

RESOLUTION #RES2021-05

A RESOLUTION OF THE CITY OF DUNNELLON AMENDING RESOLUTION NO. 2013-15 REGARDING THE CITY COUNCIL CODE OF CONDUCT TO AMEND RULES OF ORDER REGARDING PUBLIC COMMENT AND PUBLIC PARTICIPATION; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Dunnellon has traditionally permitted public participation in its public meetings; and

WHEREAS, public participation in government business is the bedrock of American government and should be protected, permitted, and not discouraged consistent with principles of common and statutory law; and

WHEREAS, the City Council of the City of Dunnellon finds it to be in the best interests of the City to amend its rules pertaining to public comment at City Council meetings and Workshops.

NOTE: Words ~~stricken~~ are deletions and words underlined are additions to Resolution 2013-15.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Legislative Findings. The Whereas clauses above are adopted as legislative findings of the City Council.

SECTION 2. Exhibit "A" attached hereto and incorporated by reference, is adopted as the City Council Code of Conduct.

SECTION 3. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding in no way affects the remaining portions of this Resolution.

SECTION 4. All resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. This resolution shall take effect immediately upon its approval.

Upon motion duly made and carried, the foregoing Resolution was adopted by the City Council of the City of Dunnellon on the 8th day of March 2021.

CITY OF DUNNELLON, FLORIDA

ATTEST:

William P. White, Mayor

Amanda Roberts, CMC, City Clerk

First Draft March 3, 2021 City Council Workshop

CITY COUNCIL CODE OF CONDUCT
March 8, 2021
EXHIBIT A

"Conduct is three-fourths of our life and its largest concern."

-- Matthew Arnold

The Three R's of Government Leadership:

Roles, Responsibilities and Respect

The City Charter provides information on the roles and responsibilities of Councilmembers, the Vice Mayor, and the Mayor; however, it does not spell out a code of conduct for elected officials.

This Code of Conduct is designed to describe the manner in which Councilmembers should treat one another, city staff, constituents, and others they come into contact with in representing the City of Dunnellon. ***It reflects the work of the City Council in defining more clearly the behavior, manners, and courtesies that are suitable for various occasions.***

The contents of this Code of Conduct includes:

- I. Overview of Roles & Responsibilities**
- II. Policies & Protocol Related to Conduct**
- III. Council Conduct with One Another**
- IV. Council Conduct with City Staff**
- V. Council Conduct with and Relationship to City Attorney**
- VI. Council Conduct with The Public**
- VII. Council Conduct with Other Public Agencies**
- VIII. Council Conduct with Boards and Commissions**
- IX. Council Conduct with the Media**
- X. Sanctions**
- XI. Principles of Proper Conduct**
- XII. Checklist for Monitoring Conduct**
- XIII. Glossary of Terms**

The constant and consistent theme through all of the conduct guidelines is "respect." Councilmembers 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 Councilmembers to do the right thing, in even the most difficult situations.

I. Overview of Roles & Responsibilities

"Leadership is an action, not a word."

-- Richard Cooley

MAYOR

- Acts as the official head of the City for all ceremonial purposes (Dunnellon City Charter, Section 12)
- Chairs Council meetings (Dunnellon City Charter, Section 12)
- Calls for special meetings
- Recognized as spokesperson for the City
- Responsible to find a substitute for City representation when Mayor cannot attend
- Leads the Council into an effective, cohesive working team
- Signs documents on behalf of the City

VICE MAYOR

- Serves at the pleasure of the Council (Dunnellon City Charter, Section 14)
- Performs the duties of the Mayor if the Mayor is absent or disabled (Dunnellon City Charter, Section 14)
- Chairs Council meetings at the request of the Mayor
- Represents the City at ceremonial functions at the request of the Mayor

ALL COUNCILMEMBERS

All members of the City Council, including those serving as Mayor and Vice Mayor, have equal votes. No Councilmember has more power than any other Councilmember, and all should be treated with equal respect.

All Councilmembers 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
- Represent the City at ceremonial functions at the request of the Mayor
- 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
- Inspire public confidence in Dunnellon government
- Provide contact information with the City Clerk in case an emergency or urgent situation arises while the Councilmember is out of town
- Demonstrate honesty and integrity in every action and statement
- Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Conduct

MEETING CHAIR

The Mayor will chair official meetings of the City Council, unless the Vice Mayor or another Councilmember is designated as Chair of a specific meeting.

- Maintains order, decorum, and the fair and equitable treatment of all speakers
- Keeps discussion and questions focused on specific agenda item under consideration
- Makes parliamentary rulings with advice, if requested, from the City Attorney who acts as an advisory parliamentarian. Chair rulings may be overturned if a Councilmember makes a motion as an individual and the majority of the Council votes to overrule the Chair.

II. Policies & Protocol Related To Conduct

"Wherever there is a human being, there is an opportunity for kindness."

-- Seneca

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 Councilmember should be asked to serve as a substitute. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Councilmembers at their homes are presumed to be for unofficial, personal consideration.

Correspondence Signatures

Councilmembers 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 another Councilmember or City staff member sign them. A copy of the direct response to the citizen shall be provided to the City Council.

If correspondence is addressed only to one Councilmember, that Councilmember may check with staff on the best way to respond to the sender.

Written communication requesting an appearance before the City Council is to be referred to the City Clerk for:

- Forwarding to the Council with their agenda packet, or
- Placement on an agenda with or without a staff report

Deadlines

Evaluations:

Councilmembers evaluating the City Manager shall do so in a timely fashion. The evaluation form provided to councilmembers shall be completed in its entirety along with any comments and shall be submitted to the City Clerk within four (4) weeks of the date in which it was received by said councilmember. The date that staff provided the document to councilmembers shall be recorded on the document by staff along with the calculated return date. If any evaluation is received after the four week deadline it will not be included in the final compilation to be submitted to City Council for approval.

Miscellaneous:

At times the City Council will have work product that must be completed and returned to staff for processing or compilation as council meeting backup. For example, goals and objectives, strategic plan concepts, etc. Councilmembers will adhere to a (4) four-week deadline for all items requiring completion and return such to the City Manager or City Clerk. If the sensitive nature of the work product in question requires a more immediate response, staff will place the due date on the document or notify the Councilmembers in writing.

Endorsement of Candidates

Councilmembers shall not actively endorse or campaign for other candidates for City council seats.

Intergovernmental Relations

Each year during a council meeting, city council members will agree on which liaison assignments shall be assigned to them.

Rules of Parliamentary Procedure

The City of Dunnellon is guided by Webster's New World Robert's Rules of Order Simplified and Applied Second Edition as amended from time to time for meeting management. The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Chair, subject to the appeal of the full Council.

Main motions may be followed by amendments, followed by substitute motions. Any Councilmember can call for a point of order. Only Councilmembers who voted on the prevailing side may make motions to reconsider.

Public Participation on Non-agenda Items: General Public Comments at City Council Meetings

There shall be an item on each regular Council meeting agenda entitled "General Public Comments." Prior to, or At the beginning of the meeting, a person, wishing to address the Council under this agenda item should fill out a public comment form provided by the City to, at a minimum, give his/her name and address. The comments shall be limited to one (1) appearance per subject for a duration not to exceed five (5) ~~three (3) minutes~~ unless a majority of the Council feels some other time limit is appropriate, and must address a subject or subjects other than a specific item appearing on the agenda. An individual who does not fill out a public comment form may provide public comment after providing their name and address; however, the individual's comments shall not exceed three (3) minutes unless a majority of the Council feels some other time limit is appropriate.

Staff members, City Attorney, or Councilmembers may not be able to give an immediate response to a comment. If the Council decides that a matter raised during General Public Comments requires further review and discussion that cannot take place during the meeting, the matter may be referred to City staff or City Attorney and placed on a subsequent agenda.

No question or comment by the public should be addressed directly to any individual Councilmember, staff member, or City Attorney. All comments must be directed to the Chair.

Public Participation on Legislative and Administrative Items on Agenda at City Council Meetings

Prior to Council decisions, the Chair shall allow the public to participate and comment on specific agenda items of a legislative or administrative nature. Prior to making comments, each person wishing to address the Council should fill out a form provided by the City to give his/her name and address. (S)he can indicate his or her designation of a representative to speak for him or her on the proposition.

A person shall be limited to one (1) appearance on each agenda item and may not speak for more than five (5) minutes if such person signed up to speak prior to the meeting or three (3) minutes if such person did not sign up to speak prior to the meeting, unless a majority of the Council feels some other time limit is appropriate.

Once a legislative public hearing is closed, Council discussions will take place. Council will deliberate the issue and make a motion, if deemed appropriate, and take the final appropriate action.

To maintain orderliness of the meeting, no question or comment by the public should be addressed directly to any individual Councilmember, staff member, or City Attorney. All comments must be directed to the Chair.

When multiple speakers appear to speak on one topic on the Agenda

When a group of people supporting or opposing the same position regarding an item on the agenda desires to be heard, in the interest of time and to avoid repetitious comments, a spokesperson should be designated by the group to express the group's concerns. However, a person in the group may make comments which were not included in the spokesperson's comments. Participation shall be limited to three (3) minutes per person, unless a majority of the Council feels some other time limit is appropriate.

Public participation on Consent Agenda matters

The Council agenda typically includes a Consent Agenda, during which Council adopts a series of measures listed on the Consent Agenda in one vote. If one or more Council members requests that an item(s) be removed from the Consent Agenda for discussion during the main agenda, the item(s) shall be removed and placed on the main agenda without necessity of a formal vote of Council.

No public comment is required for ministerial items on the Consent Agenda, such as, and not limited to, approval of minutes of meetings, ceremonial proclamations, and items provided for informational purposes only and are not propositions for action by Council.

Exceptions when public participation is not required

The right of the public to a reasonable opportunity to be heard does not apply:

When an official act must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements for public participation would cause an unreasonable delay in the ability of the Council to act;

When an official act involves a ministerial act, including but not limited to, approval of minutes and ceremonial proclamations;

When the Council holds an executive session pursuant to § 286.011, Florida Statutes; and

When a public hearing is held before Council acting in its quasi-judicial capacity, pursuant to a separate Resolution of Council. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

Public Comment at City Council Workshops

Public comments shall not be taken during specific workshop agenda items at a workshop, unless a majority of the City Council makes a determination to permit public input. However, there shall be two agenda items on each regular Council workshop agenda entitled "General Public Comments" with one of the comment periods scheduled at the beginning of the workshop prior to Council discussion of the first agenda item and the other scheduled near the end of the workshop, following Council discussion of the last agenda item. Prior to each comment period, a person wishing to address the Council should fill out a public comment form provided by the City to, at a minimum, give his/her name and address. The comments shall be limited to one (1) appearance **per each comment period** for a duration not to exceed five (5) unless a majority of the Council feels some other time limit is appropriate, and may address either agenda or non-agenda items. An individual who does not fill out a public comment form may provide public comment after providing their name and address; however, the individual's comments shall not exceed three (3) minutes unless a majority of the Council feels some other time limit is appropriate.

Written Correspondence between board members

The use of e-mail, a written report, or any other form of written communication from one Councilmember to other Councilmembers on a subject which might be discussed at a public meeting is not a violation of the Sunshine Law if no other Councilmembers respond to the Councilmember's correspondence outside of a public meeting.

If, however, **even one** Councilmember responds to the e-mail, written report, or other written communication, **a violation of the sunshine law has occurred.**

THEREFORE, NO COUNCILMEMBER SHOULD SEND E-MAILS, REPORTS, POSITION PAPERS, OR OTHER FORMS OF COMMUNICATION REGARDING A SUBJECT WHICH MIGHT COME BEFORE THE COUNCIL FOR ACTION. Thus, the city council's discussions and deliberations on matters coming before the council must occur at a duly noticed city council meeting. If any Councilmember wants to communicate his or her position on a subject which might come before the Council, he or she can send the communication to the City Manager and the City Clerk and ask that it be included in the Council's meeting packet.

Similarly, a board that is responsible for assessing the performance of its chief executive officer (CEO) must conduct the review and appraisal process in a proceeding open to the public as prescribed by s. 286.011, F.S., instead of using a review procedure in which individual board members evaluate the CEO's performance and send their individual written comments to the board chairman for compilation and subsequent discussion with the CEO. AGO 93-90.

Handling of Litigation and Other Confidential Information

All written materials and verbal information provided to Councilmembers on matters that are confidential under State law shall be kept in complete confidence to ensure that the City's position is not compromised. Any confidential material will only be provided to Councilmembers when needed by Council to make a formal decision that is to come before them. No disclosure, photo copies, or mention of any information in these materials may be made to anyone other than Council members, the City Attorney, or City Manager, and City Clerk when applicable.

Confidential materials provided in preparation for and during closed sessions must be returned to staff at the conclusion of the closed session.

Confidential materials provided to Council members outside of closed sessions must be returned to staff within ten (10) days of their receipt.

Council members may not request confidential written information from staff that has not been provided to all Council members.

Travel Expenses

The policies and procedures related to the reimbursement of travel expenses for official City business by Councilmembers are outlined in the City's Personnel Manual. All Council travel, with the exception of liaison assignments, in which the Councilmember expects to officially represent the City and/or be reimbursed by the City for travel costs, must be approved in advance by the Council. The travel policy and budget for Council should be reviewed at each budget cycle.

Council Conduct with One Another

"In life, courtesy and self-possession, and in the arts, style, are the sensible impressions of the free mind, for both arise out of a deliberate shaping of all things and from never being swept away, whatever the emotion, into confusion or dullness."

-- William Butler Yeats

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.

In Public Meetings

Practice civility 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, Councilmembers to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

Honor the role of the Chair in maintaining order: It is the responsibility of the Chair to keep the comments of Councilmembers on track during public meetings. Councilmembers should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions in enforcing the rules of order set forth herein, those objections should be voiced politely

and with reason. If the rest of Council disagrees with the decision of the Mayor, a majority vote of Council is binding. In the event a decision cannot be reached by the Council as to the manner of proceeding on any matter, the Council may use Robert's Rules of Order as a guide to assist the Council in making a determination.

Avoid personal comments that could offend other Councilmembers:

If a Councilmember is personally offended by the remarks of another Councilmember, the offended Councilmember should make notes of the actual words used and call for

a "point of personal privilege" that challenges the other Councilmember to justify or apologize for the language used. The Chair will maintain control of this discussion.

Demonstrate effective problem-solving approaches: Councilmembers 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.

Social Encounters

The Florida Open Meetings Law will prevail on any social gatherings involving Councilmembers: Members of a public board or commission are not prohibited under the Sunshine Law from meeting together socially, provided that matters which may come before the board or commission are not discussed at such gatherings. Thus, when two or more members of a public board are attending or participating in meetings or other functions unconnected with their board, they must refrain from discussing matters on which foreseeable action may be taken by the board, but are not otherwise restricted in their actions.

A luncheon meeting held by a private organization for members of a public board or commission at which there is no discussion among such officials on matter relating to public business would not be subject to the Sunshine Law, merely because of the presence of two or more members of a covered board or commission.

Councilmembers should avoid situations in which they may be perceived by the general public as discussing matters which may come before the board or commission.

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

Continue respectful behavior in social gatherings: The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in social 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 wide and far. 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.

The Sunshine Law applies to the deliberations and discussions between two or more members of the City Council on some matter which foreseeably will come before the Council for action. The use of a telephone to conduct such discussions does not remove the conversation from the requirements of s. 286.011, F.S.

Section 286.011, F.S., applies to meetings of "two or more members" of the same board or commission when discussing some matter which will foreseeably come before the board or commission.

IV. Council Conduct with City Staff

"Never let a problem become an excuse."

-- Robert Schuller

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.

Treat all staff as professionals.

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

Limit contact to specific City staff.

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

Requests for follow-up or directions to staff should be made only through the City Manager or the City Attorney when appropriate. When in doubt about what staff contact is appropriate, Councilmembers should ask the City Manger for direction. Materials supplied to a Councilmember 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.

Councilmembers 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.

Council should never express 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 only be made to the City Manager through correspondence or conversation. Comments about staff in the office of the City Attorney should be made directly to the City Attorney.

Do not get involved in administrative functions.

Councilmembers must not attempt to influence City staff on items that are within the jurisdiction of the City Manager such as the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

Check with City staff on correspondence before taking action.

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

Do not attend meetings with City staff unless directed by council.

Even if the Councilmember does not say anything, the Councilmember's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

Limit requests for staff support.

Routine secretarial support will be provided to all Councilmembers. All mail for Councilmembers is opened by the City Clerk or designee, unless other arrangements are requested by a Councilmember. Mail addressed to the Mayor is reviewed first by the City Manager who notes suggested action and/or follow-up items.

Requests for additional staff support – even in high priority or emergency situations -- should be made to the City Manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.

Do not solicit political support from staff.

Councilmembers 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.

Prior to Council Meetings

When preparing for Council meetings, Council members should direct questions ahead of time to the City Manager so that staff can provide the desired information at the Council meeting.

V. Council Conduct with and Relationship to the City Attorney

No Attorney-Client Relationship

Council members who consult the City Attorney, his or her staff and/or attorney(s) contracted to work on behalf of the City cannot enjoy or establish an attorney-client relationship with said attorney(s) by consulting with or speaking to same. Any attorney-client relationship established belongs to the City, acting through the City Council and as may be allowed in Florida Bar Rules of Professional Conduct and State law for purposes of defending the City and/or the City Council in the course of litigation and/or administrative proceedings, etc.

Request for Legal Assistance

Legal assistance may be requested directly to the City Attorney by an individual City Council member outside of public meeting(s) to assist the City Council member in carrying out his or her official duties on a matter. The City Attorney will respond to the individual request as prescribed in the Legal Services Agreement with the City.

VI. Council Conduct with the Public

"If a man be gracious and courteous to strangers, it shows he is a citizen of the world, and that his heart is no island cut off from other lands, but a continent that joins to them."

-- Francis Bacon

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 Councilmembers

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.

"I give many public presentations so standing up in front of a group and using a microphone is not new to me. But I found that speaking in front of Council was an entirely different experience. I was incredibly nervous and my voice was shaking. I think the reason was because the issue was so personal to me. The Council was going to take a vote that would affect my family's daily life and my home. I was feeling a lot of emotion. 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."

Give the appearance of active listening. It is disconcerting to speakers to have Councilmembers 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 gazing around the room gives the appearance of disinterest.

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

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

No personal attacks of any kind, under any circumstance

Councilmembers 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.

In Unofficial Settings

Make no promises on behalf of the Council.

Councilmembers 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 do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).

Make no personal comments about other Councilmembers. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Councilmembers, their opinions and actions.

Remember that Dunnellon will always be a small town at heart.

Councilmembers 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 Dunnellon. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Councilmembers, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

VII. Council Conduct with Other Public Agencies

"Always do right. This will gratify some people and astonish the rest."

-- Mark Twain

Be clear about representing the city or personal interests.

If a Councilmember appears before another governmental agency or organization to give a statement on an issue, the Councilmember 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 Councilmember is representing the City, the Councilmember must support and advocate the official City position on an issue, not a personal viewpoint.

If the Councilmember is representing another organization whose position is different from the City, the Councilmember should withdraw from voting on the issue if it significantly impacts, or is detrimental to the City's interest. Councilmembers should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

Correspondence also should be equally clear about representation.

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

City letterhead shall not be used for correspondence of Councilmembers representing a personal point of view, or a dissenting point of view from an official Council position.

VIII. Council Conduct with Boards and Commissions

"We rarely find that people have good sense unless they agree with us."

--Francois, Duc de La Rochefoucauld

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.

Councilmembers 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 a Councilmember at a Board or Commission meeting should be clearly made as an individual opinion, and not a representation of the feelings of the entire City Council.

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

It is inappropriate for a Councilmember to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for Councilmembers to

contact Board or Commission members in order to clarify a position taken by the Board or Commission.

Remember that Boards and Commissions serve the community, not individual Councilmembers.

The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But Board and Commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

Be respectful of diverse opinions.

A primary role of Boards and Commissions is to represent many points of view in the community, and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commissions.

Keep political support away from public forums.

Board and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

Inappropriate behavior can lead to removal.

Inappropriate behavior by a Board or Commission member should be noted to the City Manager, and the City Manager should counsel the offending member. If inappropriate behavior continues, the City Manager should bring the situation to the attention of the Council, and the individual is subject to removal from the Board or Commission.

IX. Council Conduct with the Media

"Keep them well fed and never let them know that all you've got is a chair and a whip."

-- Lion Tamer School

Councilmembers 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 is the official spokesperson for the representative on City position.

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

Choose words carefully and cautiously. To avoid inadvertent errors by the media when quoting what a Councilmember says, it is advisable to give short answers. 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.

X. Sanctions

"You cannot have a proud and chivalrous spirit if your conduct is mean and paltry; for whatever a man's actions are, such must be his spirit." -- Demosthenes

Public Decorum

No person attending Council meetings shall be allowed to make obscene, vulgar, or abusive remarks, nor shall any person be allowed to make repetitive remarks so as to become disruptive to the purpose of the meeting. No person shall be allowed to become violent, aggressive, belligerent, or boisterous. Any such person shall be instructed by the Chair to cease making such remarks or engaging in such improper conduct. If the person fails to

comply with the Chair's instruction, (s)he may be removed from the Council Chambers upon the Chair's directive, unless a majority of Council grants such person permission to remain in Council Chambers.

It is the duty of the Chief of Police or a member of the Police Department acting as sergeant-at-arms to forcibly evict, if necessary, any person from the Council Chambers upon the order of the Chair or Council at any such meeting. The sergeant-at-arms shall carry out all orders and instructions given by the Chair for the purpose of maintaining order and decorum at the Council meeting.

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

All persons wishing to address the City Council must limit their comments to the specific subject being addressed. All questions or comments must be directed to the Chair rather than to an individual Councilmember, City Staff, Attorney, or other City consultant.

Inappropriate Staff Behavior

Councilmembers should refer to the City Manager any City staff or to the City Attorney any City Attorney's staff who do not follow proper conduct in their dealings with Councilmembers, 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.)

XI. Principles of Proper Conduct

Proper conduct IS ...

- Keeping promises
- Being dependable

- Building a solid reputation
- Participating and being available
- Demonstrating patience
- Showing empathy
- Holding onto ethical principles under stress
- Listening attentively
- Studying thoroughly
- Keeping integrity intact
- Overcoming discouragement
- Going above and beyond, time and time again
- Modeling a professional manner

Proper conduct IS NOT ...

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up bad feelings, divisiveness
- Acting in a self-righteous manner
- **It all comes down to respect.**

Respect for one another as individuals . . . respect for the validity of different opinions
respect for the democratic process . . . respect for the community that we serve.

XII. Checklist for Monitoring Conduct

- Will my decision/statement/action violate the trust, rights or good will of others?
- What are my interior motives and the spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense?
- Will it destroy their trust in me? Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?
- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- Do I exhibit the same conduct in my private life as I do in my public life?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and understand the views of others?

- Do I question and confront different points of view in a constructive manner?
- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

XIII. Glossary of Terms

attitude - The manner in which one shows one's dispositions, opinions, and feelings

behavior - External appearance or action; manner of behaving; carriage of oneself

civility - Politeness, consideration, courtesy

conduct - The way one acts; personal behavior

courtesy - Politeness connected with kindness

decorum - Suitable; proper; good taste in behavior

manners - A way of acting; a style, method, or form; the way in which things are done

point of order - An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration

point of personal privilege - A challenge to a speaker to defend or apologize for comments that a fellow Councilmember considers offensive

propriety - Conforming to acceptable standards of behavior

protocol - The courtesies that are established as proper and correct

respect - The act of noticing with attention; holding in esteem; courteous regard

I affirm that I have read and understand this City of Dunnellon Code of Conduct.

Printed Name

Council Seat Number

Councilmember Signature

Date