

BILL NO: 1393

ORDINANCE NO. 1356

AN ORDINANCE CREATING SECTION 125.045 FOR THE MUNICIPAL CODE OF THE CITY OF TROY, ESTABLISHING A CODE OF ETHICS FOR ELECTED AND APPOINTED OFFICIALS FOR THE CITY OF TROY, MISSOURI.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TROY, MISSOURI, AS FOLLOWS:

SECTION 1: Members of the Board of Aldermen, all Boards, and Committees and Commissions shall conduct themselves in accordance with the following ethical standards:

- A. 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 Troy 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.
- B. 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 Missouri, and the City of Troy.
- C. 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 of Board, Boards, Committees and Commissions, the staff or public.
- D. Respect for Process. Members shall perform their duties in accordance with the processes and rules of order established by the City.
- E. 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.
- F. Decisions Based on Merit. Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts particular to an individual case), members shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented at the hearing and on the personal knowledge of a Member on this issue presented to the rest of the Board of Aldermen at said hearing.

- G. **Communication.** Members shall avoid posting to social media about any adjudicative matters pending before the body. Outside of adjudicative matters pending before the body, members of the Board/Commission/Board/Committee are advised not to participate in discrimination or harassment, even if the identified behaviors are not targeting a protected class, consisting of unwelcome conduct, sexual or otherwise, whether verbal, or physical. Harassing conduct includes but is not limited to: slurs or negative stereotyping; bullying, threatening, intimidating or other hostile acts; degrading jokes and displays or circulation of graphic material that degrades or shows hostility; and physical touching. Members are also advised to avoid demeaning or personally attacking an employee regarding the employee's job performance in public. Any substantiated harassment claims against elected officials, Boards, Committees, Commissions shall be subject to immediate sanctions/dismissal.
- H. **Gifts and Favors.** Members shall not engage in quid pro quo by taking 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.
- I. **Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged, to include discussions and actions taken during a closed session. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests. Failure to do so will result in appropriate sanctions. Nothing in this section shall restrict members from discussing or releasing information when appropriate pursuant to Missouri Sunshine Law statutes.
- J. **Use of Public Resources.** Members shall not use public resources which are not available to the public in general (e.g., City staff time, equipment, supplies, or facilities) for private gain or for personal purposes not otherwise authorized by law.
- K. **Representation of Private Interests.** Members of Board may appear on behalf of private interests of third parties before the Board or any Board, Committee, Commission or proceeding of the City, however members shall not vote when they have a personal connection to the matter being voted on.
- L. **Advocacy.** Members shall represent the official policies or positions of the Board of Aldermen, Board, Committee or Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall not state they represent their body or the City of Troy, nor will they allow the inference that they do. Board members and Board,

Committee and Commission members have the right to endorse candidates for all Board seats or other elected offices. It is inappropriate to mention or display endorsements during Board meetings, or Board, Committee and Commission meetings, or other official City meetings.

- M. **Policy Role of Members.** Members shall respect and adhere to the Board-manager structure of the Troy City government. In this structure, the Board of Aldermen determines the policies of the City with advice, information, and analysis provided by City staff, Boards, Committees and Commissions, and the public. Except as provided by the City Charter and Code, members shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Board policy decisions.
- N. **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 Board shall refrain from using their position to unduly influence the deliberations or outcomes of Board, Committee and Commission proceedings.
- O. **Positive Workplace Environment.** Members shall support the maintenance of a positive and constructive workplace 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 direction to staff.

SECTION 2: The following conduct guidelines are designed to describe the way elected and appointed officials should treat one another, City staff, constituents, and others they meet while representing the City of Troy.

- A. **Elected and Appointed Officials' Conduct with Each Other in Public Meetings.**

Elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue.

 1. Honor the role of the chair in maintaining order. It is the responsibility of the Mayor, as chair to keep the comments of members on track during public meetings. Members 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 parliamentary procedure.
 2. 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 debate by a free democracy in action.

Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.

3. Demonstrate effective problem-solving approaches Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community.

B. Elected and Appointed Officials' 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 individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

1. Be welcoming to speakers and treat them with care and gentleness. While questions of clarification may be asked, the official's primary role during public testimony is to listen.
2. Be fair and equitable in allocating public hearing time to individual speakers. The chair will determine and announce limits on speakers at the start of the public hearing process.
3. Practice active listening It is disconcerting to speakers to have members 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 or gazing around the room gives the appearance of disinterest. While you cannot be required to listen to public speakers in a certain way, it is advised that all members remain conscious of their actions during such time as member of the public might be speaking. To the best of your ability, remain focused on the speaker and avoid noise and distractions. Members shall be cognizant of non-verbal body language and facial expressions that could be interpreted as disbelief, anger, or boredom. Members shall make attempts to listen actively and respectfully to City staff, members of the public and other Members whenever possible.
4. Maintain an open mind. Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.
5. Ask for clarification but avoid debate and argument with the public. Only the chair - not individual members - can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.
6. Limit cell phone usage during public meetings to City business only.

C. Elected and Appointed Officials' Conduct with City Staff. Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed

officials who advise the elected, and City staff who implement and administer the policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by everyone for the good of the community. The Board is committed to providing an environment that is free from discrimination and harassment, even if the identified behavior is not targeting a protected class. Harassment consists of unwelcome conduct, sexual or otherwise, whether verbal, physical, or visual. Harassing conduct includes but is not limited to slurs or negative stereotyping; bullying, threatening, intimidating or other hostile acts; degrading jokes and display or circulation of graphic material that degrades or shows hostility; and physical touching.

1. Clear, honest communication that respects the abilities, experience, and dignity of everyone is expected. Poor behavior towards staff is not acceptable.
 2. Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions to have their individual needs met. Do not attend City staff meetings unless requested by staff—even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, may intimidate staff and hamper staff's ability to do their job.
 3. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Appointed officials should make their comments regarding staff to the City Manager or the Mayor.
 4. Elected and appointed officials acting in their individual capacity must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.
 5. Elected and appointed officials should not solicit any type of political support (financial contributions, name on support list, etc.) from City staff.
 6. Members shall not seek to establish an attorney-client relationship with the City Attorney, including his or her staff and attorneys contracted to work on behalf of the City. The City Attorney represents the City and not individual members. Members who consult with the City Attorney cannot enjoy or establish an attorney-client relationship with the attorney.
- D. Board Conduct with Boards, Committees and Commissions. The City has established several Boards, Committees and Commissions as a means of gathering more community input. Citizens who serve on Boards, Committees and Commissions become more involved in government and serve as advisors to the Board of Aldermen. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

1. Board members 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 Board member at a Board, Committee or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire Board of Aldermen.
2. It is inappropriate for a Board member to contact a Board, Committee or Commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Board member to contact Board, Committee or Commission members to clarify a position taken by the Board, Committee or Commission.
3. The Board of Aldermen appoints individuals to serve on Boards, Committees and Commissions, and it is the responsibility of Boards, Committees and Commissions to follow policy established by the Board. But Board, Committee and Commission members do not report to individual board members, nor should board members 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."
4. A primary role of Boards, Committees and Commissions is to represent many points of view in the community and to provide the Board with advice based on a full spectrum of concerns and perspectives. board members 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.

SECTION 3. Sanctions. The City of Troy's Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the City of Troy Board, Boards, Committees and Commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of Boards, Committees and Commissions and the Mayor and Board have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

A.Board/members. Board/members who intentionally and repeatedly do not follow proper conduct may be reprimanded by the Mayor or formally

censured by the Board, lose committee assignments (both within the City of Troy and with intergovernmental agencies) or other privileges afforded by the Board. Further, any Board/member found in violation of this Code or any other misconduct in office may also be subject to the following sanctions imposed by the Board: (1) Required to attend and successfully complete training related to the nature of the violation and/or (2) Required to issue a formal, sincere apology.

B. Failure to comply with any sanctions imposed by the Board will be considered a violation of this Code. Individual Board/members should point out to the offending Board member perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. It is the responsibility of the Mayor to initiate action if a Board member's behavior may warrant sanction. If no action is taken by the Mayor, then the alleged violation(s) can be brought up with the full Board.

SECTION 4: Conflicts: All ordinances or parts of ordinances in conflict herewith are hereby repealed but shall otherwise remain in full force and effect.

SECTION 5: Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 6: Effective Date: This Ordinance shall be in full force and effect after its passage and approval as provided by law.

PASSED AND APPROVED THIS 15th DAY OF April 2024.

A handwritten signature in cursive script that reads "Ron Sconce". The signature is written in black ink and is positioned above a horizontal line.

Mayor Ron Sconce, City of Troy

ATTEST:

Kaitlyn Knickmeyer

Kaitlyn Knickmeyer, Interim City Clerk

1st Reading: April 15, 2024

2nd Reading: April 15, 2024