

**ORDINANCE NO. 13-18**

**By: Monique Lampke**

An Ordinance to enact a City of Bexley Code of Ethics and Conduct for Elected and Appointed Officials.

**WHEREAS**, all elected and appointed officials should conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of Bexley's City government;

**WHEREAS**, the citizens and businesses of Bexley are entitled to have fair, ethical, and accountable local government;

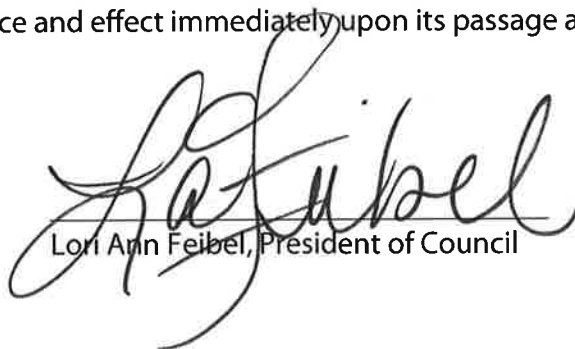
**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:**

That the City of Bexley Code of Ethics and Conduct for Elected and Appointed Officials is hereby adopted and approved.

Therefore, this Ordinance shall be in force and effect immediately upon its passage and approval by the Mayor.

WHEREAS

Passed: August 28, 2018



Lori Ann Feibel, President of Council

Attest:   
William Harvey, Clerk of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Ben Kessler, Mayor

First Reading: 4-24-18  
Second Reading: 5-8-18  
Third Reading: 5-22-18  
Tabled 5-22-18  
Passed 8-28-18

## Amended City of Bexley Code of Ethics and Conduct for Elected and Appointed Officials

### **Policy Purpose**

The Bexley City Council adopts this Code of Ethics and Conduct to assure that all elected and appointed officials conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of Bexley's city government. The constant and consistent theme through these guidelines is "respect." Elected and appointed officials can experience tremendous stress in making decisions that could impact thousands of lives; however, they 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 elected and appointed officials to do the right thing in even the most difficult situations.

The ethics and conduct code guidelines are designed to describe the manner in which elected and appointed officials shall treat one another, City staff, constituents and others they come into contact with while representing the City of Bexley. This Code of Ethics and Conduct is designed to make public meetings and the process of governance run more smoothly. This Code shall be read consistent with the City Charter and applicable law.

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## **A. ETHICS**

The citizens and businesses of Bexley are entitled to have fair, ethical and accountable local government. To this end, the public should have full confidence that their elected and appointed officials:

- Comply with both the letter and spirit of the laws and policies affecting the operation of government;
- Are independent, impartial and fair in their judgment and actions;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless authorized by law to be confidential, in an atmosphere of respect and civility.

Therefore, members<sup>1</sup> shall conduct themselves in accordance with the following ethical standards:

1. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Bexley and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.
2. **Comply with both the spirit and the letter of the Law and City Policy.** Members shall comply with the laws of the nation, the State of Ohio and the City of Bexley in the performance of their public duties. These laws include, but are not limited to, O.R.C. sections 102.03 and 2921.42.
3. **Conduct of Members.** The professional and personal conduct of members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members, the staff or public.
4. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by applicable City ordinance, Charter, Council policy, and Board or Commission Rules and Regulations.

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<sup>1</sup> The term “member” refers to any member of the Bexley City Council and of all Boards, Committees and Commissions established by City ordinance, Charter, or Council policy.

5. **Conduct at Public Meetings.** Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand.
6. **Decisions Based on Merits.** Members shall base their decisions on the merits and substance of the matter at hand.
7. **Conflict of Interest.** In order to assure their independence and impartiality on behalf of the common good and compliance with conflicts of interest laws, members shall use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Members shall not use their official positions to influence government decisions in which they have (a) a material financial interest, (b) an organizational responsibility, personal relationship, or professional relationship which may give the appearance of a conflict of interest, or (c) a strong personal bias.

A councilmember who has a potential conflict of interest shall provide the City Attorney with relevant information about the potential conflict. The councilmember shall provide the City Attorney a copy of any written request or advice and conform his or her participation to the advice given. In providing assistance to councilmembers, the City Attorney represents the City and not individual members.

A member of any board, committee or commission who has a potential conflict of interest shall provide the Mayor and City Attorney with relevant information about the potential conflict. Disclose the matter to the Mayor and City Attorney and reasonably cooperate to analyze the potential conflict in seeking advice. The member of any board, committee or commission shall provide the City Attorney a copy of any written request or advice and conform his or her participation to the advice given. In providing assistance to members, the City Attorney represents the City and not individual members.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and if they have a conflict of interest regarding a particular decision, shall not, once the conflict is ascertained, participate in the decision and shall not discuss or comment on the matter in any way to any person including other members unless otherwise authorized by law.

8. **Gifts and Favors.** Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their

independence of judgment or action or give the appearance of being compromised.

9. **Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or private interests. In accordance with R.C. 102.03(B), no public official or employee shall disclose or use, without appropriate authorization, any information acquired by the public official in the course of the public official's official duties that is confidential because of statutory provisions, or that has been clearly designated to the public official as confidential when that confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.
10. **Advocacy.** Members shall represent the official policies or positions of the City Council, Board, Committee or Commission to the best of their ability when designated as delegates for this purpose.
11. **Policy Role of Members.** Members shall respect and adhere to the structure of the Bexley City government . City Council determines the policies of the City with the advice, information and analysis provided by the Mayor, City staff, Boards, Committees and Commissions, and the public. Except as provided by the City Charter or Code, members shall not interfere with the administrative functions of the City or professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.
12. **Independence of Boards, Committees and Commissions.** Because of the value of the independent advice of Boards, Committees and Commissions to the public decision-making process, members of Council shall refrain from using their position to influence the deliberations or outcomes of Board, Committee, or Commission proceedings.
13. **Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate behavior or conduct to staff.

## **B. MEMBERS' CONDUCT WITH ONE ANOTHER**

City Council, Boards, Committees, and Commissions 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 members may "agree to disagree" on contentious issues.

All members are expected to adhere to the highest ethical standards and demonstrate social responsibility in serving the City of Bexley, with an emphasis on candor, truthfulness and transparency.

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. Councilmembers are independently elected officials, and are not under the supervision of the President of Council, any other Councilmembers, Mayor, or other Elected Officials. All Councilmembers should fully participate in City Council meetings and other public forums while demonstrating respect, consideration, and courtesy to others, serve as a model of leadership and civility to the community, maintain appropriate relationships with other Council members to promote public confidence, trust and integrity in Bexley City government (such relationships should not create a conflict of interest or give the appearance of impropriety), and demonstrate honesty and integrity.

## **IN PUBLIC MEETINGS**

- **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. Members may not make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated. However, under no circumstances shall a member attempt to wrongfully influence, bully, coerce, manipulate, or intimidate another member.
- **Honor the role of the Chair/President of Council in maintaining order**  
It is the responsibility of the Chair/President of Council to keep the comments of members on track during public meetings. Members should honor efforts by the Chair/President of Council to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's or President of Council's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure. If order is not maintained during a meeting, the Chair/President of Council may order a recess or call for a majority vote to end the meeting.
- **Demonstrate effective problem-solving approaches**

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 community as a whole.

- **Seek Input From City Administration**

The City Administration is comprised of professional individuals who are tasked with overseeing the day-to-day application and enforcement of laws and policies. When enacting changes to laws or policies, it is incumbent on elected and appointed officials to seek feedback from the administration, and to ensure that the administration is given the opportunity to publicly address any concerns.

### **C. MEMBERS' CONDUCT WITH CITY STAFF**

Governance of a City relies on the cooperative efforts of elected and appointed officials, who set policy, and the Mayor and City 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 or unprofessional behavior towards staff is not acceptable.

- **Do not disrupt City staff from their jobs**

Members should not disrupt City staff while they are in meetings or engrossed in performing their job functions in order to have their individual needs met. Every effort should be made to direct questions of City staff and/or requests for additional information only to the Mayor or Department Heads when appropriate.

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

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

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

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

## **D. MEMBERS' 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 members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony while treating the speaker with civility. Members should be fair and equitable in allocating public hearing time to individual speakers. Members shall actively listen, ask for clarification, and avoid personal attacks with the public.

### **IN UNOFFICIAL SETTINGS**

- **Make no promises on behalf of the 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 the City administration for further information. It is inappropriate to overtly or implicitly promise City staff will do something specific.

Members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Bexley.

## **E. Members' Conduct with Boards, Committees and Commissions**

The City has established several Boards, Committees and Commissions as a means of gathering more community input on a full spectrum of concerns and perspectives. Citizens who serve on Boards, Committees and Commissions become more involved in government and serve as advisors to the Mayor and City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect as it should be remembered that they are volunteers who have chosen to serve. It should be remembered that Boards, Committees and Commissions serve the community, not individual elected officials.

The Mayor appoints individuals upon confirmation by City Council to serve on Boards and Commissions, and it is the responsibility of Boards, Committees and Commissions to follow policy established by their respective Boards, Committees, and Commissions, as well as any policies established by Council. Councilmembers do not have the power or right to threaten Board, Committees and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board,



Committees 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."

Inappropriate behavior by a Board, Committee or Commission member should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor may request the resignation of the offending member, or may bring the situation to the attention of the Council, at which time the individual may be subject to removal from the Board, Committee or Commission.

## **F. 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**

Members should refer to the Mayor any City staff who do not follow proper conduct in their dealings with members, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions, as outlined in the Employee Policy Manual.

### **Acknowledgment of Code of Ethics and Conduct**

All members who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct shall be ineligible for assignments or appointments for chair positions, as well as assignments or appointments to subcommittees, committees, and commissions.

### **Councilmembers Behavior and Conduct**

City Councilmembers who intentionally or repeatedly do not follow the Code of Ethics and Conduct may be reprimanded, formally censured by the Council, lose committee or chair assignments, or face other sanctions, including possible removal from office in accordance with Section 40 of the Bexley City Charter, as deemed appropriate by a majority vote of Councilmembers.

This Code of Ethics and Conduct supplements Section 40 of the Bexley City Charter which states the basis for a Councilmembers' removal from office on the grounds of gross misconduct, malfeasance, misfeasance, or nonfeasance in office while serving as

an elected official of the City. "Gross misconduct" is defined as an "objectionable action that is wilful and cannot be described as a mistake or lacking intent" by a Councilmember. "Malfeasance" is defined as "wrongdoing" by a Councilmember. "Misfeasance" is defined as "the wrongful exercise of lawful authority" by a Councilmember. "Nonfeasance" is defined as the "failure to perform an act that is required by law" by a Councilmember. This Code of Ethics and Conduct describes behavior that is expected of a Councilmember, the violation of which (or failure to abide by) can be considered gross misconduct, malfeasance, misfeasance, or nonfeasance in office.

Councilmembers should point out to the offending Councilmember perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the City Attorney and President of Council (or the longest serving member of Council if the offending Councilmember is the President of Council) in private.

It is the responsibility of the President of Council (or the longest serving member of Council if the offending Councilmember is the President of Council) to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the President (or the longest serving member of Council if the offending Councilmember is the President of Council), the alleged violation(s) can be brought up with the full Council in a public meeting. The City Council may remove a member of City Council from office by a majority vote at a regular public meeting in a manner not inconsistent with the City Charter and applicable law.

If violation of the Code of Ethics and Conduct is outside of the observed behaviors by the Mayor or Councilmembers, the alleged violation should be referred to the City Attorney and President of Council (or the longest serving member of Council if the offending Councilmember is the President of Council). The President of Council (or the longest serving member of Council if the offending Councilmember is the President of Council) should ask the City Attorney to investigate the allegation and report the findings to the President (or the longest serving member of Council if the offending Councilmember is the President of Council). It is the responsibility of the President (or the longest serving member of Council if the offending Councilmember is the President of Council) to take the next appropriate action. These actions can include, but are not limited to: discussing and counseling the individual on the violations; recommending sanctions up to and including possible removal from office, 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.

### **Board, Committee and Commission Members Behavior and Conduct**

Members of Board, Committees, and Commissions who intentionally and repeatedly do not follow the Code of Ethics and Conduct may be reprimanded, formally censured by the Council, lose committee or chair assignments, or face other sanctions, including possible removal from a Board, Committee, or Commission, as deemed appropriate by a majority vote of Councilmembers upon recommendation by the Mayor.

Any alleged violations should be referred to the City Attorney to investigate the allegation and report the findings to the Mayor. It is the Mayor'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; requesting the resignation of the individual; recommending sanctions up to and including possible removal from the Board, Committee, and Commission, to the full Council to consider in a public meeting; or recommending the formation of a Council ad hoc subcommittee to review the allegation, the investigation and its findings, as well as to recommend sanction options for Council consideration. The Mayor may remove a member of a board, commission, or committee with the concurrence in accordance with Section 9 of the City Charter.