



Town of Berwyn Heights

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ORDINANCE 124 - CONDUCT GUIDELINES FOR ELECTED OFFICIALS OF THE TOWN OF BERWYN HEIGHTS, MD

"Conduct is three-fourths of our life and its largest concern." -- Matthew Arnold

This Code of Conduct is designed to describe the manner in which Councilmembers should treat one another, Town staff, constituents, and others they come into contact with in representing the Town of Berwyn Heights. It reflects the work of the Council to define more clearly the behavior, manners, and courtesies that are suitable for various occasions.

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

Overview of Roles & Responsibilities

Other resources that are helpful in defining the roles and responsibilities of elected officials can be found in the Berwyn Heights Town Charter and Council Rules.

MAYOR

- Acts as the official head of the Town for all ceremonial purposes
- Chairs Council meetings and sets agenda, based on recommendations from Councilmembers
- Calls for special meetings
- Recommends committees as appropriate for Council approval
- Recognized as spokesperson for the Town
- Signs documents on behalf of the Town
- Makes on proclamations, Special Orders of the Day, etc.
- Strives to lead the Council into an effective, cohesive working team

MAYOR PRO-TEM

- Performs the duties of the Mayor if the Mayor is unable to perform his/her duties
- Chairs Council meetings at the request of the Mayor
- Represents the Town at ceremonial functions in the absence of the Mayor

ALL COUNCILMEMBERS

All members of the Town Council, including those serving as Mayor and Mayor Pro-Tem, have equal votes. No Councilmember has more power than any other Councilmember, and all should be treated with equal respect. All Councilmembers should strive to:

- Fully participate in Town Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others
- Prepare in advance of Council meetings and be familiar with issues on the agenda
- Represent the Town at ceremonial functions at the request of the Mayor
- Place activities and events on the Council's weekly activities calendar that invite official participation of all Councilmembers
- Be respectful of other people'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 Berwyn Heights government
- Provide contact information with the Council in case an emergency or urgent situation arises while the Councilmember 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.

Policies & Protocol Related to Conduct

Ceremonial Events

The Mayor will serve as the designated Town representative at ceremonial events. If the Mayor is unavailable, then the Mayor will recommend which Councilmember should be asked to serve as a substitute. Invitations received at Town Hall are presumed to be for official Town representation. Invitations addressed to Councilmembers at their homes are presumed to be for unofficial, personal consideration.

Correspondence Signatures

Councilmembers do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Council meetings. Town staff will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor unless the Mayor requests that another Councilmember or a member of the Town staff sign them. If correspondence is addressed only to one Councilmember, that Councilmember should check with the Mayor on the best way to respond to the sender.

Endorsement of Candidates

Councilmembers have the right to support candidates for all any office. It is inappropriate to endorse a candidate by using an official Town title.

Public Hearings

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

Town Meetings

Main motions may be followed by amendments, followed by substitute motions. Any Councilmember can call for a point of order. Only Councilmembers who voted on the prevailing side may make motions to reconsider. Councilmembers, who desire to make the first motion in a Town meeting on issues that they feel strongly about, will discuss their intention with the Chair in advance (no later than the close of normal business) of the worksession or meeting.

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 Mayor or Councilmember followed by the individual's last name.

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, Councilmembers 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 comments of Councilmembers on track during public meetings. Councilmembers 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 Roberts Rules of Order for parliamentary procedure.

Avoid personal comments that could offend other Councilmembers

If a Councilmember is personally offended by the remarks of another Councilmember, the offended Councilmember should make notes of the actual words used and call for a "point of personal privilege"

that challenges the other Councilmember to justify or apologize for the language used. The Chair will maintain control of this discussion.

Strive to demonstrate effective problem-solving approaches

Councilmembers 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

Policy Making

No binding policy decisions shall be made outside of a public meeting. The use of official Town e-mail 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 sender should avoid sending to multiple recipients to eliminate the perception of an electronic meeting. The use of private e-mail does not come under the same scrutiny. However, Councilmembers should exercise discretion in discussing Town business. None of these issues arise with regards to telephone calls or personal 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 distributed wide and far. Written notes, voicemail messages and e-mail should be treated as potentially "public" communication. Councilmembers should be mindful of all recipients. 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/e-mail message appeared in the newspaper verbatim?* How would that reflect on the Town?

Even private conversations can have a public presence

Elected officials are always on display – people around them that they may not know, will monitor their actions, mannerisms, and language. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

Guiding principles for Councilmember collaboration on legislation

Collaboration between two Councilmembers to develop proposed legislation, policy or ideas is acceptable. Bear in mind, three members constitutes a quorum. The legislation should be relevant to the department in which one of the Councilmembers is the Department Head. Otherwise, Department Head consent should be ascertained. It must be understood that no binding decisions can be made and that the proposal shall come before the whole Council for consideration in full, open discussion at a public meeting. Councilmember's records on the subject could be subject to a public information request and may possibly be discoverable in litigation.

Council Conduct with Town Staff

Governance of a 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.

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.

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 Administrator 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 Administrator for direction. Materials supplied to a Councilmember 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 Town staff from their jobs

Councilmembers 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.

Never publicly criticize an individual employee

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

Do not get involved in administrative functions

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

Check with Town staff on correspondence before taking action

Before sending correspondence, Councilmembers should check with Town staff to see if an official Town response has already been sent or is in progress. The Town Administrator should see that previous official correspondence is kept in a binder that is always accessible to all Councilmembers.

Do not attend meetings with Town staff unless requested by staff.

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

Limit requests for staff support

Routine secretarial support will be provided to all Councilmembers by the Administration Department. Requests for additional staff support – even in high priority or emergency situations – should be made to the Town Administrator, who is responsible for allocating Town resources in order to maintain a professional, well-run Town government.

Do not solicit political support from staff

Councilmembers 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.

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 Councilmembers toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

Be fair and equitable in allocating public meeting time to individual speakers

The Chair will determine and announce limits on speakers at the start of the public meeting process. The Mayor will advise speakers to state their name and address for the record and to address their comments to the Council. Generally, each speaker will be allocated two to three minutes with applicants and appellants or their designated representatives allowed more time. 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.

Give the appearance of active listening

It is disconcerting to speakers to have Councilmembers not look at them when they are speaking. It is fine to look down at documents or to 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 Councilmembers – can interrupt a speaker during a presentation. However, a Councilmember can ask the Chair 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 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 Councilmembers to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Councilmembers' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

No personal attacks of any kind, under any circumstance

Councilmembers 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

Make no promises on behalf of the Council

Councilmembers 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 to 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, remove a library book, plant new flowers in the median, etc.).

Make no personal comments about other Councilmembers

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

Remember that Berwyn Heights is a small town

The community is constantly observing Councilmembers every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the Town of Berwyn Heights. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Councilmembers, 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 Town or personal interests

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

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

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

Correspondence also should be equally clear about representation

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

Council Conduct with Boards, Clubs, Committees and Commissions and Organizations

The Town has established several Boards, Committees, and Commissions 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.

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

Councilmembers may attend any Board, Committee or Commission 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 Councilmember at a Board, Committee or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire Town Council.

Limit contact with Board, Committee and Commission members to questions of clarification

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

Remember that Boards, Committees and Commissions serve the community, not individual Councilmembers

The Town Council appoints individuals to serve on Boards, Committees and Commissions, etc. and it is the responsibility of Boards, Committees and Commissions to follow policy established by the Council. But Board, Committee and Commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten Board, Committee and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board, Committee or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board, Committee or Commission appointment should not be used as a political "reward."

Be respectful of diverse opinions

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

Keep political support away from public forums

Board, Committee and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board, Committee and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

Inappropriate behavior can lead to removal

Inappropriate behavior by a Board member, appointed by the Mayor and Council, should be addressed by the Chair and/or the 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, Committee or Commission.

Council Conduct with the Media

Councilmembers 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. Words that are not said cannot be quoted.

The Mayor is the official spokesperson for the representative on Town position

The Mayor is the designated representative of the Council to present and speak on the official Town position. If the media contacts an individual Councilmember, the Councilmember should be clear about whether their comments represent the official Town position or a personal viewpoint.

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.

Sanctions

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, Town staff, and the public refrain from conduct injurious to the accomplishment of Council business.

Town Councilmembers 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 deemed appropriate by the Council.

Councilmembers' Behavior and Conduct in Public Meetings

All those present at Council meetings have an obligation to obey the legitimate orders of Roberts Rules of Order, the Charter, and Council Rules, as well as the authority of the presiding officer of the meeting. It is the responsibility of the meeting Chair to initiate action if a Councilmember's behavior may warrant sanction. If the Chair takes no action, the alleged violation(s) can be brought up with the full Council at a public meeting, including a Town meeting.

When a Councilmember breaches this code of conduct during a public meeting, the following progressive actions are appropriate (note: the nature of the offense may warrant any level of sanction):

1) Request for Order

If the breach is slight, the Chair of the meeting shall rap the gavel and ask the offending member to follow the rules of order and good conduct. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Mayor Pro-Tem.

2) Call to Order

If the offense is more serious, such as when a Councilmember:

- repeatedly interrupts or disrupts the meeting, whether verbally or otherwise
- questions the motives of or attacks with accusatory comments other Councilmembers
- persists in speaking out of turn or on an irrelevant matter during discussion on an agenda item
- makes comments to or converses with another Councilmember while not having the floor
- uses disrespectful, coarse, or profane language, tone or gestures unbecoming to a Councilmember, Town employee, or any other meeting participant;

then in any such instance, the meeting Chair will normally first warn the offender that such conduct is in breach of order; but with or without such warning, the meeting Chair, or any other Councilmember, may call the Councilmember to order by stating at any time, "Point of Order" and explaining how the offender's behavior breaches the rules. If the Chair finds the point well-taken, the Chair shall declare the offender to be out of order and request that the offender cease such unacceptable behavior immediately with a reminder of further consequences if the offending Councilmember's behavior continues.

If the Chair declares out of order a Councilmember who has the floor at the time of the offense, the meeting Chair, after clearly stating the breach of conduct, may rule that the offending member has forfeited the floor at that time.

4) Recording the Offense in the Minutes

If the disruptive conduct continues, despite the ruling of the Chair that such behavior is out of order and this is to be discontinued, the fact and the specific offensive conduct should be recorded in the official minutes by order of the Chair. If the member discontinues the offending behavior, the Chair may drop the matter.

5) Censure

If the disruption continues, any member may move to censure the offending member for disrupting a lawful meeting of the Council. Such censure motion shall be adopted upon the affirmative vote of a majority of the remaining Councilmembers, excluding the offending member.

The censure may be put forth to encompass only the discussion at hand, or, if the offending behavior is more serious, the Councilmember may be censured for the remainder of that meeting or all subsequent future meetings. The offending Councilmember shall remain silent throughout the remainder of the discussion or meeting, and shall not disrupt the meeting verbally or with other physical distractions, such as gestures or facial expressions.

6) Expulsion

If the member continues such offending behavior, the Chair or any Councilmember may move that the offending member be expelled from the meeting for disorderly conduct. Such expulsion motion shall be adopted upon the affirmative vote of a majority of those remaining Councilmembers, excluding the offending member. If the offending member refuses to leave after a motion for expulsion has passed, police employed by the Town can carry out the expulsion order at the direction of the Mayor.

7) Recess to another Time

When disruptive conduct by a Councilmember continues, the Chair may at his/her discretion at any stage call for a motion to immediately recess the meeting to reconvene at a fixed time and place, which shall be publicly posted.

Councilmembers Behavior and Conduct outside of Public Meetings

If a violation of this document 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 Administrator and Town Attorney when appropriate to investigate the allegation and report the findings to the Council. It is the Mayor/Mayor Pro-Tem's responsibility to take the next appropriate action according to the sanctions above.

Inappropriate Staff Behavior

Councilmembers should refer to the appropriate Department Head any Town staff that does not follow proper conduct in their dealings with Councilmembers, other Town staff, or the public. These employees may be disciplined in accordance with standard Town procedures for such actions. (Please refer to the section on Council Conduct with Town Staff for more details on interaction with Staff.) Where appropriate, any discipline of police officers will be conducted as mandated by the Law Enforcement Officers Bill of Rights.

Principles of Proper Conduct

Proper conduct IS ...

Keeping promises
Being dependable
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
Deliberately lying or misleading
Being sarcastic or rude
Speaking recklessly
Spreading rumors
Stirring up bad feelings, 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 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

<i>attitude</i>	The manner in which one shows one's dispositions, opinions, and feelings
<i>behavior</i>	External appearance or action; manner of behaving; carriage of oneself
<i>civility</i>	Politeness, consideration, courtesy
<i>conduct</i>	The way one acts; personal behavior
<i>courtesy</i>	Politeness connected with kindness
<i>decorum</i>	Suitable; proper; good taste in behavior
<i>manners</i>	A way of acting; a style, method, or form; the way in which things are done
<i>point of order</i>	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
<i>point of personal privilege</i>	A challenge to a speaker to defend or apologize for comments that a fellow Councilmember considers offensive
<i>propriety</i>	Conforming to acceptable standards of behavior
<i>protocol</i>	The courtesies that are established as proper and correct
<i>respect</i>	The act of noticing with attention; holding in esteem; courteous regard

Adopted: 1/8/2003
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