

CITY OF BAY CITY

ORDINANCE NO. 679

**AN ORDINANCE ADOPTING A CODE OF CONDUCT
FOR ELECTED OFFICIALS OF THE CITY OF BAY CITY**

THE CITY COUNCIL OF THE CITY OF BAY CITY, OREGON ORDAINS AS FOLLOWS:

1. Purpose: The purpose of the Code of Conduct is to encourage proper decorum for the conduct of City Council meetings, for proper conduct of elected officials outside of public meetings and to assure that all concerns are presented, heard and decided in the most efficient manner. This Code of Conduct is in addition to the Council Rules of Procedure. This Code does not replace any state requirements for Public Meetings, Public Records, ethics requirements or other applicable laws applicable to elected officials.

The Bay City Charter defines the Council as the Mayor and six Councilors. Any reference to Council in this Ordinance makes reference to the Mayor and six Councilors.

2. Mayor and Councilor Conduct During Meetings.
 - A. 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 democratic governance. This does not allow, however, for Council members to make belligerent, personal, slanderous, offensive, threatening, abusive, or disparaging comments to the Mayor, other Councilors, the staff or to the public. Further, all comments must be made at the appropriate times, in accordance with the Council Rules of Procedure.
 - B. Avoid personal, offensive comments. If a Council member is offended by the conduct or remarks made by any person during a meeting, the offended Councilor is encouraged to address the matter early, outside of the public meeting, directly with the offending person.
 - C. Treatment of citizen speakers. For many citizens, speaking in front of the Council is a new and difficult experience. Council members should commit full attention to the speaker. Comments, questions, and non-verbal expressions should be appropriate, respectful and professional. Reasonable time limits may be imposed on citizen speakers by the Mayor or by the Council during meetings.
3. Mayor and Councilor Conduct Outside of Public Meetings.
 - A. Continue respectful behavior in private. The same level of respect and consideration of differing points of view deemed appropriate for public discussion should be maintained in private conversations. Councilors and the Mayor are public officials, even at private or personal events.

- B. Public nature of communications. All written or recorded materials including notes, voicemail, text messages and e-mail created as part of one's official capacity will be treated as potentially "public" communication, which may be discoverable under the Oregon Public Records law.
- C. Private conversations. Council members should be aware that even casual conversation about city business, other public officials or staff may draw attention and be repeated or even published on social media. The Mayor and Councilors should make sure that any comment that they make regarding City business should be clearly stated that it is their own personal opinion and not a statement of City policy or determination.
- D. Make no promises on behalf of the 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 citizens. It is appropriate to give a brief overview. Overt or implicit promises of specific action or promises that City staff will take a specific action are to be avoided.
- E. Obey the Oregon Public Meetings and Records Law. A public official shall at all times comply with the public records and meetings law. No City business shall be discussed, even informally, at any gathering in which a quorum of the City Council is present, even if it is a social occasion.

4. Council Conduct with City Staff.

- A. Respect the professional duties of City Staff. Council members should refrain from disrupting staff from the conduct of their jobs, including but not limited to participating in administrative functions including directing staff assignments, attending staff meetings unless requested by staff and impairing the ability of staff to implement policy decisions.
- B. No authority unless granted by the Council. Individual members of the Council have no individual authority to direct any city staff, unless such authority is specifically granted to the Councilor by the City Council as a whole. This specifically includes no authority to instruct city staff to take any action to benefit a particular Councilor's own property or benefit.

5. Individual Conduct of Council Members. It is the intent of the City Council to exhibit attitudes, words, and actions that demonstrate, support, and reflect the qualities and characteristics of Bay City as "A Place to Call Home." These aspirational goals for Council members include the following:

- A. Be honest with fellow Council members, the public and others.
- B. Credit others' contributions to moving our community's interests forward.
- C. Make independent, objective, fair and impartial judgments by avoiding relationships and transactions that give the appearance of compromising objectivity, independence, and honesty.

- D. Reject gifts, services or other special considerations.
 - E. The Mayor or Councilor should excuse themselves from participating in decisions when the Mayor, Councilor or their immediate family members have a financial interest which may be affected by the Council's action.
 - F. Protect confidential information concerning litigation, personnel, property, or other affairs of the City; including no disclosure of executive session discussions or documents.
 - G. Use public resources, such as staff time, equipment, supplies or facilities, only for City related business.
 - H. Review materials provided in advance of the meeting.
 - I. Make every effort to attend meetings.
 - J. Be prepared to make difficult decisions when necessary.
 - K. Contribute to a strong organization that exemplifies transparency.
 - L. Make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the City.
 - M. Promote meaningful public involvement in decision-making processes.
 - N. Treat Council members, committee members, staff and the public with patience, courtesy and civility, even when there are disagreements on what is best for the community.
 - O. Share substantive information that is relevant to a matter under consideration from sources outside the public decision-making process with fellow Council members and staff.
 - P. Respect the distinction between the role of Council and staff.
 - Q. Conduct oneself in a courteous and respectful manner at all times.
 - R. Encourage participation of all persons and groups during appropriate times.
6. Censure and Violations. To assure the public confidence in the integrity of the City of Bay City, Council members are held to a high standard of conduct. For this reason, Council members believe the Code of Conduct is as important to the public process as other rules and procedures. It is also recognized that, there may be times when action is required to correct and/or prevent behavior that violates the Code of Conduct.

A Council member may be censured by the other Council members for:

- A. Misconduct, including not honoring the provisions of the Council Code of Conduct;
- B. Nonperformance of duty or failure to obey the laws of the federal, state, or local government;
- C. Other significant violations of Ordinances, laws or other behavior of a significant nature which adversely reflects on the City of Bay City and/or the rule of law.

Censure shall only be done by Council Resolution of Censure by a majority of the Council present at a public meeting in which a quorum is present and on which Censure is on the agenda.

Censure shall only be done if the allegations are specific and the offending Councilor has had an opportunity to respond in a public meeting to the specific allegations.

A violation of the Code of Conduct will not be considered a basis for challenging the validity of any Council decision.

7. Savings Clause. If any clause, sentence, paragraph, section, article, or portion of this ordinance shall, for any reason, be adjudged invalid or unenforceable by a court or competent jurisdiction, the remainder of the ordinance shall remain in full force and effect.

8. Effective Date. This Ordinance shall become effective 30 days after passage by the Council and approval of the Mayor.

PASSED and ADOPTED by the City Council this 14th day of November, 2017 and
APPROVED by the Mayor this 14th day of November, 2017.

Shaena E. Peterson

Shaena E. Peterson, Mayor

ATTEST:

Linda Downey

Linda Downey, City Recorder

First Reading: 10/10/2017

Second Reading: 11/14/2017

Ayes: 6

Nays: 0

Abstentions: 0