

VILLAGE OF NEWBERRY



CODE OF CONDUCT FOR ELECTED OFFICIALS

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Prepared by the Village of Newberry Council
Management Committee

Code of Conduct for Elected Officials

The Three R's of Government Leadership: Roles, Responsibilities, and Respect

General Village Law and the Michigan Municipal League provides detailed information on the roles and responsibilities of Council Members, President Protem, and President. The Village's Rules of Conduct provides guidance on ethical issues and questions of right and wrong. Until now, what has not been clearly written down is a Code of Conduct for Newberry's elected officials.

This Code of Conduct is designed to describe the manner which Council Members should treat one another, Village staff, constituents, and others they may meet while representing the Village of Newberry.

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The constant and consistent theme through all the conduct guidelines is "respect." Council Members experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected officials must exhibit appropriate behavior. Demonstrating respect for every individual through words and actions is a touchstone that can help guide Council Members to do the right thing in even the most difficult situations.

This Code of Conduct is to be honored and carried out as written. However, if now or in the future it conflicts with Village Ordinances or other Official Policies duly adopted by the Village Council then those Ordinances and Official Policies shall supersede this Code of Conduct. Only that part superseded shall be impacted, all other sections of this Code of Conduct shall remain in force.

Overview of Roles & Responsibilities

Other resources that are helpful in defining the roles and responsibilities of elected officials can be found in the resources from organizations such as the Michigan Municipal League (MML) and the General Village Law Handbook (GVL).

PRESIDENT

- Acts as the official head of the Village for all ceremonial purposes.
- Chairs Council meetings.
- Calls for special meetings.
- Recognized as the spokesperson for the Village.
- Selects substitutes for Village representation when unable to attend.
- Makes judgement calls on proclamations, Special Orders of the Day, etc.
- Recommends subcommittees as appropriate for Council approval.
- Leads the Council into an effective, cohesive working team.
- Signs documents on behalf of the Village.
- Serves as official delegate of the Village.

PRESIDENT PRO TEM

- Is appointed by the Council and serves at the pleasure of the Council.
- Performs the duties of the President if the President is absent or disabled.
- Chairs Council meetings at the request of the President.
- Represents the Village at ceremonial functions at the request of the President.

ALL COUNCIL MEMBERS

All members of the Village Council, including the President and President Pro Tem, have equal votes. No Council Member has more power than any other Council Member, and all should be treated with equal respect.

All Council Members should:

- Fully participate in Village Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
- Be available to attend all Village Council meetings or assigned committee meetings. While the occasional absence for valid reasons is acceptable, chronic absenteeism will not be tolerated.
- Prepare in advance of Council meetings and be familiar with issues on the agenda.
- Represent the Village at ceremonial functions at the request of the President.
- Be respectful of other'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 Newberry government.
- Provide contact information with the Village Clerk in case an emergency or urgent situation arises while the Council Member 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 President will chair official meetings of the Village Council, unless the President Pro Tem or another Council Member 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 Village Clerk who acts as an advisory parliamentarian. Chair rulings may be overturned if a Council Member makes a motion as an individual and a majority of the Council votes to overrule the Chair.

FORMER COUNCIL MEMBERS

Past members of the Village Council who speak to the current Village Council about a pending issue should disclose who they are speaking on behalf of (individual or organization).

Policies & Protocol Related to Conduct

Ceremonial Events

Requests for a Village representative at ceremonial events will be handled by Village staff. The President will serve as the designated Village representative. If the President is unavailable, Village staff will determine if event organizers would like another representative from the Council. If yes, the President will recommend which Council Member should be asked to serve as a substitute. Invitations received at the Village Office are presumed to be for the official Village representative. Invitations addressed to Council Members at their homes are presumed to be for unofficial, personal consideration.

Correspondence Signatures

Council Members do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Council meetings. Village staff will prepare official letters in response to public inquiries and concerns when requested by the Council. These letters will carry the signature of the President unless the President requests that they be signed by another Council Member or Village staff. If correspondence is addressed only to one Council Member, that Council Member should check with staff on the best way to respond to the sender.

Endorsement of Candidates

Council Members have the right to endorse candidates for all Council seats or other elected offices so long as that endorsement is made as a citizen and not made as a Council Member. Council Members shall not mention endorsements during Council meetings or other official Village meetings. Council Members shall not use any Village resources or assets to make endorsements or advocate for any political issue at any time.

Intergovernmental Relations

The Council will hold an annual meeting on intergovernmental relations (IGR) to assign specific Council Members to take a leadership role on new issues and to hear updates on pending issues. A Chair for each Council Subcommittee should be selected at the first meeting of the Subcommittee after the IGR assignments are made.

Legislative Process

The Village uses parliamentary procedure for meeting management.

Non-agenda Items

During a designated public comment portion of the agenda, citizens, Council Members, and staff may bring forth issues of questions that are not on the meeting's agenda. Topics should be legislative items requiring action by the President or the Council, study issues for future consideration, and requests for information. Each speaker, citizen, or elected official, will be limited to three minutes.

Public Announcements in Council Meetings

Council Members who want to speak first during the Public portion of the Council meeting should notify the Chair in advance. Otherwise, Council Members will be recognized when the

Chair acknowledges them. Council Members, like members of the public who use this portion of the agenda to recognize achievements or promote an event, will be limited to three minutes each and should keep the focus on matters of community-wide interest.

Public Comment Protocol

Council Members will not express opinions during the public comment portion of the meeting except to ask pertinent questions of the speaker or staff. “I think” and “I feel” comments by Council Members are not appropriate until after the close of the public comment portion of the meeting. Council Members should refrain from arguing or debating with the public during public comment and shall always show respect for different points of view.

Main motions may be followed by amendments, followed by substitute motions. Any Council Member can call for a point of order. Only Council Members who voted on the prevailing side may make motions to reconsider. Council Members who desire to make the first motion on issues which they feel strongly about should discuss their intention with the Chair in advance of the Council meeting.

Travel Expenses

The policies and procedures related to the reimbursement of travel expenses for official Village business by Council Members are outlined in the Village Policy. All Council travel in excess of the allowed budget, in which the Council Member expects to officially represent the Village and/or be reimbursed by the Village for travel costs, must be approved in advance by the Council. The travel policy and budget for Council should be reviewed at each annual budget cycle.

Council Conduct with One Another

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

- **Use formal titles**

The Council should refer to one another formally during public meetings as President, President Pro Tem or Council Trustee followed by the individual’s last name.

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

Difficult questions, tough challenges to a specific viewpoint, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council Members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or

disparaging 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 command of Council Members on track during public meetings. Council Members 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, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

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

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

- **Demonstrate effective problem-solving approaches**

Council Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the whole community.

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 distributing 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 email 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.

Council Conduct with Village Staff

Governance of the Village relies on the cooperative efforts of elected officials, who set policy, and Village 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 all individuals for the good of the community.

- **Treat all staff as professionals**

Clear, honest communication that respects the abilities, experience, and dignity of all individuals is expected. Poor behavior towards staff is not acceptable.

- **Limit contact to specific Village staff**

Questions of Village staff and/or requests for additional background information should be directed only to the Village Manager.

Requests for follow-up or directions to staff should be made only through the Village Manager when appropriate. When in doubt about what staff contact is appropriate, Council Members should ask the Village Manager for direction. Materials supplied to a Council Member 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 Village staff from their job**

Council Members should not disrupt Village 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 Village employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the Village Manager through private correspondence or conversation.

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

Council Members must not attempt to influence Village staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of licenses and permits.

- **Check with the Village Manager on correspondence before taking an action**

Before sending correspondence, Council Members should check with the Village Manager to see if an official response has already been sent or is in progress.

- **Do not attend meetings with Village staff unless requested by staff**

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

- **Limit requests for staff support**

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

- **Do not solicit political support from staff**

Council Members shall not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from Village staff. Village staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

Council 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 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.

- **Be welcoming to speakers and treat them with care and gentleness**

Even those who are used to standing in front of a group or giving presentations may find themselves anxious when speaking to the Council. The way the Council treats people during public comment can do a lot to make the speaking public either relax or push their emotions to a higher level of intensity.

- **Be fair and equitable in allocating public hearing time to individual speakers**

Any member of the public who wishes to speak during public comment times should be given the same amount of time to speak. It's not the public's fault if the meeting is running longer than expected and they should not be penalized for it. The Chair 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 appropriate. If many speakers are anticipated, the Chair 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 public comment unless the Council requests additional clarification later in the process. A speaker may not yield their time to another speaker. After the close of public comment, no more public testimony will be accepted unless the Chair reopens public comment for a limited and specific purpose.

- **Give the appearance of active listening**

It is disconcerting to speakers when Council Members do not look at them when they are speaking. It is fine to look down at documents or 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 Chair, not individual Council Members, can interrupt a speaker during a presentation. However, a Council Member can ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior or language the Council Member finds disturbing.

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

- **No personal attacks of any kind, under any circumstance**

Council Members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

- **Follow parliamentary procedure in conducting public meetings**

The Village Clerk serves as advisory parliamentarian for the Village 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.

IN UNOFFICIAL SETTINGS

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

Council Members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of Village policy and to refer to Village staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise Village 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 Council Members**

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

- **Remember that Newberry is a small town**

Council Members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper decorum in the Village of Newberry. Honesty and respect for the dignity of individuals should be reflected in every word and action taken by Council Members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

Council Conduct with Other Public Agencies

- **Be clear about representing the Village 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: 1) if his or her statement reflects personal opinion or is the official stance of the Village; 2) whether this is the majority or minority opinion of the Council.

If the Council Member is representing the Village, the Council Member must support and advocate the official Village position on an issue, not a personal viewpoint.

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

- **Correspondence also should be equally clear about representation**

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

Council Members may not use Village letterhead for correspondence of Council Members representing a personal point of view, or a dissenting point of view from an official Council position.

Council Conduct with Boards and Committees

The Village has established several Boards and Committees as a means of gathering more community input. Citizens who serve on Boards and Committees become more involved in government and serve as advisors to the Village Council. They are a valuable resource to the Village's leadership and should be treated with appreciation and respect.

- **If attending a Board or Committee meeting, be careful to only express personal opinions**

Council Members may attend any Board or Committee 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 Council Member at a Board or Committee meeting should be clearly made as individual opinion and not a representation of the feelings of the entire Village Council.

- **Limit contact with Board and Committee members to questions of clarification**

It is inappropriate for a Council Member to contact a Board or Committee Member to lobby on behalf of an individual, business, or developer. It is acceptable for Council Members to contact Board or Committee members in order to clarify a position taken by the Board or Commission.

- **Remember that Boards and Committees serve the community, not individual Council Members**

The Village Council appoints individuals to serve on Boards and Committees, and it is the responsibility of Boards and Committees to follow policy established by the Council. But Board and Committee members do not report to individual Council Members, nor should Council Members feel they have the power or right to threaten Board and Committee members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Committee 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 Committee appointment should not be used as a political “reward.”

- **Be respectful of diverse opinions**

A primary role of Boards and Committees 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 may have a closer working relationship with some individuals serving on Boards and Committees but must be fair and respectful of all citizens serving on Boards and Committees.

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

Board and Commission members may offer political support to a Council Member, but not in a public forum while conducting official duties. Conversely, Council Members may support Board and Committee members who are running for office, but not in an official forum in their capacity as a Council Member. Board, Commission members, and Council Members shall not use any Village resources or assets to make endorsements or advocate for any political issue at any time.

- **Inappropriate behavior can lead to removal**

Inappropriate behavior by a Board or Committee member should be noted to the President, and the President should counsel the offending member.

Council Conduct with the Media

Council Members 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 President is the official spokesperson for the representative on Village position**

The President is the designated representative of the Council to present and speak on the official Village position. If an individual Council Member is contacted by the media, the Council Member should be clear about whether their comments represent the official Village position or a personal viewpoint. All media requests for interviews, announcements, or documents should be directed to the Village President. The Village President should designate which Council Members should respond to the request or decide if the request should be forwarded to the Village Manager for response.

- **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.

Council Social Media Use

The lines between public and private, personal and professional are blurred in online social networks. Identifying oneself as a Council Member online carries an obligation to conduct oneself in a professional and civil manner. To that extent disclaimers should be used on personal sites that reflect the content contained therein is in no relation to their professional duties as a Council Member.

- **Appropriate/Inappropriate Social Media Behavior**

- Disclose that comments are the personal opinion of the poster and is not an official statement from the Village.
- Comments should not contain profanity, racial slurs, or derogatory terms, and should not contain personal or defamatory attacks.
- Comments should not encourage illegal activity.
- There is no right to privacy when commenting on any official social media site maintained by the Village and is subject to FOIA requests.

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 Council Chambers.

- **Inappropriate Staff Behavior**

Council Members should refer to the Village Manager any Village staff or to the Village Attorney any Village Attorney's staff who do not follow proper conduct in their dealings with Council Members, other Village staff, or the public. These employees may be disciplined in

accordance with standard Village procedures for such actions. (Please refer to the section on Council Conduct with Village Staff for more details on interaction with Staff.)

• **Council Members Behavior and Conduct**

Council Members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the Village of Newberry or with inter-government agencies) or have official travel restricted. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by Council.

Council Members should point out to the offending Council Member infractions of the Code of Ethics or Code of Conduct. If the offenses continue, then the matter should be referred to the President in private. If the President is the individual whose actions are being challenged, then the matter should be referred to the President Pro Tem.

It is the responsibility of the President to initiate action if a Council Member's behavior may warrant sanction. If no action is taken by the President, the alleged violation(s) can be brought up with the full Council in a public meeting.

If violation of the Code of Conduct is outside of the observed behaviors by the President or Council Members, the alleged violation should be referred to the President. The President should ask the Village Manager and/or the Village Attorney to investigate the allegation and report the findings to the President. It is the President'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 Council to consider in a public meeting; or forming a Council ad hoc subcommittee to review the allegation; the investigation and its findings, as well as to recommend sanction options for Council consideration. Videotaping of the complaint hearing should be used for a Council ad hoc subcommittee.

Principles of Proper Conduct

Proper conduct IS...

- Keeping promises.
- Being dependable.
- Showing consistent attendance and participation
- 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.
- Refusing to attend or participate.
- Deliberately lying or misleading.
- Speaking recklessly.
- Spreading rumors.
- Stirring up bad feelings or 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

- 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 will 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?

Glossary of Terms

Attitude	The manner 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 Council Member 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.