

Introduced by: Council Member Barr
Date: December 11, 2018
January 8, 2019
January 22, 2019
Action: Not Passed
Vote: 0-5

CITY OF BETHEL

Resolution # 18-20

A RESOLUTION BY THE BETHEL CITY COUNCIL ADOPTING A CODE OF CONDUCT FOR MEMBERS OF THE BETHEL CITY COUNCIL

WHEREAS, the City Council, of the City of Bethel, Alaska deems it advisable to adopt a Code of Conduct for Members of the City Council;

WHEREAS, the citizens and businesses of Bethel are entitled to have council members who treat one another, city staff, constituents and others with respect;

WHEREAS, the Code of Conduct requires a commitment to uphold a standard of integrity beyond that required by law;

NOW, THEREFORE, BE IT RESOLVED: the City of Bethel City Council hereby establishes the following City Council Code of Conduct. Any amendment thereto must be done by Resolution.

City of Bethel Code of Conduct for Elected Officials

It is the policy of the City of Bethel to uphold, promote, and demand the highest standards of ethics from its elected officials. Accordingly, members of the 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 Bethel and its elected officials share a commitment to ethical conduct and service to the City of Bethel. This Code of Conduct 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 Bethel, and with all other private and governmental entities.

TYPE OF GOVERNMENT

The City of Bethel municipal government operates under a council-manager form of government. Under this form of government, the Council provides legislative direction through the adoption of ordinances, resolutions and general direction to Administration by a majority vote of the Council. The City Manager serves as the City's chief administrative officer and is responsible for directing the day-to-day operations of the City.

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CITY COUNCIL MEMBER'S ROLE

All seven council members have equal votes. No one council member has more power than any other council member does either during or outside of a meeting. A majority vote of four is required for every council action.

All Council members should:

- Fully participate in City Council, their assigned committee meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
- Prepare in advance of meetings and be familiar with issues on the agenda.
- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Inspire public confidence in Bethel's government.

Mayor

- The mayor is the ceremonial head of the City and shall preside at meetings of the council, sign all ordinances and resolutions passed by the Council and execute deeds and other documents on behalf of the City when authorized by the majority of the Council.
- The mayor may vote on all matters unless there is a conflict of interest.
- In a council-manager form of government, the Mayor has the same rights and duties outside of a council meeting as every other council member except the Mayor has the right to call special city council meetings.

Vice-Mayor

- Elected by the City Council
- The vice-mayor shall have the powers and perform the duties of the mayor during the mayor's absence from the City or the temporary disability of the mayor.
- The vice-mayor may vote on all matters unless there is a conflict of interest.

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 doing so, certain types of conduct are beneficial while others are destructive. The Council has the responsibility to treat each other with respect and dignity.

In Public Meetings

Practice civility, professionalism and decorum in discussions and debate.

Difficult questions, tough challenges to a particular point of view, and criticism of

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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. Council members should conduct themselves in a professional manner at all times.

Honor the role of the Mayor in maintaining order

It is the responsibility of the Mayor to keep the comments of Council members on track during public meetings. Council members should honor efforts by the Mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

Be punctual and keep comments relative to topics discussed

Council members have made a commitment to attend meetings and partake in discussions. Therefore, it is important that council members be punctual and that meetings start on time. It is equally important that discussions on issues be relative to the topic at hand to allow adequate time to fully discuss scheduled issues.

In Private Encounters

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 between other council members, staff and the public.

Be aware of the insecurity of written notes, voicemail messages, and e-mail

Technology allows words written or said without much forethought to be distributed wide and far. Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

Council Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set laws and pass budgets, and City staff, who implement and administer those laws within the budget set. 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.

Treat all staff as professionals

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected.

Contact with City Staff

City of Bethel, Alaska

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Questions and/or requests for additional background information should be directed to the City Manager, City Attorney, City Clerk or Department Heads. Council members do not have the authority to direct operations of the City outside of a public meeting and by a majority vote. Council members may also not get involved in personnel issues outside of the three contracted employees. Pursuant to AS 29.20.500, the management of personnel is the responsibility of the City Manager.

Council members should be cognizant that the council only has three employees: the City Manager, the City Attorney and the City Clerk. Direction to City staff should be done by request to the City Manager. Direction to the Council employees is a council action and requires a majority vote. No one council member has the authority to direct a council staff person to act on any matter. Qualified immunity laws protect City Council actions as a body, not as an individual. Insurance coverage by the City's carrier is dependent on these laws and will depend on the City Council member adhering to the majority rule.

Council members should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.

There may be times when city staff go to council members to complain about administrative functions before the issue is brought to their supervisor. While it is within the right of the staff and council to have this discussion, the employee should be reminded of the importance of the chain of command and encouraged to bring the issue up with their supervisor as well. It is additionally productive for council members to then inform the city manager of the complaint/issue to ensure the issue is timely addressed. If the issue is a personnel matter involving an employee inside the collective bargaining agreement, per Alaska and federal collective bargaining laws, the council member should direct the employee to their Union. Council members must be very careful about getting involved with personnel matters as there are significant legal liabilities if the lines are crossed. Because the management of personnel falls by statute to the city manager, council members who get involved in personnel matters risk not being covered by qualified immunity and the City's insurance policies.

Never publicly criticize an individual employee

Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.

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Council Conduct with the Public

In public meetings.

Making the public feel welcome is an important part of the democratic process. Body language and facial expressions are often carefully watched by the public. 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. A pattern of turning away, laughing, ignoring or talking to the person next to you when a particular member of the public is before the council shows disrespect and presents a poor image of impartiality and respect towards the public process.

No speaker will be turned away unless they exhibit inappropriate behavior. Each speaker may only speak once during people to be heard or a public hearing unless the Council approves otherwise by a suspension of the rules which must pass by a 2/3rds vote.

Council members should also avoid getting into a debate or detailed discussion with the public during people to be heard or a public hearing.

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.

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. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific.

Council Conduct with Other Public Agencies

Be clear about representing the City or personal interests

If a Councilmember appears before another agency or organization to give a statement on an issue, the Council member must clearly state:

- 1) if the statement reflects personal opinion or is the official stance of the City;
- 2) whether this is the majority or minority opinion of the Council. Even if the Council member is representing his or her own personal opinions, remember that this still may reflect upon the City as an organization.

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

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If the Council member is representing another organization whose position is different from the City, the Council member should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Council members should be clear about which organizations they represent and inform the Council of their involvement. Correspondence also should be equally clear about representation.

City letterhead may be used when the Council member is representing the City and the City's official position. A copy of official correspondence must be given to the city clerk to be distributed to the other council members and filed as a public record.

Letterhead may not be used 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 Committees and Commissions

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

City Council Representative seated on Committees and Commissions

City council members act as the conduit between the city council and the City's boards. Each committee and commission will have one member of council assigned as a voting member. This council member will communicate the committees/commission actions to the Council and the Council's actions to the committee/commission. If the committee/commission presents an action to the Council, the council representative will present the item on behalf of the committee/commission. If the council member does not agree with the presented action, they must still fully explain the committee/commission's position on the issue and may then present their own viewpoints after clearly acknowledging they are not representing the committee/commission.

Boards and Commissions serve the community, not individual Council members

The City Council appoints individuals to serve on committees and commission, and it is the responsibility of these bodies to follow policy established by the Council. However committee and commission members do not report to individual Council members. If a council member would like a committee/commission to review an issue, the direction should be brought before the city council and a motion to refer to a

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committee/commission made and approved by a majority of the body.

Council Conduct with the Media

Council members may be contacted by the media for background and quotes. The best advice for dealing with the media is to never go "off the record." While most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word, just one bad experience can be catastrophic. Words that are not said cannot be quoted. If an individual council member is contacted by the media, the member should be clear about whether their comments represent the official City position or a personal viewpoint.

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.

Sanctions

Public Disruption

When a member of the public does not follow proper conduct, the appropriate response is to request the Mayor find them out of order. Only the mayor has the authority to find a speaker out of order and only the mayor may issue warnings or impose sanctions such as removal from the Council Chambers.

Inappropriate Staff Behavior

If a Council member has a situation with a city staff member not following proper conduct, the council member shall refer the matter to the city manager. These employees may be disciplined in accordance with standard City procedures for such actions. A report of the action taken will not be provided in keeping with employment laws.

Inappropriate behavior of contract employees should be brought to the attention of the employee then before the full Council during an Executive Session.

Inappropriate Council Members Behavior

If a council member is observed acting outside the standards of this Code of Conduct, the process outlined in Chapter 2.06 of the Bethel Municipal Code shall commence.