

CITY OF HALLOWELL
COUNCIL CODE OF CONDUCT
October 11, 2016

Policy Purpose

The Hallowell City Council adopts this Code of Conduct to set expectations for Council members to conduct themselves in a manner that will instill public confidence and trust in the operation and integrity of Hallowell's City Council.

There are portions of this code of conduct that are included in Hallowell ordinances. This document is not intended to supercede the ordinances; it is meant to put expectations in one document.

Maine Revised Statutes 30-A Section 2605 addresses conflicts of interest of municipal officials and identifies provisions under which municipal proceedings are voidable and actionable.

Hallowell City Charter Chapter IX, Section 1 provides a provision for "No Personal Interest," which states the limitations on municipal officers and employees with respect to fiscal expenditures, gifts in kind received from franchisees or licensed agents of the City, or any entity who may give the impression of seeking favorable treatment by offering "terms more favorable than those granted to the public generally."

Council Conduct with One Another

Hallowell City Council is 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 members may "agree to disagree" on issues.

IN PUBLIC MEETINGS

- **Practice civility, professionalism and decorum in discussions and debate**

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging tone or comments. Council members should conduct themselves in a respectful manner at all times.

- **Honor the role of the Mayor in maintaining order**

It is the responsibility of the Mayor to keep the comments on track during public meetings. Council members should honor efforts by the Mayor to focus discussion on current agenda

items. If there is disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure and ordinance and charter, and explain these procedures if necessary or requested.

- **Avoid personal comments that could offend other Council members**

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 Mayor will maintain control of this discussion.

- **Demonstrate effective problem-solving approaches**

Council members have a public stage to show how individuals with disparate points of view can find common ground that benefits the community as a whole or, lacking common ground, respect decisions of the Council

- **Be punctual and keep comments relevant to topics discussed**

Council members have made a commitment to attend meetings and partake in discussions. Therefore, it is important that Council members be punctual and that meetings start on time. It is equally important that discussions on issues be relevant to the topic at hand to allow adequate time to fully discuss scheduled issues.

- **Continue respectful behavior outside public meetings and discussions**

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in conversations outside of public meetings but related to Council and City matters.

- **Potential access of written notes, voicemail messages, and e-mail**

Freedom of Access laws describe public access to City communications; written, voice, or electronic communication. Any Council communications should recognize potential access and evaluate communication with an expectation of public dialogue.

City Council members need to know that any written, electronic or digital communication to or from the Council member concerning City business is a public record under Maine law, if the communication is one that is stored in a retrievable form, regardless of the device used to send, receive or store the communication. Council members should consult with the City Clerk and City Freedom of Access officer concerning preservation requirements for such communications, and transfer of such records to the City at the end of the Council member's term of service.

Council members should avoid using electronic communications in a manner contrary to Maine's open meeting laws; for example, circular e-mail discussions between a quorum of City Council members on a pending item of City business, without calling a formal meeting.

- **Confidentiality of Executive Sessions**

Council members must take care to preserve the confidentiality of information received or discussed in duly-called executive sessions. Information received or discussed in a duly-called executive session shall not be discussed with or communicated to members of the public, the press, or other persons (except City staff as needed in connection with the item concerned), unless disclosure is approved by a majority of the City Council and is not prohibited by applicable Maine or federal law; or as may be required by court order, subpoena, or litigation discovery request.

Council Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials and City staff who implement and administer 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.

- **Treat all staff as professionals**

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected.

- **Limit contact to specific City staff**

Except when the manager has assigned duties to staff, or when employees appear at Council or Committee meetings, requests for follow-up or directions to staff should be made only through the City Manager. When in doubt about what staff follow-up or directions are appropriate, Council members should ask the City Manager for direction.

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

Council members should not disrupt City staff, committees or boards while they are in meetings, on the phone, or when performing their respective functions in order to meet the needs of an individual council member.

- **Never publicly criticize an individual employee**

Critical comments about any employee's performance should be made only to the City Manager. This does not mean that Council members can't discuss the Manager's job performance with the Manager.

Council Conduct with the Public

IN PUBLIC MEETINGS

Making the public feel welcome is an important part of the democratic process. Council members should be respectful and fair to all individuals.

- **Be welcoming to speakers and treat them with respect**

Speaking in front of Council can be a difficult experience for some people. Some issues the Council undertakes may affect people's lives and homes. Some decisions are emotional. Council members 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.

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

Only the Mayor – not individual Council members -- can interrupt a speaker during a Council presentation. 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.

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 to City staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will take specific actions.

RESPONSE TO VIOLATION OF CODE OF CONDUCT

- **Council members Behavior and Conduct**

City Council members who do not follow proper conduct may be reprimanded or formally censured by the Council. Serious infractions of the Code of Conduct could lead to other sanctions as deemed appropriate by Council, consistent with the City Charter.

Approved by the City Council on October 11, 2016.