

Marengo Elected Official Code of Conduct

Adopted by the Marengo City Council on: March 28, 2018, Res #18-37

Roles, Responsibilities and Respect

This Code of Conduct is designed to describe the manner in which elected officials should treat one another, city staff, constituents, and others they come into contact with in representing the City of Marengo.

The constant and consistent theme through all of the conduct guidelines is "respect." elected officials experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide elected officials to do the right thing in even the most difficult situations.

During such times that the Mayor Pro-Tem is serving as the active Mayor, the guidelines set forth for the Mayor by this code of conduct shall apply to the Mayor Pro-Tem. This code of conduct or guidelines set within do not in any way supersede any limitations or restrictions to the position of Mayor Pro-Tem provided for in code.

All Elected Officials

All members of the City Council have equal votes. No Council member has more power than any other Council member, and all should be treated with equal respect. Council members must recognize that they act collectively as a governing body during properly noticed public meetings. Members must recognize that they do not have authority to make decisions or take individual actions on behalf of the City Council unless expressly directed to do so by the City Council.

All Elected officials should:

- Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration and courtesy to others.
- Prepare in advance of Council meetings and be familiar with issues on the agenda.
- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community.
- Show clear judgement by attending all official city functions, including council meetings, uninhibited by drugs and/or alcohol.
- Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Conduct.

POLICIES & PROTOCOL RELATED TO CONDUCT

Ceremonial Events

Requests for a City representative at ceremonial events will be handled by City staff. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if event organizers would like another representative from the Council. If yes, then the Mayor will recommend which Council member should be asked to serve as a substitute. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Council members at their homes are presumed to be for unofficial, personal consideration.

Correspondence Signatures

Council members do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Council meetings. City staff will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor unless the Mayor requests that they be signed by another Council member or City staff.

If correspondence is addressed only to one Council member, that Council member should check with staff on the best way to respond to the sender.

Endorsement of Candidates

Elected officials have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official City meetings.

COUNCIL CONDUCT WITH ONE ANOTHER

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues. Elected officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, staff or the public.

PUBLIC MEETINGS AND RESULTS OF VOTES

- **Avoid personal comments that could offend other Elected officials.**

If a Council member is personally offended by the remarks of another Council member, the offended Council member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Council member to justify or apologize for the language used. The Chair will maintain control of this discussion.

- **Demonstrate effective problem-solving approaches.**

Elected officials have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

- **Support the official City position.**

It is prudent to remember that even if a Councilmember casts a dissenting vote on a topic the official City position should be supported to the public. When discussing the matter with a citizen, remember to provide the official City position. It is perfectly acceptable to explain the reasons behind a dissenting opinion or the reasons a dissenting vote was cast. Make it clear to the citizen whether something is the official City position or a personal opinion.

IN PRIVATE ENCOUNTERS

- **Continue respectful behavior in private.**

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

- **Be aware of the insecurity of written notes, voicemail messages, and e-mail.**

Technology allows words written or said without much forethought to be distributed far and wide. Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message was played on a speakerphone in a full office? What would happen if this e-mail message were forwarded to others? Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

- **Even private conversations can have a public presence.**

Elected officials are always on display - their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

COUNCIL CONDUCT WITH CITY STAFF

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

For the purposes of this policy, the office of the City Engineer and the City Attorney will be considered departments of the City. Staff within their respective offices would therefore fall under the same guidelines set forth in this policy.

- **Treat all staff as professionals.**

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

- **Limit contact to specific City staff.**

Questions of City staff and/or requests for additional background information should initially be directed to the City Administrator or Department Heads. The Office of the City Administrator should be copied on any request.

Requests for follow-up or directions to staff should be made only through the City Administrator. When in doubt about what staff contact is appropriate, elected officials should ask the City Administrator or Mayor 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.

- **Do not disrupt City staff from their jobs.**

Elected officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.

- **Never publicly criticize an individual employee.**

Elected officials should avoid expressing concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should be made to the City Administrator through private correspondence or conversation.

- **Check with City staff on correspondence before taking action.**

Before sending correspondence, elected officials should check with City staff to see if an official City response has already been sent or is in progress.

- **Do not solicit political support from staff.**

Elected officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

COUNCIL CONDUCT WITH THE PUBLIC IN PUBLIC MEETINGS

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual elected officials toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- **Be welcoming to speakers and treat them with care and gentleness.**

The way that Council treats people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity.

- **Be fair and equitable in allocating public hearing time to individual speakers.**

The Chair will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated three to five minutes with applicants and appellants or their designated representatives allowed more time. If many speakers are

anticipated, the Chair may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Council requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Chair reopens the public hearing for a limited and specific purpose.

- **Give the appearance of active listening.**

It is disconcerting to speakers to have elected officials not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom. There shall be no sidebar conversations.

- **Ask for clarification, but avoid debate and argument with the public.**

Only the Chair - not individual Council members - can interrupt a speaker during a presentation. However, a Council member can ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior or language the Council member finds disturbing.

If speakers become flustered or defensive by Council questions, it is the responsibility of the Chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Council members to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Council members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

- **No personal attacks of any kind, under any circumstance.**

Elected officials should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

- **Follow parliamentary procedure in conducting public meetings.**

The City Administrator serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. The Chair, subject to the appeal of the full Council, makes final rulings on parliamentary procedure.

IN UNOFFICIAL SETTINGS

- **Make no promises on behalf of the Council.**

Council members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer the item to City staff for further specific information and follow-up. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific (fix a pot hole, remove a library book fine, plant new flowers in the median, etc.).

- **Refrain from disparaging personal comments about other elected officials.**

It is acceptable to publicly disagree about an issue, but elected officials should refrain from making derogatory comments about other elected officials, their opinions and actions.

- **Remember that you are a highly visible member of the City.**

Elected officials are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Marengo. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by elected officials, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

COUNCIL CONDUCT WITH OTHER PUBLIC AGENCIES

- **Be clear about representing the city or personal interests.**

If an elected official appears before another governmental agency or organization to give a statement on an issue, the elected official must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the City; 2) whether this is the majority or minority opinion of the Council.

If the elected official is representing the City, the elected official must support and advocate the official City position on an issue, not a personal viewpoint.

- **Correspondence also should be equally clear about representation.**

City letterhead may be used when the Council member is representing the City and the City's official position. A copy of official correspondence should be given to the City Administrator to be filed at City Hall as part of the permanent public record.

City letterhead is not be used for correspondence of elected officials representing a personal point of view or a dissenting point of view from an official Council position.

COUNCIL CONDUCT WITH BOARDS AND COMMISSIONS

The City has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- **If attending a Board or Commission meeting, be careful to only express personal opinions.**

Elected officials may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation - especially if it is on behalf of an individual, business or developer - could be viewed as unfairly affecting the process. Any public comments by an elected official at a Board or Commission

meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

Reports made to a board or commission on behalf of the Council should consist of only factual items with as much bias removed as possible. Be sure to offer clarification on whether discussion is a personal opinion or a report on behalf of the Council.

- **Limit contact with Board and Commission members to questions of clarification.**

It is inappropriate for an elected official to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for elected officials to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

COUNCIL CONDUCT WITH THE MEDIA

Elected officials are frequently contacted by the media for background and quotes.

- **The best advice for dealing with the media is to never go "off the record".**

Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

- **The Mayor and City Administrator are the official spokespersons for the representative on City position.**

The Mayor and City Administrator are the designated representatives of the Council to present and speak on the official City position. If an individual Council member is contacted by the media, the Council member should be clear about whether their comments represent the official City position or a personal viewpoint.

Councilmembers representing the City at official functions are authorized to speak on behalf of the Council when the Mayor is not present.

- **Choose words carefully and cautiously.**

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

SANCTIONS

- **Inappropriate Staff Behavior.**

Elected officials should refer to the City Administrator any City staff who does not follow proper conduct in their dealings with elected officials, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions. (Please refer to the section on Council Conduct with City Staff for more details on interaction with Staff.)

- **Elected officials Behavior and Conduct.**

Elected officials who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council. Serious infractions of the Code of Ethics or

Code of Conduct could lead to other sanctions as deemed appropriate by Council. Council members should point out to the offending Council member infractions of the Code of Ethics or Code of Conduct. Doing so in private may be the preferred approach in many circumstances.

It is the responsibility of the Council to initiate action if a Council member's behavior may warrant sanction. The alleged violation(s) can be brought up with the full Council in a public meeting.

If violation of the Code of Ethics or Code of Conduct is outside of the observed behaviors by the Mayor or Council members, the alleged violation should be referred to the City Administrator. The City Administrator should investigate the allegation and report the findings to the Council. It is the Council's responsibility to take the next appropriate action. These actions can include, but are not limited to: discussing and counseling the individual on the violations; recommending sanction(s).

A violation of this Code of Conduct shall not be considered a basis for challenging the validity of a Council decision.

First Adopted on September 28, 2016

Updated and Readopted on March 28, 2018