



§30.02 CODE OF CONDUCT FOR THE MAYOR AND TOWN COUNCIL MEMBERS

AN ORDINANCE TO ESTABLISH GUIDELINES FOR ELECTED OFFICIALS OF THE TOWN OF HARRISBURG, NORTH CAROLINA

(A) Purpose

This Code of Conduct is designed to describe the manner in which Town elected officials (the Mayor and Town Council members) should treat each other, Town staff, constituents, and others they come into contact with in representing the Town of Harrisburg. The constant and consistent theme through this ordinance is "respect". Demonstrating respect for each individual through words and actions is the touchstone that can help guide elected officials to do the right thing.

(B) Basic Responsibilities

All Town elected officials should strive to:

1. Fully participate in Town Council meetings and other public forums while demonstrating respect, kindness, consideration and courtesy to others.
2. Prepare in advance of Council meetings and be familiar with issues on the agenda.
3. Be respectful of other people's time. Stay focused and act efficiently during public meetings.
4. Serve as a model of leadership and civility to the community.
5. Inspire public confidence in Town of Harrisburg government.
6. Demonstrate honesty and integrity in every action and statement.
7. Participate in scheduled activities to increase effectiveness and review Council procedures, such as this Code of Conduct.

(C) Policies and Protocol Related to Conduct

Endorsement of Candidates

Elected officials have the right to support candidates for any and all offices. It is inappropriate to endorse a candidate at an official Town function or while representing the Town in an official capacity

(D) Council Conduct With One Another

In Public Meetings

1. Practice 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 a free democracy in action. This does not allow, however, elected officials 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.
2. Honor the role of the Mayor in maintaining order.
It is the responsibility of the Mayor to keep the comments of elected officials on track during public meetings. Elected officials should honor efforts by the Mayor to focus discussion on current agenda items. If there is a disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reason, following procedures outlined in this Code of Conduct, the North Carolina General Statutes, any rules of procedure adopted by the Town Council, and lastly Roberts Rules of Order for parliamentary procedure.
3. Avoid personal comments that could offend other elected officials.
If an elected official is personally offended by the remarks of another elected official, the offended elected official should make notes of the actual words used and call for a "point of personal privilege" that

challenges the other elected official to justify or apologize for the language used. The Mayor will maintain control of this discussion.

4. Strive to demonstrate effective problem-solving approaches.
Elected officials 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.

In Private Encounters

5. Policy Making.
No binding policy decisions are permitted to be made outside of a public meeting. The use of official Town email is reviewable in a public information request or through a subpoena in a lawsuit. Therefore, a file should be maintained just like any other correspondence. The use of private email or other electronic media does not necessarily come under the same scrutiny but can if used for Town business. Elected officials should exercise discretion in any discussion of Town business. A quorum of the Council should avoid discussing Town business at one time by any means unless in an advertised public meeting.
6. Be aware of the insecurity of written notes, voicemail messages and email.
Written notes, voicemail messages and email should be treated as potentially "public" communication. Even though private communication cannot be prohibited from distribution, the use of a disclaimer, verbal or written, can act to protect the sender and should be respected. The litmus test should be: Would you feel comfortable if this voicemail/fax/email message appeared in the newspaper verbatim? How would that reflect on the Town?
7. Guiding principles for elected officials when collaborating on legislation.
Collaboration among two elected officials to develop proposed legislation, policy or ideas is acceptable. Bear in mind that four Council members constitutes a quorum for the conduct of Town business. It must be understood that no binding decisions can be made and that the proposal must come before the whole Council for consideration in full, open discussion at a public meeting. Always bear in mind that any record or document of discussion of Town business may be subject to public disclosure under North Carolina law. Documents as defined by the law include voicemails, texts, posts, pictures, etc.

(E) Conduct with Staff

Governance of the Town relies on the cooperative efforts of elected officials, who set policy and Town 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 individual for the good of the community.

1. 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.
2. Limit contact to specific Town staff.
Questions of Town staff and/or requests for additional background information should be directed to the proper department head, the Town Manager or the Mayor. Each should be copied on appropriate questions, comments or requests. Requests for follow-up or directions to staff should be made only through the appropriate chain of command. When in doubt about what staff contact is appropriate, Councilmembers should ask the Mayor or the Town Manager for direction. Materials supplied to a Councilmember in response to a request must be made available to all members of the Council so that all have equal access to information.
3. Do not disrupt Town staff from their jobs.
Elected officials should not disrupt Town staff while they are in meetings, on the phone or engrossed in performing their job functions in order to have their individual needs met.

4. Never publicly criticize an individual employee.
Elected officials should never express concerns about the performance of a Town employee in public or to the employee directly or to the employee's manager. Comments about staff performance should only be made to the Town Manager or department head through private correspondence or conversation.
5. Do not get involved in administrative functions.
Elected officials must not attempt to influence Town staff on the hiring for existing positions, processing of development applications or granting of Town licenses and permits.
6. Do not attend meetings with Town staff unless requested by staff.
7. Limit requests for staff support.
Routine secretarial support will be provided to all elected officials by the Town administration staff. Requests for additional staff support – even in high priority or emergency situations – should be made to the Town Manager.
8. Do not solicit political support from staff.
Elected officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from Town staff. Town staff may, as private citizens with constitutional rights, support political candidates, but all such activities must be done away from the workplace.

(F) 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 the individual elected officials toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony and comment.

1. Be fair and equitable in allocating public meeting time to individual speakers.
The Mayor will determine and announce limits on speakers at the start of the public comment process with the consent of the Council. The Mayor will advise speakers to state their name and address for the record and to address their comments to the Council.
2. Ask for clarification, but avoid debate and argument with the public.
Only the Mayor – not individual Councilmembers – can interrupt a speaker during a presentation. However, a Councilmember can ask the Mayor for a point of order or point of information if the speaker is off the topic or exhibiting behavior or language the Councilmember finds disturbing, or would like further information from the speaker.

If a speaker becomes flustered or defensive by Council 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 Councilmembers to members of the public testifying or speaking should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker.

3. No personal attacks of any kind, under any circumstance.
Elected officials should be aware that their body language and tone of voice, as well as the words they use, could appear to be intimidating or aggressive.

In Unofficial Settings

4. Make no promises on behalf of Council.
Elected officials 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 Town policy and refer to Town staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise Town staff will do something specific (fix a pothole, allow special signage, take care of a parking ticket, etc.). Each elected official must remember that even though elected by the citizens

of the Town, each elected official has no separate authority from the Council by virtue of being elected. Only a decision in an open meeting by the Council as a body has any legal effect.

5. Remember that elected officials' actions are always being scrutinized.

The community is constantly observing elected officials every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the Town. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by elected officials, twenty-four (24) hours a day, seven (7) days a week. It is a serious and continuous responsibility.

(G) Conduct with Other Public Agencies

1. Be clear about whether representing the Town or personal interests.

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

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

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

2. Correspondence should be equally clear about representation.

Town letterhead is not to be used for correspondence of elected officials representing a personal point of view, or a dissenting point of view from an official Council or Town position.

(H) Conduct with Boards, Clubs, Committees and Organizations

The Town has established several boards and committees as a means of gathering more community input. Members who serve on these bodies become more involved in government and serve as advisors to the Town Council. They are a valuable resource to the Town's leadership and should be treated with appreciation and respect.

1. If attending a board or committee meeting, be careful to only express personal opinions.

Elected officials 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 an elected official at a board or committee meeting should be clearly made as individual opinion and not a representation of the feelings of the entire Town Council.

2. Limit contact with board and committee members to questions of clarification.

It is inappropriate for an elected official to contact a board or committee member to lobby on behalf of an individual, business or developer. It is illegal for an elected official to contact a member of the Town's Board of Adjustment with reference to any pending matter before that Board. It is acceptable for elected officials to contact board or committee members in order to clarify a position taken by the board.

3. Remember that boards and committees serve the community, not individual elected officials.

The Town 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. However, board and committee members do not report to individual elected officials, nor should elected officials feel they have the power or right to threaten board or 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".

4. 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. Elected officials may have a closer working relationship with some individuals serving on boards or committees, but must be fair and respectful of all citizens serving on boards or committees.
5. Keep political support away from public forums.
Board or committee members may offer political support to an elected official, but not in a public forum while conducting official duties. Conversely, elected officials may support board or committee members who are running for office, but not in an official forum in their capacity as an elected official.
6. Inappropriate behavior can lead to removal.
Inappropriate behavior by a board or committee member, appointed by the Council, should be addressed by its chair and/or members of the body. If a member's conduct continues to be unbecoming, the chair shall notify the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council and the individual is subject to removal from the board or committee.

(I) Conduct with the Media

1. The Mayor is the official spokesperson for the Town. The Mayor is the designated representative to present and comment on Town positions and policies. The Mayor Pro-Tem is the second in line to speak on behalf of the Town Council when the Mayor is not available. The Mayor and Mayor Pro-Tem should, whenever possible, make themselves available in person or by telephone for comment on behalf of the Town.
2. Elected officials are frequently contacted by the media for background and quotes. When contacted, elected officials should only comment on behalf of the Town when there is consistency and unity among elected officials on the topic in question. Media outlets may search for inconsistencies in Town position statements by contacting multiple elected officials regarding the same issue.

(J) Sanctions

1. Although the Council should seldom have occasion to discipline its members, the Council has the right to make and enforce its own rules and to require that Councilmembers, the Mayor, Town staff and the public refrain from conduct injurious to the accomplishment of Council business.
2. Elected officials who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council. Serious infractions of the Code of Conduct could lead to other sanctions as allowed by North Carolina General Statutes and deemed appropriate by the Council.
3. If a violation of this ordinance occurs outside of a public meeting, the alleged violation should be referred to the Mayor. If the Mayor perpetrated the alleged breach, the Mayor Pro-Tem will be contacted. The Mayor/Mayor Pro-Tem should ask the Town Manager and Town Attorney when appropriate to investigate the allegation and report the findings to the Council.