual views through any contacts they have with the media as being representative of the full board unless the board has formally taken a position on the matter

- Members shall communicate through the Chairperson upon taking a position on any matter of significance.

B. Board Chairperson

The board chairperson may be appointed by the Mayor, City Council or the members of their respective board, in accordance with the guidelines and/or legislation establishing such board, and act as a link between the Mayor and City Council, advisory board members, and the community. The chairperson's responsibilities include the following:

- The chairperson advises the Mayor and City Council upon request or in reference to the mission of the board and City Council policy.

- The chairperson and staff conduct an orientation for new members to familiarize them with the work and operations of the board or commission, as well as the information contained in this handbook.

- The chairperson delegates assignments to members, recognizing skill, experience, and interest of individuals in the group; he/she makes sure all members get a chance to participate and uses subcommittees as much as possible to empower the group.

- The chairperson seeks the input of members on the work program and agenda formulation.

- The chairperson presides over the meetings and acts as facilitator to keep to the agenda.

- The chairperson makes sure all meetings are open to the public.

- The chairperson makes sure that citizen input is reflected in the group's recommendations.

- The chairperson uses consensus-building techniques to find optimum recommendations.

- The chairperson, in conjunction with staff, prepares timetables for completion of projects.

- The chairman and members develop annual reports which are due to the Mayor and City Council in accordance with adopted policy.

- The chairperson is encouraged to discuss the advisory board work with applicants seeking appointment to the board.

- The chairperson may forward names as recommendations to fill individual vacancies for the Mayor and City Council's consideration, attaching the relevant background information for each nominee.

- The chairperson may recommend certain skill sets necessary to fill individual vacancies that are a reflection of the needs of the board and community.

- The chairperson meets with the Mayor and City Council concerning the work of the board, upon their request.

- The chairperson shall not represent their individual views through any contacts they have with the media as being of representative of the full board unless the board has formally taken a position on the matter.

- The chairperson keeps the Mayor and City Council apprised of all significant issues, either directly or through staff support.

C. Board Staff

Staff provides important resources to boards. The resources and staff time available to boards varies. Boards report to the Mayor and City Council and the staff report ultimately to the City Manager, an arrangement that works most effectively when the chairperson and the staff have a clear understanding of what needs to be done and what resources are available to get the job done. The staff carries out his/her responsibilities in the following ways:

- The staff shall provide assistance to clarify the role of the board or commission, and with routine issues such as the time of meetings, quorums, etc.

- The staff works with the chairperson to prepare each agenda and necessary meeting materials.

- The staff notifies all members of upcoming meetings and new developments.

- The staff provides attendance reports and notifies the City Clerk's Office of vacancies due to resignations, multiple absences, or other reasons.

- The staff gathers information, provides research and makes it available to the board or commission.

- The staff provides technical expertise to the group.

- The staff prepares draft reports and correspondence and makes sure all City presentations are prepared in the appropriate format.

- The staff keeps his/her supervisor and department head informed on the work of the advisory board.

ATTENDANCE POLICY

In order for a board or commission to be effective and efficient, and to accomplish its purpose, its membership must be actively involved and attentive to the business of the body. Therefore, **all members are required to attend at least 65%** of the regular and special meetings of the body and assigned committees and subcommittees held in any one calendar year with **NO EXCUSED ABSENCES**.

On January 1st of each year, a member of any board or commission appointed by the Mayor, Council or City Manager shall be automatically removed from said body for failure to attend at least 65% of all regular and special meetings of the body and assigned committees and subcommittees held during the immediately preceding calendar year. For persons not serving for an entire calendar year, the 65% attendance requirement shall apply to meetings held during the portion of the year during which the person served.

In order to be eligible for reappointment to a board or commission, **a member must have attended at least 75%** of the regular and special meetings of the body and assigned committees and subcommittees during the concluding term, or portion of the term during which the member served. A member of a board or commission shall be **automatically removed** from said body for **failure to attend any THREE CONSECUTIVE REGULAR MEETINGS** of the body. A member must attend fifty percent (50%) of a meeting in order to be considered in attendance for the purposes of this policy.

Members appointed in the fourth quarter of the year shall be exempt from the 65% attendance rule for that calendar year only, but are still subject to the three consecutive meeting policy.

The City Clerk shall send a letter to any member who is in danger of violation of the attendance requirement, asking them to be mindful of said requirement.

The City Clerk shall send a letter to anyone who is removed from a board or commission for failure to meet the attendance policy. Vacancies resulting from the removal of a member shall be filled by the same method as provided for initial appointments.

This attendance policy shall apply to every member of a board or commission that is part of the City of Charlotte regardless of who appoints the member. In addition, this attendance policy shall apply to all appointees by the City Council to a board or commission that is not part of the City of Charlotte.

RESIGNATIONS AND REPLACEMENTS

Any member of a board or commission who desires to resign shall do so in writing to the staff support and/or Office of the City Clerk.

Unless otherwise provided by law, ordinance or resolution, all appointments by the Mayor, City Council and City Manager to a board or commission serve at the pleasure of the appointing office, and may be removed at the discretion of said office.

Code of Ethics for Members of Boards, Committees, and Commissions of the City of Charlotte, North Carolina

WHEREAS, the Constitution of North Carolina, Article I, Section 35, reminds us that a "frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty," and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina's state motto, *Esse quam videri*, "To be rather than to seem," and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics and, pursuant to Section 160A-86, the Charlotte City Council has previously adopted a Code of Ethics for the Mayor and City Council , and

WHEREAS, it is appropriate that members of City boards, committees, and commissions, as well as Mayoral and City Council appointees to non-City bodies (hereinafter "Board Members"), also adhere to a Code of Ethics.

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the City of Charlotte, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the City Council do hereby adopt the following General Principles and Code of Ethics to guide Boards Members in their lawful decision-making.

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

- The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.

- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.

- Board Members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.

- Board Members must always remain aware that they may, at various times, play different roles:
  - As advisors, who balance the public interest and private rights in considering and recommending, among other things, ordinances, policies, and decisions
  - As decision-makers, who arrive at fair and impartial determinations.

- Board Members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.

- Board Members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of the Mayor and City Council and the citizens of Charlotte. Each Board Member must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for Board Members and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a member's best judgment.

Section 1.

Board Members should obey all laws applicable to their official actions. Board Members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, Board Members should feel free to assert policy positions and opinions without fear of reprisal from fellow Board members or citizens. However in doing so, Board Members:

(a) shall be mindful that they were appointed by the Mayor or City Council, or by another appointing authority to a City Board, Committee, or Commission and, therefore, if they are advising or advocating a position that is contrary to a Council policy, that they notify the Mayor and Council of such as soon as practicable;

(b) who serve in an advisory capacity shall be mindful that their chief responsibility is to advise the Mayor and Council or other decision-making body rather than to advocate to the public at large, particularly when the position of advocacy is contrary to a Council policy;

(c) shall understand that they hold a position of trust on behalf of the City and its citizens; and

(d) shall assert policy positions and opinions on matters within or related to the jurisdiction and subject matter of the body on which they serve only through the transparency of official proceedings of the body or in a capacity and manner appropriate for a member of such body. Board Members shall not represent their individual views as being representative of the full body unless they have been formally authorized by the body to do so.

These guidelines are especially important to Chairpersons who must recognize that they are often viewed as speaking for the body.

To declare that a Board Member is behaving unethically because one disagrees with that official on a question of policy (and not because of the council member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Section 2.

Board Members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values
- Exhibiting trustworthiness
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others
- For Board Members who act in a quasi-judicial capacity, disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves
- Treating other Board Members and the public with respect and honoring the opinions of others even when the board members disagree with those opinions
- Showing respect for their offices and not behaving in ways that reflect badly on those offices
- Recognizing that they are part of a larger group and acting accordingly
- Recognizing that individual Board Members are not generally allowed to act on behalf of the body but may only do so if the body specifically authorizes it, and that the body must take official action as a body

Section 3.a.

Board Members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach and they should not use their official position for personal gain. Although opinions may vary about what behavior is inappropriate, the Council will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the Board Member's action would conclude that the action was inappropriate.

Section 3.b.

If a Board Member believes that his or her actions, while legal and ethical, may be misunderstood, the official should seek the advice of the City Attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

Section 4.

Board Members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Board Members should faithfully attend and prepare for meetings.

Board Members should be willing to bear their fair share of the body's workload. To the extent appropriate, they should be willing to put the City's interests ahead of their own.

Section 5.

Board Members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to them or City employees.

In order to ensure strict compliance with the laws concerning openness, the Mayor and Council members have made it clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should take deliberate steps to make certain that any closed sessions held by the body are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

HARASSMENT POLICY

Section 1.

The City Council will not tolerate or condone acts of harassment by the Mayor, Council members, or members of City boards, committees and commissions, based upon race, religion, color, sex, national origin, sexual orientation, age, disability, or political affiliation.

Section 2.

Violators of this policy will be subject to appropriate disciplinary action as set forth in the policy. This portion of the policy is applicable to those serving on advisory boards, committees or commissions.

Definitions

Harassment is verbal or non-verbal conduct or physical acts which are unwelcome or offensive to or retaliatory against an employee or group of employees based on their race, religion, color, sex, national origin, sexual orientation, age, disability or political affiliation and which:

A. Affects an employee's conditions of employment, or
B. Interferes with an employee's ability to perform his or her job, or
C. Creates an intimidating or hostile work environment.
D. Examples of acts which may constitute harassment are:

Slurs and epithets; offensive jokes or statements; threats; derogatory pictures/materials/ articles displayed on bulletin boards or in work areas; derogatory graffiti; segregating facilities (such as break rooms, bathrooms, eating areas, work stations) based on race, sex, national origin, color, religion, age, or disability; physical violence intended to harass, intimidate or discourage employees from pursuing complaints; retaliatory acts based on an employee having filed a charge of discrimination.

Sexual Harassment is **unwelcome** verbal, non-verbal or physical advances of a sexual nature or non-sexual hostile or physically aggressive behavior directed to an employee because of such employee's sex, which:

A. Affects an employee's conditions of employment; or
B. Interferes with an employee's ability to perform his or her job; or
C. Creates an intimidating or hostile work environment.
D. Examples of acts which may constitute sexual harassment are:

(1) Verbal - Referring to an adult as "girl", "hunk", "doll", "beefcake", "babe", "studmuffin", "honey", or "sweetie"; whistling or catcalling; sexual comments or innuendoes; sexual jokes or stories; making sexual comments about a person's clothing, body; recounting one's sexual exploits or asking about sexual fantasies, preferences or history; repeatedly asking a person for a date after being

turned down; starting or spreading rumors about the sex life of a person; making kissing sounds, howling or smacking lips; threats.

(2) Nonverbal – Blocking a person's path; following the person; making sexual gestures; making facial expressions.

(3) Physical - Hugging, kissing, patting, stroking, pinching or grabbing; rubbing oneself sexually around another person; brushing against a person; touching the person's clothing, hair or body; giving a massage around the neck or shoulders; revealing parts of the body in violation of common decency; physically forcing sexual activity on someone ranging from assault to rape.

(4) All of the conduct listed in Examples 1, 2, and 3 which are directed to an employee by a non-employee in the workplace, i.e., contractors or vendors who may do business with or for the City.

(5) Employment opportunities or benefits granted by a supervisor to his/her employee because such employee submits to the supervisor's advance.

Hostile Environment means a workplace that has become intimidating or offensive due to conduct of employees which is threatening in nature.

Complaints

Any employee who believes that he or she has been the target of harassment by the Mayor, a Council member, or a member of a City board or commission should inform their supervisor, their department head, the City Manager, the City Attorney, or Human Resources. In the event that the person receiving the information is not the City Manager, the person receiving the information shall promptly notify the City Manager.

1. Upon being notified of a complaint, the City Manager shall notify the Mayor or, if the complaint is against the Mayor, the Mayor Pro Tempore. If the complaint is an informal complaint, the City Manager and Mayor (or Mayor Pro Tempore) may meet with the person whose conduct is the subject of the complaint to inform the person of the complaint and to discuss the need for the person to adjust or correct his or her conduct. If appropriate, the results of this meeting may be reported to the complaining employee.

2. A formal complaint (and an informal complaint that the City Manager decides to handle as a formal complaint) shall be investigated and subject to sanctions.

Sanctions

Following the completion of an investigation of an allegation against a member of a City board or commission conducted pursuant to Section 2, the City Council may sanction the member who was the subject of the investigation. Potential sanctions include removal of the member, adoption of a Resolution of Censure, and any other lawful sanction within the Council's power.

ACKNOWLEDGEMENT OF RECEIPT OF HANDBOOK FOR CITIZENS SERVING ON CITIZEN BOARDS, COMMITTEES, AND COMMISSIONS

On the date written below, I received the "Handbook for Citizen Board and Commission Members—A Guide for Citizens Appointed by the Mayor and City Council." I acknowledge this handbook contains basic information related to serving as a volunteer on a board or commission as well as specific policies as shown below:

- Attendance Policy
- Code of Ethics Policy
- Anti-Harassment Policy

I understand that I am responsible for reviewing the contents of this handbook and asking questions if I do not understand any part of it.

DATE: _____

NAME: _____

BOARD OR COMMISSION: _____

SIGNATURE: _____

(A signed copy of this form will be maintained in the City Clerk's Office with the application once appointed to serve.)