

**DRAFT**

**2/19/19**

**COUNCIL, BOARDS AND COMMISSIONS**  
**CODE OF CONDUCT**

Public trust is built on the actions of elected and appointed board and commission officials (“members”). Residents gain confidence when members act fairly and honestly in their decision making. Common sense guidelines assist the ability of members to perform their duties with the highest standards of personal ethics, integrity, fairness and impartiality. Members should observe the following standards and in instances where they are not observed, it is incumbent upon the mayor and board or commission chairperson to refresh their recollection of such guidelines:

**SECTION 1: ACT IN THE PUBLIC INTEREST**

The common goal of the city should always be first priority and not furthering private or personal interests. Equal treatment of all persons, claims and transactions should be the order of the day. Anyone with an actual, reasonably perceived or potential conflict of interest should recuse themselves from those items involving the conflict. If recusal does not resolve the conflict or if it appears to be an ongoing issue, resignation may be the only viable course of action.

**SECTION 2: COMPLY WITH THE LAW**

Members should always act in accordance with federal and state law and city ordinances, to include, for example, open meeting, conflicts of interest, public records, election and financial disclosure laws.

**SECTION 3: PROFESSIONAL CONDUCT**

Members shall conduct themselves above reproach and shall avoid even the appearance of impropriety. They should never act on a matter where: 1) their impartiality might reasonably be questioned; 2) they have a personal bias or prejudice concerning a party or representatives thereof, a staff member or members of the public who support or oppose a party; or 3) they have personal knowledge of facts that are in dispute that would not be known by staff or the public at large. The question is whether their impartiality might be questioned from the perspective of a reasonable person.

**SECTION 4: PUBLIC MEETINGS AND DUE PROCESS**

a) Members should always perform their duties with due process in mind so the public has a meaningful ability to observe the proceedings and participate in public hearings.

b) Members should come to meetings fully prepared after reading the public packet, listen courteously and attentively to all discussions, and focus on the business at hand. Members should not interrupt speakers who have the floor, nor should they make personal comments or interfere with the orderly progression of meetings.

c) Members should always be fair, objective and respectful at meetings and on social media or in other public communications.

d) Members should show great respect for the chair and always seek recognition before speaking, which practice will set the example for those who want to speak and will contribute to orderliness of meetings. To enhance the flow or discussion at work or study sessions, it is permissible for the mayor or board and commission chairpersons to be flexible on recognition formalities.

e) The chair shall not allow speakers to address the audience and they should be instructed to address only the public body when making comments.

#### **SECTION 5: ADVOCACY**

a) Members do not lose their First Amendment rights by virtue of becoming a member. However, when they decide to engage in social media or other public statements they must not hold themselves out as being associated with the city and they shall explicitly advise that their views do not necessarily reflect the views of the city or the majority of the public body.

b) Members shall refrain from attempting to influence other member positions unless such communications and discussions are heard in public at a regularly scheduled public meeting. Members may advocate political positions or participate in political activities in their personal capacities as long as they do not identify themselves as representatives of the city.

#### **SECTION 6: NON-INTERFERENCE WITH AND TREATMENT OF STAFF**

Members should observe the council/manager form of government and should **not** ~~never~~ interfere with the administrative function of staff nor impair the ability of staff to implement council policies. Members may however discuss with staff significant projects if they need clarification on processes or need additional information.

#### **SECTION 7: GIFTS, FAVORS OR OTHER BENEFITS**

Gifts, favors or other benefits shall never be accepted by members to avoid even the appearance of impropriety. This includes event tickets, admission costs, meals, products, memorabilia and travel and lodging accommodations, but not *de minimis* tokens of appreciation such as pens, pins and plaques.

## **SECTION 8: MEETING DISTRACTIONS**

a) ~~Members should not operate a personal electronic device during public sessions so~~ Members may, at meetings, operate a cellphone or other personal device, as long as the city business at hand is not interrupted and the appearance of non-attendance and open meeting law violations is avoided. Members should not text, phone, or email each other or anyone else during the meetings, barring a family emergency or a personal matter; in such circumstances, it is highly recommended the member excuse them self and leave the dais to take the call.

b) Clapping by meeting attendees in highly contentious items should be discouraged by the mayor or ~~and~~ board and commission chairperson since it is divisive and lengthens the meetings.

c) Members should not roll their eyes, shake their head or otherwise indicate their opinion on a matter or in reaction to a speaker or comments from another member or through other non-verbal means, as such conduct is viewable by the audience and on the live-stream.

## **SECTION 9: INFLUENCING ELECTIONS**

No member shall attempt to influence an election using their elected or appointed status nor shall use public facilities, public meetings or staff to accomplish such act.

## **SECTION 10: COMMUNICATION WITH LITIGANTS PARTIES**

a) Members shall not communicate in any manner with litigants who are in pending legal action against the city or their representatives, be it in person, in writing, by phone, email, twitter, text or other social media.

~~b) Members shall avoid discussing items coming before the council, board or commission with parties or their representatives. All such communications shall occur only at public meetings to further governmental transparency.~~

## **SECTION 11: CRITICISM OF STAFF**

Any criticism of staff by members shall be forwarded to the city manager and shall not take place in public. Staff should always be treated as professionals by members, especially in public.

## **SECTION 12: ATTENDANCE AT MEETINGS**

If an appointed member knows they will be unable to attend a meeting, they should notify the respective staff designee assigned to the particular board or commission.

### **SECTION 13: GENERAL RULES OF DECORUM**

Members shall at all times avoid engaging in personal attacks, be polite to speakers regardless of any adverse positions, treat the public and staff with respect, dress professionally, actively listen without diversions (i.e. no sidebar communications of any sort, **no disrespectful or rude use of electronic devices use or surfing**, and no eating at the dais **unless there is a medical need for immediate nutrition**). Mingling with friends, acquaintances, applicants or objectors in the audience before or after the meeting or during a recess is not recommended so the impression of favoritism and bias are avoided.

### **SECTION 14: INCOMPATIBILITY OF OFFICE**

Members shall not serve on other boards and commissions with conflicting duties; incompatibility of office depends on individual duties required of each position and members should consult with the city attorney for a determination if there is a concern.

### **SECTION 15: QUASI-JUDICIAL CAPACITIES**

Conditional use permit council appeals and board of adjustment hearings are both considered “quasi-judicial”, meaning members act in a judicial appellate capacity at those meetings. In all such cases, members should not communicate outside the public meeting parameters with any applicant or their representatives nor should they provide opinions, comments or support on social media relative to the case or issues at hand.

### **SECTION 16: LEGAL TRAINING**

All members shall **at the first available opportunity**, complete any formal training offered by staff, including but not limited to any legal or city attorney sponsored training.

### **SECTION 17: STAFF RECOMMENDATIONS**

Members shall not take staff recommendations lightly. Staff personnel are specialists in their area and have come before the public body in their capacity after years of study and experience. The recommendations of staff **are typically and almost always** technically correct and should not be **summarily disregarded or marginalized by members. second-guessed.** Members may however ask for clarification or further explanation if there is some confusion on staff positions/recommendations.