

RESOLUTION NO. (2026) 2690

**RESOLUTION ADOPTING AN AMENDED CODE OF CONDUCT AND ETHICS
FOR THE GARNER TOWN COUNCIL**

WHEREAS, governing boards of cities, including the Garner Town Council, are required by State law to adopt a resolution or policy containing a code of ethics to guide actions by the Mayor and Town Council in the performance of their official duties as elected officials; and

WHEREAS, pursuant to North Carolina General Statutes (N.C.G.S.) § 160A-86, the resolution or policy must address all of the following:

- (1) The need to obey all applicable laws regarding official actions taken as an elected official.
- (2) The need to uphold the integrity and independence of the elected official's office.
- (3) The need to avoid impropriety in the exercise of official duties.
- (4) The need to faithfully perform the duties of the elected office.
- (5) The need to conduct the affairs of the Town Council in an open and public manner, including complying with all applicable laws governing open meetings and public records; and

WHEREAS, Garner Town Council adopted Resolution No. (2010) 2080 on November 16, 2010, which was amended by Resolution No. (2024) 2605 on September 17, 2024, and established the following findings and goals:

- (1) The proper operation of democratic government requires that public officials be independent, impartial and responsible to the people.
- (2) Government decisions and policy must be made in proper channels of the governmental structure.
- (3) The public office must not be used for personal gain.
- (4) The public must have confidence in the integrity of its government; and

WHEREAS, in recognition of changing times and growing incivility and discord in many levels of government, Garner Town Council wishes to adopt an amended Code of Conduct and Ethics.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Town Council of the Town of Garner, North Carolina that the following is adopted:

**CODE OF CONDUCT AND ETHICS
FOR THE GARNER MAYOR AND TOWN COUNCIL**

The stability and proper operation of democratic representative government depends upon the continued 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 the Mayor and Town Council, and all references herein to the Town Council include the Mayor. It should not be considered a substitute for the law or a Town Council member's best judgment.

Town Council Members 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. Town Council Members 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, Town Council Members must, at times, act in an adjudicatory or administrative capacity and must, when doing so, act in a fair and impartial

manner. Town Council Members must know how to distinguish these roles and when each role is appropriate, and they must act accordingly. Town Council Members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents and Town employees. Each Town Council member must find within his or her own conscience the touchstone on which to determine appropriate conduct.

**Section One
Obey the Law**

Town Council Members shall support and uphold the Constitution of the United States, the Constitution of North Carolina, and the laws enacted by the Congress of the United States and the General Assembly pursuant thereto. Members specifically acknowledge and agree to comply with the requirements of N.C.G.S. § 14-234, entitled “Public officers or employees benefiting from public contracts; exceptions,” N.C.G.S. § 14-234.1, entitled “Misuse of confidential information,” N.C.G.S. § 14-234.2, entitled “Public officers or employees financially benefiting from public position,” and N.C.G.S. § 14-234.3, entitled “Local public officials participating in contracts benefiting nonprofits with which associated.” Town Council Members shall be faithful to the general and local laws pertaining to the office and strive for professional competence in them. In addition to the two-hour ethics training mandated by State law (N.C.G.S. § 160A-87) within 12 months after each election or appointment, Town Council Members commit to attending additional training each year as recommended by the Town Manager or Town Attorney.

**Section Two
Uphold the Integrity and Independence of the Office**

Town Council Members should demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all their public activities to inspire public confidence and trust in town government. Town Council Members should participate in establishing, maintaining, enforcing, and observing high standards of conduct so that the integrity and independence of their office may be preserved. Town Council Members should not be swayed by partisan interests, public clamor, or fear of criticism.

**Section Three
Avoid Impropriety and the Appearance of Impropriety in All Activities**

It is essential that town government attract those citizens best qualified and willing to serve. Town Council Members have legitimate personal economic and professional interests. Town Council Members should not be denied and should not deny other Town Council Members or citizens the opportunity to acquire, retain, and pursue private interests, except when conflicts with their responsibility to the public cannot be avoided. Town Council Members must exercise their best judgment to determine when this is the case. Town Council Members should use Town equipment, property, funds, and personnel only in legally permissible pursuits and in a manner that exemplifies excellent stewardship.

Town Council Members should not allow family, social, or other relationships to unduly influence their conduct or judgment and should not lend the prestige of the office of Town Council to advance the private interests of others; nor should they convey or permit others to convey the impression that they are in a special position to influence them. Town Council Members may not grant any special consideration, treatment, or advantage to any resident beyond that which is available to every other resident.

The Mayor or any member of the Town Council who has an interest in any official act or action

before the Council shall publicly disclose on the record of the Council the nature and extent of such interest and shall withdraw from any consideration of the matter if excused by the Council pursuant to N.C.G.S. § 160A-75 or § 160D-109.

Section Four
Perform the Duties of the Office Diligently

Town Council Members should, while performing the duties of the office as prescribed by law, distinguish legislative, adjudicatory, and administrative responsibilities, as different standards of ethics and conduct may apply to each. Town Council Members should conduct the business of the Town for which the Council is responsible in an effective and efficient manner, which includes being punctual and prepared for meetings. Town Council Members should demand and contribute to the maintenance of order and decorum in all proceedings before the Town Council. No signs of partiality, prejudice, or disrespect should be evident on the part of individual Council Members toward an individual participating in a public forum. When performing legislative duties, Town Council Members may actively pursue policy goals they believe to be in the best interests of their constituents, while respecting the legitimacy of the goals and interests of other Town Council Members and constituents to pursue goals and policies different from their own. When performing adjudicative responsibilities, Town Council Members shall accord to every person who is legally interested or has standing in a proceeding before the Council full right to be heard according to law and should be aware of the need for discretion in deliberations when the lack of discretion would pose a threat to the resources of the Town, to the reputation of current or potential Town employees, to orderly and responsible decision making, to the integrity of other governmental processes, or to other legitimate interests of the Town.

Pursuant to N.C.G.S. § 160A-148 and Town Charter § 4.2, the Town Manager shall manage all Town employees, except the Town Attorney, in accordance with the Town's personnel rules, regulations, policies, and ordinances, and the Town Manager shall direct and supervise the administration of all departments, offices, and agencies of the Town subject to the general direction and control of Town Council. Town Council Members should refrain from inappropriate interference in the impartial administration of Town affairs by Town employees. Questions or requests for additional background information should be directed to the Town Manager, Assistant Town Managers, Town Attorney, Assistant Town Attorney, or Department Heads. The Town Manager should be copied on or informed of any request. Requests for follow-up or directions to staff should be made only through the Town Manager or the Town Attorney when appropriate. When in doubt about what staff contact is appropriate, Council Members should ask the Town Manager for direction. Materials supplied to a Council Member in response to a request will be made available to all members of the Council so that all have equal access to information. Requests for additional staff support should be made to the Town Manager, who is responsible for allocating Town resources. Town Council Members should not attempt to influence Town staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of Town licenses and permits. Council Members should not attend meetings with Town staff unless requested by the Town Manager or delegated staff. Even if the Council Member does not actively participate, the Council Member's presence could imply support, show partiality, intimidate staff, or hamper staff's ability to do their job objectively.

To maintain consistency in the Town's policies and messages, Town Council Members should check with the Town Manager and staff delegated by the Manager whenever possible regarding administrative or operations before responding to constituents, businesses, or other governmental officials. Responses should be provided to all Council Members.

Town Council Members who become aware of improper conduct by a Town employee should promptly inform the Town Manager, who may initiate appropriate disciplinary measures. Comments

about staff performance should only be made to the Town Manager through confidential correspondence or conversation. Town Council Members should employ and recommend the appointment of employees who report directly to Council (the Town Manager and Town Attorney) based on merit, avoiding favoritism and refraining from illegal discrimination and nepotism.

Section Five
Minimize the Risk of Conflict with Official Duties

Town Council Members shall comply with the provisions of state and federal laws regulating conflicts of interest. Town Council Members should refrain from financial and business dealings that tend to reflect adversely on the Council or on town government or to interfere with the proper performance of official duties. Town Council Members should manage their personal financial interests to minimize the number of cases in which they must be excused from voting on matters coming before the Council. Information acquired by Town Council Members in their official capacity shall not be used or disclosed in financial dealings or for any other purpose unrelated to official duties.

Section Six
Engage in Political Activity Which Is Appropriate to the Office

Town Council Members have a civic responsibility to support good government and the Council-Manager form of government by every available means, to continue to inform and educate the citizenry about the affairs and processes of town government, and to make themselves available to citizens of the Town so that they may ascertain and respond to the needs of the community. Town Council Members may and are encouraged to join or affiliate with civic organizations, whether partisan or non-partisan, attend political meetings, and support the principles or policies of civic or political organizations consistent with the Constitution and laws of the United States and North Carolina. Candidates for the office of Town Council, including incumbents, should: (i) inform themselves concerning the state and federal laws regarding political activity and campaign finance and relevant disclosure requirements and should scrupulously comply with the provisions of such laws; (ii) maintain the dignity appropriate to the office encourage members of their families to adhere to the same standards of political conduct that apply to Town Council; (iii) not make pledges or promises of conduct in office that the candidate will not or cannot perform or would be illegal if performed; or (iv) not misrepresent the candidate's identity, qualifications, present position, or other information. After filing for election, incumbents may explain the reasons why they voted in favor of or against actions taken or decisions made by Town Council.

Section Seven
Treat All Persons with Respect and Civility

Town Council Members should be honest, patient, dignified, and courteous to those with whom they deal in their official and unofficial capacities and should require similar conduct of their staff and others subject to their direction and control. Public comments, in any forum, containing racial slurs, profane language, or bigotry expressed toward a person or group, including those based on a Protected Class (race, natural hair or hairstyles, ethnicity, creed, color, sex, pregnancy, marital or familial status, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, National Guard or veteran status, religious belief or non-belief, age or disability) is unacceptable and may subject the individual or the Town to litigation or liability.

Town Council's interactions during public meetings and work sessions should: (i) follow the Garner Town Council Rules of Procedure; (ii) make the public and staff feel welcome; (iii) be impartial, non-prejudicial, and respectful of individuals participating in a public forum; (iv) avoid

giving the public the appearance of disinterest; (v) be mindful that body language and tone of voice do not appear to be intimidating, belittling, or aggressive, (vi) not include comments that might be construed as belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging; (vii) express different points of view or objections without interrupting other speakers, shouting, or intimidating other speakers; (viii) not reveal an individual's personal opinions or inclinations about upcoming votes until after the public hearing is closed; and (ix) conduct the affairs of the Council in an open and public manner. Council Members should avoid discussing public business before or after a meeting if a quorum is present. Even when less than a quorum is present, Council Members may need to disclose those activities or conversations, particularly when making quasi-judicial decisions. Council Members should consult with the Town Attorney regarding matters appropriate for closed sessions and those which may require the disclosure of ex parte communications. After a decision is made by a majority of Town Council, all members in the minority should respect and honor the decision. No member should attempt to renegotiate, undo, or interfere with any Council-approved action or project, except through a valid motion for reconsideration.

Town Council's interactions in settings other than official meetings, including public and private settings, should: (i) be free of promises that overtly or implicitly promise Council action or promise specific action by Town staff; (ii) in response to constituent questions, explain a Council action by giving a brief overview or refer to Town staff for further information; and (iii) avoid personal comments about other Council Members, including any comments that could be construed as derogatory or condescending about other Council Members, their opinions, and actions. Town Council Members should not engage in public acts or comments that might impugn the Town, Town staff, or its processes. Council Members behaviors and comments serve as models for proper conduct in the Town. Honesty and respect for the dignity of every individual should be reflected in every word and action taken by Council Members. Written notes, voicemail messages, emails, texts, and other communications that involve matters of public business are public records. Council Members should be mindful that casual conversations may be eavesdropped upon, parking lot debates could be watched, and casual chatter between individuals before and after public meetings may be heard.

Section Eight **Utilize Social Media Platforms Appropriately**

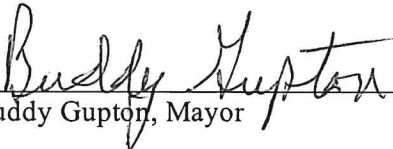
Town Council Members should consult with the Town Manager and Town Communications Director prior to posting messages on official Town social media accounts. Recognizing that Town Council Members retain their First Amendment rights, Council Members should have a clear delineation between their personal or campaign social media accounts and official Town social media accounts. Elected officials should avoid any appearance of exercising their authority to speak on behalf of the government on personal accounts. Town Council Members' personal social media accounts may be subject to the North Carolina Public Records Act (N.C.G.S. Chapter 132) and may subject the Town to liability. It is recommended that Town Council Members state on their personal social media accounts that the member's personal views do not reflect the views of the Town, by including a disclaimer such as the following: "This is the personal page of [Council Member]. The views expressed are strictly my own." Town Council Members should endeavor to be accurate when posting information on social media and should promptly correct any mistakes, misstatements, or factual errors in content upon discovery. Council Members are expected to conduct themselves on all social media platforms in a manner consistent with the Town's policies and ethical standards of conduct. Town Council Members must ensure they are not using social media to engage in any activity that uses the official's position or the Town's facilities, equipment, or supplies for the private gain or advantage of the official or others. Town Council Members are strongly encouraged to consider the potential impact of social media statements prior to posting, understanding that members of the public come from diverse backgrounds. Town Council Members are prohibited from using government social media

accounts to post or share information that is obscene, encourages or promotes illegal activity, or depicts Town property, equipment, or personnel in any manner that would be considered defamatory or libelous. Council Members should consider whether liking, sharing, retweeting, or commenting on any social media posts could be perceived as an endorsement of the Town, its employees, constituents, other public officials, suppliers, vendors, or contractors.

BE IT FURTHER RESOLVED that the following is the process for dispute resolution and enforcement of this Code of Conduct and Ethics:

- A. Whenever a Council Member believes a provision of this Code of Conduct and Ethics has been or will be violated (a "Dispute"), that Council Member shall speak directly to the Council Member who is alleged to have violated or who may violate this Code of Conduct and Ethics.
- B. If the individual Council Members are unable to resolve the Dispute, then those Council Members shall speak directly with the Mayor or Mayor Pro Tem, provided those individuals are not involved in the Dispute.
- C. Provided at least two Council Members believe that a Dispute which has not been resolved by direct communication needs consideration by the full Council, Town Council may meet in closed session pursuant to N.C.G.S. § 143-318.11(a)(6) to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. Town Council may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the Town Council or another appointed body and may not consider or fill a vacancy among its own membership except in an open meeting.
- D. A violation of this Code of Conduct and Ethics may subject the Mayor or a Council Member to a Censure Resolution by the Garner Town Council; however, no such Censure Resolution shall be adopted until the individual or individuals alleged to have committed the violation are given notice of the alleged violation and provided with the opportunity to appear before the Council and be heard regarding the allegation at a subsequent meeting.
- E. When the Mayor or a Council Member has a question as to the applicability of this code to a particular situation, the individual may consult with the Town Attorney for advisory guidance. In the Town Attorney's discretion, the Town Attorney may retain outside legal counsel to provide legal advice in connection with any request for advisory guidance. In no event will the Town Attorney's advisory guidance excuse the Mayor or Council Member from complying with the Code of Conduct and Ethics or other applicable law.

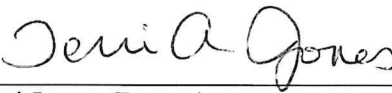
Adopted this the 17th day of March 2026


Buddy Gupton, Mayor

ATTEST:

Approved as to form:


Stella Gibson, Town Clerk


Terri Jones, Town Attorney