

OTHER ISSUES TO CONSIDER:

Conflicts of Interest

FOIA

Dealing with constituents' emails and conversations with constituents

Mediating between constituents and town employees, e.g., requests for town services.

Sanctions

Social media

Roberts Rules

**CODE OF CONDUCT FOR
WESTPORT RTM MEMBERS
DRAFT 3/24/21**

Adopted by the RTM

XXX YY, 20XX

Code of Conduct for Westport RTM Members

The Three Rs Government Leadership: Roles, Responsibilities and Respect

The Town Charter and the RTM Rules of Procedure provide detailed information on the roles and responsibilities of the Representative Town Meeting members. Until now, what has not been clearly written down is a Code of Conduct for Representative Town Meeting members.

This Code of Conduct is designed to describe the manner in which Representative Town Meeting members should treat one another, Town staff, constituents, and others they come into contact with in representing Westport. It reflects the work of the RTM Special Conduct Committee with defining more clearly the behavior, manners, and courtesies that are suitable for various occasions.

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The constant and consistent theme through all of the conduct guidelines is "respect." RTM members experience stress in making decisions that impact the lives of the citizens. At times, the impacts of the entire community must be weighed against the impact of only a few. Despite these pressures, RTM members 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 RTM members to do the right thing in even the most difficult situations.

Overview of Roles & Responsibilities

Resources that are helpful in defining the roles and responsibilities of RTM members can be found in the Westport's Town Charter and Code of Ordinances and the RTM Rules of Procedure.

ALL RTM MEMBERS

All RTM members have equal votes. No RTM member has more power than any other RTM member, and all should be treated with equal respect.

All RTM members should:

- Fully participate in RTM meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others **Add language regarding participating in Committee meetings as well as the regular RTM monthly meetings.**
- Prepare in advance of 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
- Inspire public confidence in Westport's government
- Demonstrate honesty and integrity in every action and statement
- Participate in scheduled activities

Policies & Protocol Related To Conduct

Endorsement of Candidates

RTM members have the right to endorse candidates for all RTM seats or other elected offices. It is inappropriate to mention endorsements during RTM meetings or other official Town meetings or functions.

RTM Members' Conduct with One Another

Consider differentiating between RTM committee meetings and regular monthly RTM meetings

The RTM 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 RTM members may "agree to disagree" on contentious 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, RTM members 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. RTM members should conduct themselves in a professional manner at all times, including dress.

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

It is the responsibility of the Mayor to keep the comments of RTM members on track during public meetings. RTM 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.

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

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

- **Demonstrate effective problem-solving approaches**

RTM members 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.

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

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

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 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 speaker phone in a full office? What would happen if this e-mail message was 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.

RTM Conduct with Town Staff

Governance of a Town relies on the cooperative efforts of elected officials, who set policy, and Town staff, who implement and administer the RTM'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 towards staff is not acceptable.

- **Never publicly criticize an individual employee**

RTM should never express concerns about the performance of a Town employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the Town Manager through private correspondence or conversation.

- **Do not get involved in administrative functions**

RTM members must not attempt to influence Town staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of Town licenses and permits. The Evans Town Charter, Section 4.6, also contains information about the prohibition of RTM interference in administrative functions.

SECTION 3: Elected Official Conduct with Town Staff

Governance of the Town relies on the cooperative efforts of elected officials who set policy and the Town staff who implement and administer the RTM's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each other for the good of the community.

- Treat all Staff as Professionals

RTM members should 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. RTM members should refer to staff by their title followed by the individual's last name in public meetings when first introduced.

- Never Publicly Demean or Personally Attack an Individual Employee

RTM members shall never demean or personally attack an employee regarding the employee's job performance in public. All employee performance issues shall be forwarded to the employee's supervisor or the Town Attorney through private correspondence or conversation.

- 1) Do not Supersede Administrative Authority

Unless otherwise provided in this Code, neither the RTM, nor any of its members, shall attempt to supersede the administration's powers and duties. Neither the RTM nor any member thereof shall give orders to any subordinate of the Department Heads, either publicly or privately. RTM members shall not attempt to unethically influence or coerce Town staff concerning either their actions or recommendations to RTM about personnel, purchasing, awarding contracts, selection of consultants, processing of development applications, or the granting of Town licenses and permits.

Nothing in this section shall be construed, however, as prohibiting the RTM while in open session from fully and freely discussing with or suggesting to the Department Heads anything pertaining to Town affairs or the interests of the Town.

- Do not Solicit Political Support from Staff

RTM members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, collection of petition signatures, etc.) from Town staff. Town staff may, as private citizens within their constitutional rights, support political candidates, but all such activities must be done away from the workplace. Photographs of uniformed Town employees shall not be used in political ads.

SECTION 4: Elected Official Conduct Towards 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 RTM members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony. The RTM members are expected to demonstrate, both publicly and privately, their honesty and integrity, and to be an example of appropriate and ethical conduct. All RTM members should convey to the public their respect and appreciation for the public's participation, input, and opinions.

- Be welcoming to Speakers and Treat them with Care and Respect

For many citizens, speaking in front of RTM is a new and difficult experience. Under such circumstances, many are nervous. RTM members are expected to treat citizens with care and respect during public hearings. RTM members should commit full attention to the speakers or any materials relevant to the topic at hand. Comments and non-verbal expressions should be appropriate, respectful, and professional.

- o Be Fair and Equitable in Allocating Public Hearing Time to Individual Speakers

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

Each speaker may only speak once during the public hearing unless the RTM requests additional clarification later in the process. After the close of the public hearing, no additional public testimony will be accepted unless the RTM reopens the public hearing for a limited and specific purpose.

o Ask for Clarification, but Avoid Debate and Argument with the Public

Only the Mayor, not other RTM members, should interrupt a speaker during a presentation. However, other RTM members may ask the Mayor for a point of order if the speaker is off the topic or exhibiting behavior or language the RTM member finds disturbing. Questions directed by RTM members to members of the public testifying should seek to clarify or expand information, not to criticize or debate.

• Follow Parliamentary Procedure in Conducting Public Meetings

The Town Attorney serves as advisory parliamentarian for the Town and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Mayor or Committee Chair, subject to the appeal of the full RTM or Committee per Roberts Rules of Order. [GBMC 2.06(1)]

RTM 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 RTM members 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**

Speaking in front of RTM can be a difficult experience for some people. Some issues the RTM undertakes may affect people's daily lives and homes. Some decisions are emotional. The way that RTM 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 Mayor will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated three- minutes with applicants and appellants or their designated representatives allowed more time. If many speakers are anticipated, the Mayor 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 RTM requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Mayor reopens the public hearing for a limited and specific purpose.

- **Give the appearance of active listening**

It is disconcerting to speakers to have RTM members 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. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

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

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

If speakers become flustered or defensive by RTM questions, it is the responsibility of the Mayor to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by RTM 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. RTM 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**

RTM 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.

IN UNOFFICIAL SETTINGS

- **Make no promises on behalf of the RTM**

RTM members will frequently be asked to explain a RTM 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 Town policy and to refer to Town staff for further information. It is inappropriate to overtly or implicitly promise RTM action, or to promise Town 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 RTM members**

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other RTM members, their opinions and actions.

- **Remember that despite its impressive population figures, Evans is a small community at heart**

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

RTM Conduct with Other Public Agencies

COMBINE WITH SECTION ON CONDUCT WITH BOARDS AND COMMISSIONS

- **Be clear about representing the Town or personal interests**

If a RTM member appears before another governmental agency or organization to give a statement on an issue, the RTM member must clearly state:

- 2) if his or her statement reflects personal opinion or is the official stance of the Town;
- 3) whether this is the majority or minority opinion of the RTM. Even if the RTM member is representing his or her own personal opinions, remember that this still may reflect upon the Town as an organization.

If the RTM member is representing the Town, the RTM member must support and advocate the official Town position on an issue, not a personal viewpoint.

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

RTM Conduct With Boards and Commissions

COMBINE WITH SETION ON CONDUCT WITH PUBLIC AGENCIES

- **If attending a Board or Commission meeting, be careful to only express personal opinions**
RTM members may attend any Board or Commission meeting, which are always open to any member of the public. However, if the Board or Commission is conducting a public hearing, the RTM member shall remove themselves from the proceedings. RTM members 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 RTM member at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire Town RTM. Also, a RTM member's presence may affect the conduct of the Board or Commission and limit their role and function.

- **Limit contact with Board and Commission members**

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

- **Remember that Boards and Commissions serve the community, not individual RTM members**

The Town RTM appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the RTM. But Board and Commission members do not report to individual RTM members, nor should RTM members 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 RTM with advice based on a full spectrum of concerns and perspectives. RTM members must be fair and respectful of all citizens serving on Boards and Commissions.

- **Keep political support away from public forums**

RTM members may support Board and Commission members who are running for office, but not in an official forum in their capacity as an RTM member.

RTM Conduct with The Media

Add social media and First Amendment issues

RTM members may be 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 Town position.**

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

- **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

- **Public Disruption**

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the RTM Chambers.

- **Inappropriate Staff Behavior**

RTM members should refer to the Town Manager any Town staff who do not follow proper conduct in their dealings with RTM members, other Town staff, or the public. These employees may be disciplined in accordance with standard Town procedures for such actions.

- **RTM members Behavior and Conduct**

Town RTM members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the RTM. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by RTM.

RTM members should point out to the offending RTM member infractions of the Code of Ethics or Code of Conduct. If the offenses continue, then the matter should be referred to the Mayor in

private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Mayor Pro-Tem.

It is the responsibility of the Mayor to initiate action if a RTM member's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full RTM 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 RTM members, the alleged violation should be referred to the Mayor. The Mayor should ask the Town Manager and/or the Town Attorney to investigate the allegation and report the findings to the Mayor. It is the Mayor'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 to the full RTM to consider in a public meeting; or forming a RTM ad hoc subcommittee to review the allegation; the investigation and its findings, as well as to recommend sanction options for RTM consideration.

Principles of Proper Conduct

Proper conduct IS ...

- p Keeping promises
- o Being dependable
- o Building a solid reputation
- o Participating and being available
- o Demonstrating patience
- o Showing empathy
- o Holding onto ethical principles under stress
- o Listening attentively
- o Studying thoroughly
- o Keeping integrity intact
- o Overcoming discouragement
- o Going above and beyond, time and time again
- p 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.

Checklist for Monitoring Conduct

Should this section be kept?

- 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?
-