



CITY OF
**EAU
CLAIRE**

Code of Conduct for Elected Officials

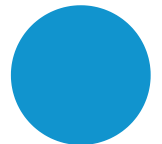
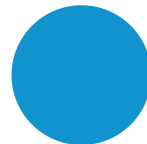
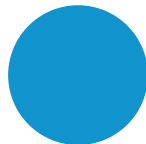
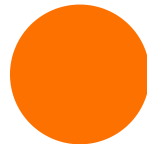
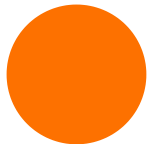
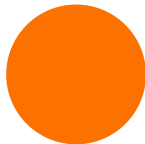
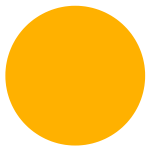


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SECTION 1: The City of Eau Claire Code of Conduct

It is the policy of the City of Eau Claire to uphold, promote, and demand the highest standards of ethics from its elected officials. Accordingly, members of the City Council shall maintain the utmost standards of personal integrity, trustfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws, and never use their City position or authority improperly or for personal gain.

The City of Eau Claire and its elected officials share a commitment to ethical conduct and service to the City of Eau Claire. This Code has been created to ensure that all officials have clear guidelines for carrying out their responsibilities in their relationships with each other, with the City staff, with the citizens of Eau Claire, and with all other private and governmental entities. By adoption of this Code of Conduct it is the hope and expectation of the City Council that Council Members individually, and the City Council as a whole, will aspire to these high standards and in the event that these shared objectives are not met in any instance that self-correction will occur in most every case, with any enforcement a rare and last option.

SECTION 2: Elected Official Conduct with One Another

The City Council (hereinafter the "Council") have a responsibility to set the policies for the City. In doing so, certain types of conduct are beneficial while others are destructive. The Council has the responsibility to take the high road on Intra-Council conduct and to treat other Council members as they would like to be treated.

The Council is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all choose to serve in public office and, therefore, have the obligation to preserve and protect the well-being of the community and its citizens. In all cases, this common goal should be acknowledged, and the Council must recognize that certain behavior is counterproductive, while other behavior will lead to success.

A. Use Formal Titles

The Council shall try to refer to one another formally during public meetings as Council President, or Council person or Council member followed by the individual's last name.

B. Use 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 free democracy in action and are therefore to be expected. Every Council member has the right to an individual opinion, which should be respected by the other Council members. Council members shall not be hostile, degrading, or defamatory. Council members should assume the other members of the Council have the appropriate motives and interest of the public in mind and should not criticize differing opinions because they believe them to be lacking in judgment or improperly motivated.

However, this does not allow Council members to make belligerent, impertinent, slanderous, threatening, abusive, or personally disparaging comments in public meetings, during individual encounters, or at any time while acting in their official capacity. Shouting or physical actions that

could be construed as threatening or demeaning will not be accepted. If a Council member is personally offended by the remarks of another Council member, the offended member should make a note of the actual words used and call for a "point of personal privilege" seeking the Chair of the Council to ask the other Council member to either justify or apologize for the language used. (e.g. While debating a tough substantive issue before City Council member "A" disagrees with the position of member "B" but in doing so member "A" goes beyond the substantive issue and uses a personally disparaging, offensive term or comment about member "B." Member "B" should seek a point of personal privilege of the Chair asking that the Chair remind Member "A" to avoid personal attacks and stay on the substantive issue and then afford Member "A" an opportunity to either explain his or her comment or to apologize to Member "B" and the City Council for a comment outside this Code made in the heat of debate.

C. Honor the Role of the Chair in Maintaining Order

It is the responsibility of the Council President, as Chair of the Council, to keep the comments of Council members on track during Council meetings. Council members should honor efforts by the Council President to focus discussion on current agenda items. If there is disagreement about the agenda or the Council President's actions, those objections should be voiced politely and with reason, following commonly recognized parliamentary procedure. Likewise, the same responsibilities vested in the Council President for Council meetings, are vested in the Committee Chair for Committee meetings.

D. Discrimination and Other Harassment

The Council is committed to providing an environment that is free of discrimination and unlawful harassment. Unwelcome, intimidating, hostile or offensive actions, words, jokes or comments based on an individual's gender, race, ethnicity, age, sexual orientation, gender expression, gender identity, disability, religion or any other legally protected characteristic will not be tolerated. Harassment (both overt and subtle) is a form of misconduct that is demeaning to others and undermines the integrity of relationships. This type of behavior is strictly prohibited.

SECTION 3: Elected Official Conduct with City Staff

Governance of the City relies on the cooperative efforts of elected officials who set policy and the 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 other for the good of the community.

A. Treat all Staff as Professionals

Council members shall 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. Council members should refer to staff by their title or formal salutation followed by the individual's last name in public meetings when first introduced.

B. Never Publicly Demean or Personally Attack an Individual Employee

Council 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 City Manager, the Human Resources Director or the City Attorney through private correspondence or conversation.

C. Do Not Supersede Administrative Authority

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

Purchasing and awarding of contracts are further subject to the City's Code of Ordinances, specifically Ch. 2.92, and state ethics and criminal law. Wis. Stat. § 19.59 and § 946.13.

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

D. Do not Solicit Political Support from Staff

Council 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 City staff. City 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 City employees shall not be used in political ads.

E. Equal Opportunity /Affirmative Action

In order to provide equal employment and advancement opportunities to all individuals, employment decisions of the City of Eau Claire are based on merit, qualifications, and abilities. The City does not discriminate in employment opportunities or practices on the basis of race, color, religion, gender, national origin, sexual orientation, age, disability, or any other characteristic protected by law. Our *Equal Opportunity Policy* governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. Council members shall treat employees and each other in a manner consistent with this City policy to prevent unlawful discrimination and promote an inclusive positive work environment and working relationships.

SECTION 4: Elected Official Conduct Towards the Public

In Public Meetings

Making the public feel welcome is an important part of the democratic process and a City strategic objective to increase desired public participation. No signs of partiality, prejudice, or disrespect should be evident on the part of individual Council 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 Council members are expected to demonstrate, both publicly and privately, their honesty and integrity, and to be an example of appropriate and ethical conduct. All Council members should convey to the public their respect and appreciation for the public's participation, input, and opinions.

A. Be welcoming to Speakers and Treat them with Care and Respect

For many citizens, speaking in front of Council is a new and difficult experience. Under such circumstances, many are nervous. Council members are expected to treat citizens with care and respect during public hearings. Council 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.

B. Be Fair and Equitable in Allocating Public Hearing Time to Individual Speakers

The Council President 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 Council President 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 Council requests additional clarification later in the process. After the close of the public hearing, no additional public testimony will be accepted unless the Council reopens the public hearing for a limited and specific purpose.

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

Only the Council President, not other Council members, should interrupt a speaker during a presentation. However, other Council members may ask the Council President for a point of order if the speaker is off the topic or exhibiting behavior or language the Council member finds does not meet Council's standards of conduct. Questions directed by Council members to members of the public testifying should seek to clarify or expand information, not to criticize or debate.

D. Follow Parliamentary Procedure in Conducting Public Meetings

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 Council President or Committee Chair, subject to the appeal of the full Council or Committee per Roberts Rules of Order. (Code of Ord. §2.08.060).

Outside Public Meetings

E. Make no Promise on Behalf of the City or Council in Unofficial Settings.

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. Overt or implicit promises of specific Council action or promises that City staff will take some specific actions shall be avoided.

Council members must ensure that in expressing their own opinions they do not mislead any listener into believing that their individual opinion is that of the entire Council, unless the Council has taken a vote on that issue and the Council member's opinion is the same as the decision made by the Council. Likewise, no Council member should state in writing that Council member's position in a way that implies it is the position of the entire City Council. A Council member has the right to state a personal opinion, and has the right to indicate that he/she is stating such as a member of the Council, but must always clarify that he/she is not speaking on behalf of the City or the Council unless authorized by the Council to do so.

SECTION 5: Elected Official Conduct with Public Agencies

A. Be Clear about Representing the City or Personal Interests

If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must clearly state whether his or her statement reflects personal opinion or is the official stance of the City.

B. Representation of the City on Outside Entities

Council members serving as a City representative on outside boards, entities or agencies shall represent the City's best interests and share information and seek input upon responsible request or need with fellow Council members and the City Manager, in a manner consistent with the Open Meetings Law, on issues before the board, entity or agency that are pertinent to the City.

SECTION 6: Elected Official Conduct with Boards and Commissions

A. Limit Contact with Board and Commission Members to Questions of Clarification

Council members shall not contact a Board or Commission member to lobby on behalf of an individual, business, or developer for personal gain. Council members may contact Board or Commission members in order to clarify a position taken by the Board or Commission or a member thereof. Council members may respond to inquiries from Board and Commission members. Communications should be for information only.

B. Attendance at Board or Commission Meetings

Council members 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 is viewed, especially if it is on behalf of an individual, business, or developer, which could be perceived as unfairly affecting the process.

C. 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. Council members must be fair and respectful to all citizens serving on Boards and Commissions.

SECTION 7: Elected Official Conduct with the Media

A. Expression of Positions on Issue

When communicating with the media, Council members should clearly differentiate between personal opinions and the official position of the City. Each Council member represents one vote of eleven and until a vote on any issue is taken, Council members' positions are merely their own.

B. Discussions Regarding City Staff

Council members should not discuss personnel issues or other matters regarding individual City staff in the media. Any issues pertaining to City staff should only be addressed directly to the City Manager, Human Resources Director or City Attorney.

SECTION 8: Enforcement

A. Implementation

The Code of Conduct is intended to be self-enforcing as the City Council holds itself to this established high ethical standard. Ethical and conduct standards shall be included in the annual City Council orientation at the Council Academy or other similar training of elected or appointed Council members. Elected or appointed Council members upon entering office shall be provided a copy of the Code of Conduct and shall sign an acknowledgement of receipt, certify they have read and understand it, and pledge to comply with its requirements.

B. Points of Order and Privilege

Violations of this Code of Conduct, when made during a chaired public meeting, should be noted promptly after their occurrence by rising to a point of order (applicable when a member believes these or other rules applicable to the board are not being followed) and stating the violation or concern. The Council President or chair shall rule on the point of order, which does not need a second and is not debatable. The Chair's decision shall stand unless challenged and reversed by a majority vote of the members present and voting as an open session of the City Council. The closely related point of privilege or personal privilege (applicable when some matter which concerns the rights or privileges of the board or board member requires immediate attention) may also be utilized in the same manner as above.

C. Communication and Reconciliation Between Council Members Outside of Council Meetings

Any Council member who feels a violation of the Code of Conduct has occurred outside of a public Council meeting may raise the issue privately with the other Council member. Attempts should be made to resolve any issue in a professional, private manner and may include use of a professional mediation service (Try Mediation is one such service offered in our community and a preferred first option as a non-profit offering dispute resolution services to the City and Eau Claire County, among other public entities in the region. Any modest fees for the use of Try Mediation for this purpose may be submitted for payment from the City Council budget).

D. Censure – Complaint Process and Action by City Council

The censure process is anticipated to be rare and shall be utilized only after methods of enforcement and resolution available under Section 8 B. and C. are attempted. Repeated or serious violations of the Code of Conduct can be noted by a written complaint filed with the City Clerk and signed by at least three (3) Council members. A copy of the complaint shall be provided to the party alleged to be in violation. Complaints shall be heard by the City Council. Censure shall only be made upon a 2/3 vote of the entire City Council (8 votes of 11 Council members).

E. State Ethics Code and Crimes Against Government and its Administration

This Code is consistent with and in addition to applicable state laws of ethics and prohibited criminal behavior applicable to public officials, including the City Council, which include but are not limited to the following:

1. Code of ethics for local government officials § 19.59(1).
2. Bribery of public officers and employees § 946.10
3. Misconduct in public office § 946.12
4. Private interest in public contract prohibited § 946.13

Any suspected violations of these laws shall be referred to and investigated by the district attorney or attorney general as provided by law. Wis. Stat. § 19.59(8).

F. Other Possible Penalties or Sanctions

Other possible forms of sanction are available statutorily to address specific harms. These possible sanctions include:

1. Compulsory attendance of a member. To ensure attendance and prevent or respond as necessary to neglect of duty pursuant to Wis. Stat. § 62.11
2. Removal from a position on a committee, board or commission to which the member was appointed by the City Council.
3. Removal from office. Removal from office may only occur by a $\frac{3}{4}$ vote of the entire City Council (9 of 11 Council members), and only for cause. Wis. Stat. § 17.12(1)(a). Cause is defined as "inefficiency, neglect of duty, official misconduct, or malfeasance in office." Wis. Stat. § 17.001.