

CITY OF GLASGOW, MISSOURI

BILL NO. 9-2023-2

ORDINANCE NO. 3517


AN ORDINANCE OF THE CITY OF GLASGOW, MISSOURI, ADOPTING THE CITY OFFICIALS CODE OF CONDUCT; TIME WHEN ORDINANCE SHALL TAKE EFFECT.

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

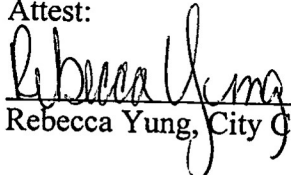
Section 1. The City Officials Code of Conduct, a copy of which is attached hereto, is adopted in its place.

Section 2. This ordinance shall take effect and be in force from and after its passage and approval.

READ TWO TIMES, PASSED BY THE BOARD OF ALDERMEN, AND APPROVED BY THE MAYOR OF THE CITY OF GLASGOW, MISSOURI, THIS 11 DAY OF September 2023.


Larry Neville, Mayor

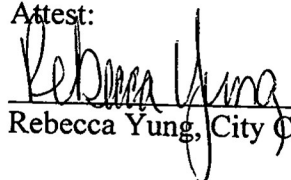
Attest:


Rebecca Yung, City Clerk

THIS ORDINANCE APPROVED THIS 11 DAY OF September, 2023.


Larry Neville, Mayor

Attest:


Rebecca Yung, City Clerk

City Officials Code of Conduct

The purpose of this Code of Conduct ("code") is to define the role of elected officials in the governance of the City. This code consists of policies and implementing rules intended to advance the City's goals of providing efficient and high-quality services to its residents and providing a safe and productive work environment for its employees.

The City of Glasgow is a Forth Class Missouri municipality consisting of the Mayor, City Administrator and Board of Aldermen. The City Administrator is charged with implementing the policies set by the Board of Aldermen and is charged with administering the day-to-day affairs of the City with the assistance of his/her staff. This code establishes rules that contribute to the success of this basic structure and to maintaining positive and effective working relationships between officials and employees.

This code addresses selective aspects of the governance of the City and supplements but does not supplant other laws and rules that prescribe the legal responsibilities of City elected officials ("officials"). Those include, among others, the State of Missouri Constitution, various provisions of the Missouri Revised Statutes, federal laws prohibiting discrimination and harassment, and the provisions of the City's own City Code. Elected officials should be familiar with these laws to assure that they exercise their responsibilities properly.

It is not possible for a code of this kind to anticipate and provide a rule of conduct for all situations. It is expected that officials will manage their behavior in a manner consistent with the rules that follow, respect the chain of command and behave within the bounds of their authority. It is also expected that officials will treat each other, City employees, residents and businesspeople with courtesy and respect in a manner that reflects well on the City.

Policies governing the conduct of officials are listed in this section. Following each policy is a set of rules that give specific application to the policy. In italics following each rule is an explanation of the rule and guidance for interpreting and applying the rule.

Policy A. Officials shall deal with the administrative service solely through the Mayor and/or City Administrator.

Rules:

Rule (1) Officials shall not direct, order or make demands on any City employee, other than inquiries that can be answered routinely and without research.

City staff is organized in a hierarchical structure, and City employees work under the direction and control of several layers of management culminating with the City Administrator. Individual officials are not part of that management structure and have no authority to direct employees. When an official attempts to give an employee direction, the employee is put in an awkward position and the management structure is undermined. In some cases such actions have the potential for liability. Officials are not authorized directly to give work assignments to employees, including department heads. Employees are instructed not to take directions or work assignments from officials and to report any such attempts to their department head. An official may ask a routine question of

staff; beyond that, concerns about work assignment should be addressed to the Mayor and/or the City Administrator.

Rule (2) Officials shall not attempt to reorganize an employee's priorities or influence the manner by which City staff performs their assigned functions or duties.

City employees are directed in their everyday tasks by their immediate supervisor in accordance with approved work plans. Interference with an employee's work routine, priorities or decision making processes by an official creates confusion and stress and places the employee in the difficult position of either disregarding his or her assigned work or appearing to disrespect the official's wishes. All requests for work or research should be directed to the City Administrator. From time to time an official may believe that a problem must be looked into immediately and is tempted to direct an employee to drop everything and focus on that problem. Officials must, however, communicate their concern to the Mayor and/or the City Administrator.

Rule (3) Officials request for information or special reports shall be made by a majority vote of the Board of Aldermen or subcommittees of the Board; Public Works, Public Safety or Ways and Means. All requests will be directed to the City Administrator. If an official wants public information independently of the Board of Aldermen or Subcommittee the request must be made independently by submitting a "Request for Public Record" form at their own expense. A copy of the request will be forwarded to the Mayor and Board of Aldermen.

Elected officials are an oversight governing body for the City and from time to time need additional information or reports to help make educated decisions and policies. It is imperative that officials work together in a transparent process when performing their duties. It is impractical and causes frustration and confusion for the staff if officials act independent of the Board and organizational structure. Maintaining a structured open process insures that all officials have the same information and eliminates undue pressure on City staff.

Rule (4) Officials shall not retaliate or threaten to retaliate against employees as a result of disagreements over policy recommendations.

It is critical to the success of the City that its employees enjoy a workplace free of the fear of retaliation. The City takes great pride in its creativity and its receptivity to new and different ideas; an open and nonjudgmental atmosphere fosters creativity where candor is not penalized. City employees are hired to offer their professional judgments and opinions. Officials are certainly free to disagree with those judgments; indeed, those officials ultimately may have the final word. But those disagreements must not extend to threats or generate fear of reprisal. Officials enjoy substantial influence within City Hall; this authority must not be exercised in a manner that intimidates staff and degrades morale with resulting damage to the fabric of the organization

Rule (5) Officials shall not threaten a City employee with disciplinary action.

If an official is concerned about the performance of a City employee, that concern should be expressed privately to the City Administrator. Such criticisms can then be addressed in accordance with the City's personnel rules, in a manner that protects the employee's rights and protects the City's authority to properly discipline its employees. It is never acceptable for an official to directly threaten disciplinary action of any kind, and rarely, if ever, is it appropriate to publicly criticize an employee. Officials should certainly have high expectations of employees' work performance; but there is no room in the City organization for public humiliation of any person.

Policy B. Officials shall act collectively in a properly noticed and constituted meeting; officials have no authority to make decisions or take actions on behalf of the body unless expressly authorized to do so.

Rules:

Rule (1) Officials shall not make representations or promises to any third party regarding the future actions of the City or of the body of which they are a member, unless the appropriate body has duly authorized such representation or promise.

When officials engage in conversations with residents, applicants, developers, lobbyists and officials of other governmental agencies, they should be cautious not to make representations or promises that they cannot legally make or keep. Future actions of a legislative body cannot be promised or predicted with certainty. Individual officials do not have authority to make commitments on behalf of the City unless expressly authorized to do so by the body of which they are a member.

Rule (2) When making public utterances, officials shall make it clear whether they are authorized to speak on behalf of the body of which they are a member or whether they are presenting their own views. This subsection shall not apply to the Mayor.

Officials occasionally speak before other public bodies, neighborhood groups or to the press. When doing so, they should always make it clear whether they are presenting their own point of view or whether they have been authorized by the body of which they are a member to present a particular view. They should be clear in all oral and written utterances whether they are using their title for identification purposes or because they are speaking in an official capacity.

Rule (3) Officials shall not interfere with the implementation by City staff of approved projects and programs.

The City Administrator cannot function effectively if he or she receives inconsistent direction from individual Council members or is not given the support and independence necessary to administer the City. Questions and/or concerns regarding the priorities of the City government shall be brought to the attention of the Mayor.

The City Administrator is charged with the implementation of approved projects or programs. The members of the Board of Aldermen must avoid interfering with or directing the Administrator's method of carrying out the Board's, even if the project or program was conceived and initiated by an individual Council member. Once a project or program receives Board approval, it is an official activity of the City, not of any individual Council member. Officials do not have authority and should refrain from giving directions or instructions to City contractors or consultants working on City projects or programs.

Policy C. City resources shall be used solely for proper governmental purposes and only with proper authorization.

Rules:

Rule (1) City letterhead may be used by officials for official City business.

City letterhead must be used with care to avoid misunderstandings. Letterhead may be used to communicate official City policy or actions. It is also routinely used by officials to respond to inquiries or communicate their individual opinions, in which event the author should be clear about whose view is being presented. City letterhead may be used by other City officials (board and commission members) only for transaction of official City business.

Rule (2) Officials shall not use or disclose information obtained through City service for improper or illegal purposes.

Officials often acquire information in performing their duties that is not generally available to the public, including information received in closed sessions. Sometimes this information is confidential or highly sensitive. Information that is not generally available to the public must remain confidential and be used only for the purposes for which it was divulged. In particular, this information can never be used for personal gain.

Policy D. When representing the City, officials shall conduct themselves in a dignified manner and in accordance with all legal requirements.

Rules:

Rule (1) When representing the City on official business, officials shall behave responsibly and in a manner as to project a positive image for the City.

Whenever an official is representing the City, in or out of town, the official is "on duty" and should behave in a manner that will reflect well on the City. When out of town or at social events there is a temptation to behave more informally than one might in City Hall, which can lead to awkward or embarrassing situations and in extreme cases to improper or illegal behavior. When at government, civic or political functions, officials should avoid drinking alcohol to excess.

Rule (2) Decorum. While meetings are in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting nor disturb any member while speaking or refuse to obey the orders of the Board of Aldermen or its presiding officer.

Violations

Any complaint regarding a violation of the Code of Conduct must be made in writing and signed. The complaint shall be presented to the Board of Aldermen. The Board of Alderman may, by a majority vote present the complaint to the Missouri Ethics Commission established under Section 105.955, RSMo., or its successor. Upon receipt of a report from the Missouri Ethics Commission under Section 105.961, RSMo., as amended or revised, that indicates that there is probable cause that a violation has occurred, the appropriate disciplinary authority shall determine whether to follow the recommendations contained in the report within the time allowed by Statute (including any stay resulting from an appeal) and whether to take any other appropriate disciplinary actions. As provided by Statute, in the case the person is an elected or appointed official, the disciplinary authority is the Board of Aldermen. However, the Board of Aldermen retains their respective ultimate authority in such matters and may determine to act as the disciplinary authority within the constraints of the Missouri Revised Statues and City Code.

Elected official signature: _____

Position with the City: _____

Date: _____

Clerk as witness: _____

This document must be signed each year by new and old council members after new members are sworn in. Original document to be kept on file during the officials term.