RESOLUTION 2016-10

Agenda Item

TO: Mayor and City Council

FROM: Mark S. Gaugh, City Manager

DATE: April 4, 2016

RE: Resolution for Ethics Policy

Issues

The City does not currently have an ethics policy for elected officials, boards and commissions. This is something many cities have, and our insurance provider encourages good policies relating to personnel. MPR's attorney has reviewed the proposed policy. Any suggestions made by the attorney were implemented in order to provide a sound document for Council consideration.

Recommendation

Staff recommends that the Council approve the resolution to adopt the Code of Ethics and Conduct for City Council, Boards and Commissions.

Resolution 2016-10

A RESOLUTION FOR THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI APPROVING A CODE OF ETHICS AND CONDUCT FOR CITY COUNCIL AND APPOINTED BOARDS/COMMISSIONS FOR THE CITY OF CAMERON

WHEREAS, the City of Cameron, Clinton and DeKalb Counties, Missouri currently does not have a code of ethics and conduct for Council, boards and commission members; and

WHEREAS, the City Council desires to establish a code of ethics and conduct to maintain a high level of public confidence through open government; and

WHEREAS, policies such as this encourage a good relationship between the City's Council, board and commission members and the citizens of Cameron.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Cameron, Clinton and DeKalb Counties, Missouri that the Code of Ethics and Conduct is hereby approved.

Read, passed and approved this 4th day of April, 2016.

_____
Mayor Dennis M. Clark

ATTEST:

_____
City Clerk/Finance Clerk

CAMERON CITY COUNCIL, APPOINTED BOARDS AND COMMISSIONS
CODE OF ETHICS AND CONDUCT

The citizens of the City of Cameron expect and are entitled to a local government that reflects uncompromising integrity and serves the public interest. The City of Cameron Code of Ethics and Conduct was implemented to clearly establish standards of conduct to govern the professional and relevant conduct of City Council members and appointed boards/commissions.

Compliance with all Laws

Members shall comply with the laws of the United States, the State of Missouri and the City of Cameron in the performance of their public duties. Such laws include but are not limited to: the United States and State of Missouri Constitutions, federal and state statutes, the City of Cameron Code, laws pertaining to conflicts of interest, election campaigns, financial disclosures, open meeting law, open record law, the City of Cameron Property Maintenance Code, Zoning Ordinances and all policies adopted by the City Council.

Integrity and Accuracy

Members are expected to perform their duties with absolute integrity. No member of the City Council, boards/commissions shall under any circumstances make a statement for any purpose that is known by the member to be inaccurate or intended to be misleading.

Conduct of Members

It is acceptable and expected that members may disagree about issues brought before the Council, boards/commissions. However, it is not acceptable for any member to make derogatory comments about other members, their opinions or their actions. Members shall refrain from exhibiting abusive conduct, personal allegations or verbal attacks upon the character or motives of other members of the City Council, members of City boards/commissions, the staff and the public.

The professional and personal conduct of members should be above reproach and shall avoid even the appearance of impropriety where possible. Members should conduct their official and personal affairs in such a manner that does not in any way suggest that they may be improperly influenced in the performance of their official duties. Members shall, to the best of their ability, serve the citizens of the City of Cameron conscientiously and with honesty and impartiality. Members shall seek to perform their duties with diligence, efficiency and courtesy. Members shall each make impartial decisions based upon consideration and analysis of the facts, circumstances, merits and laws of each case without taking into account their personal consideration or opinions.

Employment

City Council members are prohibited from applying for, or being appointed to any full-time City of Cameron position for a period of one calendar year after the expiration of their term of office. This does not apply to appointed boards/commissions, without appointing authority.

The City is responsible for the screening and appointment of the City Manager and City Clerk/Finance Clerk positions during the hiring process. Since these positions are dependent upon sound financial management skills and ability, background checks on applicants for those positions will be conducted by the City. Any information obtained should be considered in the overall process for these positions which are appointed by Council.

Electronic Devices During Meetings

In the spirit of the Sunshine Law, and in furtherance of the City Council's commitment of conducting government business with as much transparency as possible, electronic devices belonging to a member should be used on a limited basis during City Council, board/commission meetings. They can be used for reading and taking notes, however, use of electronic devices by members for outside communications is, except for emergency communications, prohibited. It is the City Council's intent to prohibit electronic communications between members and other persons during meetings. Therefore, any electronic communication, texting, or emailing during meetings is strictly prohibited, except in the case of emergencies. Prohibiting communications of this type enables all members to operate with maximum transparency and allows members to avoid any appearance of perception of engaging in discussions of deliberations not open to the public during City Council, board/commission meetings.

Respect for Process

Members shall perform their duties with the processes and rules of order established by the City Council. Upon a "Call to Order" of the meeting, members will respect that a meeting is in progress and barring emergencies, recognize that it is inappropriate to temporarily exit the meeting unless a recess or adjournment has been called by the mayor.

Public Meetings

Members have the right to endorse candidates for all Council seats and other elected offices. However, it is inappropriate to mention endorsements during City Council meetings or other official City meetings or hearings. Members shall not provide testimonials or endorsements that identify themselves as Council or board/commission members. Such remarks should make clear that they in no way reflect the official position of the City Council, appointed boards/commissions or the City of Cameron.

Members shall prepare themselves for discussion of public issues brought before their respective boards. Members shall listen courteously and attentively to all discussion and comment on the

issue by the public, City staff and other members. Members shall refrain from interrupting other speakers unless compelled to do so to ensure compliance with City Council policies or processes for public meetings and shall additionally refrain from interfering with the orderly conduct of City Council and board/commission meetings.

Impartiality

All City Council, boards/commission meetings and hearings shall be conducted fairly and impartially. Members shall not show favoritism in carrying out the City's business. The receipt of campaign contributions should not in any circumstances constitute a basis for preferential treatment.

Acting in the Public Interest

Stewardship of the public interest is the primary goal and concern of each member of the City Council, boards/commissions. Therefore, members will work together for the common good of the citizens of Cameron and not for any private or personal interest and members will strive to assure fair and equal treatment of all persons, claims, issues or transactions brought before the Cameron City Council, boards/commissions.

Conflict of Interest

Any member who has a conflict of interest, financial or otherwise, in any matter brought before the City Council, boards/commissions for consideration or action shall declare and disclose the conflict of interest to the City Council and shall not participate in discussion or voting on the matter. Members should recuse themselves from the meeting room while discussion and vote are taking place. A conflict of interest shall be defined as a statutory conflict of interest or any situation, circumstances or financial interest that has the potential, in the members' opinion and judgment, to interfere with the proper exercise of public duty.

The minutes of a meeting wherein a declaration of a conflict was made shall not record a vote on behalf of a member who leaves the room during the discussion and voting upon the issue. The minutes of such meeting shall, however, record a "no" vote if the member remains in the room and abstains from voting.

Gifts and Favors

Members shall not directly or indirectly solicit, receive or accept any gift if 1) a reasonable inference could be drawn that the gift was intended to influence them in the performance of their official duties, or, 2) the gift is intended to serve as a reward or in appreciation of any official action taken by the member. Members shall not solicit or accept any gifts, favors or promises of future benefits which might compromise the independent judgment and action or which might give the appearance of being compromised. Members shall not take special advantage of services or opportunities for personal gain, by virtue of their public offices that are not available to the public in general.

Political Advocacy

Members shall not utilize the City's name or seal for purposes of endorsing any political candidate, business, program or other entity or activity unless brought to a vote before the City Council and approved by a majority of the seated Council members.

Political Fundraising Activities

No City Council, board/commission member shall use his or her position, authority or influence, whether actually possessed or anticipated, to interfere with or affect the results of an election or to obtain a political or other type contribution. City Council members shall not use or attempt to use any political endorsement in connection with any appointment to any City board/commission.

These rules are not intended to preclude members from political fundraising activities, but to ensure that these activities are undertaken only at private initiative and expenses in their role as private citizens and thus do not reflect upon the official activities of the City.

Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the City Council, board/commission, which was received by the member from sources external to the public decision-making process.

Confidential Information

Members shall respect and preserve the confidentially of information concerning affairs of the City. Members shall neither disclose confidential information without proper legal authorization nor use such information in any way to advance or further their personal, financial or private matters.

Advocacy

Members shall represent the official policies or positions of the City Council, board/commission to the best of their ability when designated as delegates or representatives of the City. If a Council, board/commission member acting as a delegate or representative of the City presents their personal opinion or position on such an issue the member shall explicitly state that their comments do not represent the City of Cameron or the City Council.

Policy Role of City Council Members

City Council members shall respect and adhere to the Council-Manager form of municipal government implemented in the City of Cameron through its municipal code and as outlined in

the Missouri Statutes. The Council-Manager form of government requires the City Council to determine all matters of policy for the City of Cameron with the advice, information and analysis provided by City staff, the public and other City boards/commissions. Additionally, the Council-Manager form of municipal government establishes that the City Manager shall be responsible for all administrative functions of the City. Accordingly, City Council, board/commission members shall not interfere with or impair the ability of the City Manager and other City staff to determine and implement administrative matters.

Implementation of Code of Ethics and Conduct

This Code of Ethics and Conduct is intended to be self-enforcing by members of the City Council and its appointed boards/commissions. Members shall be thoroughly familiar with this Code and shall make every effort to embrace its provisions. The Code of Ethics and Conduct shall be included in the orientation training for newly elected City Council, board/commission members. All members shall sign a statement affirming they have read and understand the City of Cameron Code of Ethics and Conduct.