



## Town of Woodfin

90 Elk Mountain Road  
Woodfin, NC 28804  
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Resolution: 2024-012

Passed: 10/15/2024

### **Resolution Censuring Mayor McAllister for violating the Town of Woodfin's Code of Conduct and Ethics.**

**WHEREAS**, under the Town of Woodfin’s Code of Conduct and Ethics provides that “Council has the right to make and enforce Its own rules and to require that Town Elected Officials refrain from conduct injurious to the accomplishment of Council business,” and that “Elected officials who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council;” and

**WHEREAS**, on September 26, 2024, during the time between the rain and flooding event in Woodfin that preceded Hurricane Helene, and the hurricane’s arrival, Mayor McAllister sent repeated communications to the City Manager and a Woodfin Police Captain, while Mayor McAllister was in Germany. The substance of these communications was to encourage the opening of a segment of Weaverville Road because “it’s not realistic to tell our citizens not to buy bread and milk during a storm lull,” and because Mayor McAllister had heard from a restaurant owner that the closure was “killing his cash register;” and

**WHEREAS**, the Town of Woodfin’s Code of Conduct and Ethics provides that “Town Elected Officials must not attempt to influence Town staff in their performance of administrative functions;” and

**WHEREAS**, the Town Council for the Town of Woodfin finds that the foregoing component of the Code of Conduct and Ethics requires, at a minimum, that elected officials not seek to pressure Town staff to reverse a public safety measure during the pendency of a State of Emergency; and

**WHEREAS**, on September 29, 2024, at 1:00 PM, Mayor McAllister convened what he referred to as a “press conference,” which he requested residents attend in person, at or near Town Hall; and

**WHEREAS** on September 29, 2024, Mayor McAllister reported to Council that he “had 91 residents attend” said press conference; and

**WHEREAS**, at the time this meeting occurred, the most recent public communication by the Town of Woodfin Police Department, issued less than 10 hours prior, read: “DO NOT TRAVEL IN OR TO WESTERN NORTH CAROLINA All roads in Western North Carolina should be considered closed and non-emergency travel is prohibited. I-40 is impassable in multiple locations. I-26 is closed at the Tennessee State line. Travel in this area for non-emergency purposes is hindering needed emergency response;” and

**WHEREAS**, the Town of Woodfin’s Code of Conduct and Ethics requires elected officials to act in a manner that “Inspire(s) public confidence in the Town of Woodfin government;” and

**WHEREAS**, the Town Council for the Town of Woodfin finds that the foregoing component of the Code of Conduct and Ethics requires, at a minimum, that elected officials not explicitly request that residents violate the official public safety directives of the Woodfin Police Department during a declared State of Emergency; and

**WHEREAS**, during the pendency of the present State of Emergency, Mayor McAllister has repeatedly communicated directly with Woodfin Police Department staff in order to request they perform various tasks or directing them to take certain actions related to the emergency, including communicating with the public and the coordination of relief support using town hall as a distribution hub without consulting with the Town Manager; and

**WHEREAS**, the Town of Woodfin’s Code of Conduct and Ethics requires that Town elected officials “[l]imit contact to specific Town staff- While Town Elected Officials are free to ask questions of, or provide information to Town staff outside of the confines of a public meeting, such questions or informational messages should be directed first to the Town Manager;” and

**WHEREAS**, the Town Council for the Town of Woodfin finds that Mayor McAllister has repeatedly violated the foregoing component of the Code of Conduct and Ethics, and did so in non-emergent circumstances that might otherwise be excused; and

**WHEREAS**, Mayor McAllister apparently told a reporter for the MountainXpress that “We are getting almost no supplies from the [Buncombe County Emergency Operations Center] or the Federal Emergency Management Agency;” and

**WHEREAS**, the Town of Woodfin’s Code of Conduct and Ethics provides that “Town Elected Officials are frequently contacted by the media for background and quotes. When contacted, elected officials should only comment on behalf of the Town when there is majority support among elected officials on the topic in question. In the event that a Town Elected Official provides a comment to the media about a matter that has not yet been subject to a vote of

Council, the Town Elected Official should disclaim that any perspectives offered are purely their own, and not the official position of the Town;” and

**WHEREAS**, Mayor McAllister’s quoted statements about the level of assistance the Town has received from Buncombe County and FEMA is inconsistent with the observations of a majority of Town Council; and

**WHEREAS**, while Mayor McAllister’s quoted statements do not represent the official views of the Town of Woodfin, no disclaimer appeared in the subject article indicating that he was speaking purely for himself, and not on behalf of the Town; and

**WHEREAS**, the Town Council for the Town of Woodfin finds that Mayor McAllister’s quoted statements violate the provisions of the Town of Woodfin’s Code of Conduct and Ethics that relate to communications with the media.

**NOW THEREFORE**, the Town Council for the Town of Woodfin, having found that Mayor McAllister has repeatedly violated the Town of Woodfin’s Code of Conduct and Ethics in the recent past, and hereby formally censures him for these violations.

This resolution shall become effective upon adoption.

Adopted: 10/15/2024 (date of adoption)

Effective: 10/15/2024 (date resolution effective)

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

\_\_\_\_\_  
James C. McAllister/Mayor

Attest: \_\_\_\_\_  
Gena Powers/Town Clerk