

**ORDINANCE NO. 2012-28**

**AN ORDINANCE AMENDING MUNICIPAL CODE CHAPTER 2, ARTICLE II, COUNCIL, DIVISION 1. GENERALLY, BY ADDING SECTION 2-51 CODE OF DECORUM; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.**

BE IT ORDAINED by the Mayor and Council of the City of Wayne, Nebraska:

Section 1. That Chapter 2, Article II, Division 1 of the Municipal Code is amended by adding Sec. 2-51 as follows:

Sec. 2-51. Code of Decorum.

It is the policy of the City of Wayne that the proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of conduct for all city officials and employees is adopted. The City Council may adopt, amend, and/or rescind this code. If any portion of this Code of Conduct is found to conflict with City Ordinance or State Law, the provisions of City Ordinance or State Law shall be followed.

**MAYOR:**

1. Presides at all the meetings of the City Council.
2. May debate any matter coming before the City Council.
3. Votes when his/her vote shall be decisive and the City Council is equally divided on any pending matter.
4. Has superintending control of all officers and affairs of the Municipality and shall take care that the State and Municipal law are complied with.
5. Has the power to approve or veto any ordinance, order, by-law, resolution, award of contract, or allowance of a claim passed by the City Council.
6. Demonstrates respect, kindness, consideration, and courtesy to others.
7. Prepares in advance of City Council meetings and becomes familiar with agenda items.
8. Will not willfully and knowingly use confidential information acquired in the course of and by reason of their official duties for personal gain.
9. Shall communicate to the City Council such information and recommend such measures as in the Mayor's opinion may tend to improve the municipality.
10. May call for a special meeting.
11. Makes judgment calls on proclamations and similar situations.
12. Recognized as spokesperson for the City. The Mayor may designate another.
13. Selects substitute for City representation when unable to attend events.
14. Recommends subcommittees and names for appointment to Committees for City Council confirmation.
15. Leads the City Council into an effective, cohesive working team.
16. Signs documents on behalf of the City.
17. Serves as official delegate of the City at events and conferences.
18. Provides advance notice to City Hall if he/she is unable to attend any called meeting.
19. Demonstrates honesty and integrity in every action and statement.

20. Inspires public confidence in Wayne City government.
21. Will treat all people fairly. ~~based upon authority and recognized standards.~~
22. **Use best efforts to attend all regular meetings. It is expected that, in a year (December 1 to December 1), the Mayor shall not be absent more than (1) eight regular meetings, or (2) five consecutive meetings.**

#### **COUNCIL PRESIDENT:**

1. Chairs Council meetings in the absence of the Mayor.
2. May debate any matter coming before the City Council and may move, second, debate and vote from the chair, subject only to such limitations of debate as are imposed by these rules on all members, and shall not be deprived of any rights and privileges of a Councilmember by reason of his/her acting as presiding officer.
3. Performs the duties of the Mayor if the Mayor is absent or disabled.
4. Represents City at ceremonial functions at the request of the Mayor.

#### **COUNCILMEMBERS:**

All members of the City Council have equal votes. No Councilmember has more power than any other Councilmember, and all should be treated with equal respect. The Council is the policymaker of Wayne City Government, and therefore the City Council should feel free to ask for, and receive thorough answers to reasonable questions. It is their responsibility to make good policy by understanding the form of government and the role they play in that form. The Council shall make all decisions in the City of Wayne's best interest.

Councilmembers should:

1. Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
2. Prepare in advance of City Council meetings and be familiar with agenda items.
3. Not willfully and knowingly use confidential information acquired in the course of and by reason of their official duties for personal gain, including confidentiality in executive session.
4. Represent the City at ceremonial functions at the request of the Mayor.
5. Apply knowledge and expertise to the assigned activity and to the interpersonal relationships that are part of the job in a consistent, confident, and competent manner.
6. Serve as a model of leadership and civility to the employees of the City and the citizens of the community.
7. Inspire public confidence in Wayne City government.
8. Provide advance notice to City Hall whenever possible if he/she is unable to attend any called meeting.
9. **Use best efforts to attend all regular meetings. It is expected that, in a year (December 1 to December 1), a Councilmember shall not be absent more than (1) eight regular meetings, or (2) five consecutive meetings.**
10. Demonstrate honesty and integrity in every action and statement.

#### **MEETING PROCEDURES:**

Regular City of Wayne Council meetings are held on the first (1st) and third (3rd) Tuesdays of every month. The Mayor or four (4) Councilmembers can call for a special meeting, the object of which shall be submitted to the City Council in writing.

In chairing official meetings of the City Council, the Mayor, or Council President shall:

1. Maintain order, decorum, and the fair and equitable treatment of all speakers.
2. Keep discussion and questions focused on specific agenda items under consideration.
3. Open public hearings at the designated time(s) and inform those in attendance that each person addressing the City Council shall step up to the podium, state their name and address for the record, and unless further time is granted by the City Council, limit their remarks to three (3) minutes in length.

#### ~~ELECTED OFFICIALS CONDUCT IN PUBLIC MEETINGS:~~

- ~~1. Every Councilmember desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.~~
- ~~2. A member, once recognized, shall not be interrupted when speaking, unless the presiding officer is required to call the member to order or as otherwise provided in this article. If a member, while speaking, is called to order, they shall cease speaking until the question of order is determined, and if in order, the member shall be permitted to proceed.~~
- ~~3. A member having the floor shall yield the same for a point of order addressed to the chair, a question of personal privilege raised by any member and an inquiry for information addressed to the chair. The member may, upon request of any other member, temporarily yield the floor for a question or a statement by any member, at the conclusion of which they will again be entitled to the floor.~~
- ~~4. The City Council may limit debate or discussion on any matter, by "calling the question" on a motion. "Calling the question" requires a second and must pass by a two-thirds vote.~~
- ~~5. A Councilmember may request, through the Mayor, the privilege of having a transcript of their statement on any subject under consideration of the Council entered in the minutes.~~

#### **ELECTED OFFICIALS CONDUCT WITH CITY STAFF:**

1. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Rude or boorish behavior towards staff is not acceptable.
2. Questions of City staff should be directed only to the City Administrator, City Attorney, City Clerk, or Department Heads. All requests for information concerning staff should be copied to the City Administrator. Requests for follow-up or directions to staff should be made only through the Mayor or City Administrator when appropriate and should be in writing so there is no confusion on the request. When in doubt about what staff contact is appropriate, Councilmembers should contact the Mayor or City Administrator for direction.
3. Materials supplied to a Councilmember in response to a request will be made available to all members of the City Council so that all have equal access to information.
4. Councilmembers should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's supervisor. Comments about staff performance should only be made to the Mayor or City Administrator through private correspondence or conversation.
5. Councilmembers should not attempt to influence City staff in their daily work or in the granting of City licenses and permits.

## **ELECTED OFFICIALS CONDUCT WITH CONSULTANTS/ENGINEERS AND THE PUBLIC:**

1. Making individual presenters feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident. Every effort should be made to be fair and impartial in listening to testimony that is presented.
2. It is disconcerting to speakers to have Councilmembers not look at them when they are speaking. It is acceptable to look down at documents or to make notes, but continual visiting, reading or gazing around gives the appearance of disinterest.
3. All speakers should be allowed the privilege of making an appropriate presentation without interruption. If a speaker becomes flustered or defensive by questions, it is the responsibility of the Chair to stay calm, focus the speaker, and maintain the order and decorum of the meeting.
4. Questions directed to the public/consultants/engineers should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker.

## **ELECTED OFFICIALS CONDUCT WITH OTHER AGENCIES, BOARDS AND COMMISSIONS:**

1. If an elected official appears before another governmental agency, legislative hearing or organization to give a statement on an issue, the elected official must clearly state: 1) if his/her statement reflects his/her personal opinion or if it is the official stance of the City; and 2) whether this is the majority or minority opinion of the City Council.
2. If the elected official is officially representing the City, he/she must support and advocate the official City position on an issue, and not his/her personal viewpoint.
3. Elected officials may be asked to attend a Board or Commission meeting as a liaison of the City Council. The elected official should be sensitive to the way his/her participation could be viewed as unfairly affecting the process. Any public comments by an elected official should be clearly made as individual opinion and not as representation of the feeling of the entire body unless directed to do so.
4. A primary role of Boards/Commissions is to represent the many points of view in the municipality and to provide advice to the elected officials based on a full spectrum of concerns and perspectives. Elected officials shall be fair and respectful of all citizens serving on Boards/Commissions. It is inappropriate for a Councilmember to contact a Board or Commission member to lobby on behalf of an individual, business, or developer.

## **ELECTED OFFICIALS CONTACT WITH THE MEDIA:**

1. The best advice for dealing with the media is to never go “off the record”.
2. The Mayor or his/her designee is the designated representative of the City Council to represent and speak on the official City position. If an individual Councilmember is contacted by the media, the Councilmember should be clear about whether his/her comments represent the official City position or his/her personal viewpoint.

## **ELECTED OFFICIALS CONDUCT IN UNOFFICIAL SETTINGS:**

1. Councilmembers should make no promises on behalf of the City Council. 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 City Council action, or to promise City staff will do something specific (fix a pothole, remove a library book, etc).

2. It is acceptable for Councilmembers to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Councilmembers, their opinions or actions.

#### **REQUIREMENT OF THE PUBLIC WHEN ADDRESSING THE CITY COUNCIL AS A BODY:**

1. The presiding officer of the City Council can, but is not required by state law to, provide opportunity during City Council meetings for discussion by interested persons or their authorized representatives on any City Council agenda item prior to final action thereon; provided, that a preference shall be given to any person who, at least three (3) days prior to the meeting, shall have requested opportunity for discussion by notice directed to the City Clerk.
2. Any member of the public may direct a written communication to the City Council on any matter concerning City business by directing the communication to the City Council through the Mayor, City Administrator, or City Clerk. Any such written communication that cannot be handled administratively shall be placed on the agenda at the next regularly scheduled meeting.
3. The presiding officer shall, from time to time, make such rules as he/she may deem necessary to fulfill and carry out the intent of the provisions of this section.
4. As a general rule, each person addressing the City Council shall step up to the podium, state his/her name and address for the record, and unless further time is granted, limit his/her remarks to three (3) minutes in length. All remarks shall be addressed to the City Council as a body and not to any member thereof. No person, other than the City Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the City Council, without permission of the Mayor or Presiding Officer.
5. Nothing in this section shall prohibit any citizen from contacting a Councilmember(s) regarding an issue of concern.

#### **SANCTIONS:**

1. **A vacancy *may* exist on the City Council if a Councilmember is absent more than a third of the regular meetings (8 meetings from December 1 to December 1), and a vacancy *shall* exist on the City Council if a Councilmember is absent more than five (5) consecutive regular meetings, unless the absences are excused by a majority vote of the remaining members. This procedure, by law, requires notice and a hearing be provided to the Councilmember. (Neb. Rev. Stat. 19-3101)**
2. Members of the public who do not follow proper decorum after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.
3. Councilmembers should refer to the Mayor or City Administrator any City staff who do not follow proper decorum in their dealings with Councilmembers, other City staff, or the public. Such employees may be disciplined in accordance with City Personnel regulations.
4. City Councilmembers who intentionally and repeatedly do not follow proper decorum may be reprimanded, formally censured by the Council, and/or lose seniority or committee assignments. Serious infractions of the Code of Conduct could lead to other sanctions as deemed appropriate by the City Council.

5. It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full City Council in a public meeting.
6. If a violation is outside the observed behaviors of the Mayor or City Council, the alleged violation should be reported to the Mayor who will then conduct a study on the report and take the next appropriate action.
7. These actions can be, but are not limited to: discussing and counseling the individual on violations; recommending sanction to the full City Council to consider in a public meeting; or forming a City Council ad hoc subcommittee to review the allegation, the investigation and its findings, as well as to recommend sanction options for council consideration.

**CHECKLIST FOR MONITORING CONDUCT:**

1. Will my decision/statement/action violate the trust, rights or good will of others?
2. What are my interior motives and the spirit behind my actions?
3. If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
4. How would my conduct be evaluated by people whose integrity and character I respect?
5. Even if my conduct is not illegal or unethical, is it done at someone else's expense?
6. Is my conduct fair? Just? Morally right?
7. If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
8. Does my conduct give others reason to trust or distrust me?
9. Am I willing to take an ethical stand when it is called for?
10. Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
11. Do I exhibit the same conduct in my private life as I do in my public life?
12. Can I take legitimate pride in the way I conduct myself and the example I set?
13. Do I listen and understand the views of others?
14. Do I question and confront different points of view in a constructive manner?
15. Do I work to resolve differences and come to mutual agreement?
16. Do I support others and show respect for their ideas?
17. Will my conduct cause public embarrassment to someone else?

Section 2. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 3. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this 18<sup>th</sup> day of September, 2012.

THE CITY OF WAYNE, NEBRASKA

By \_\_\_\_\_  
Mayor

ATTEST:

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City Clerk