

CODE OF CONDUCT FOR ELECTED OFFICIALS

WHEREAS, the Common Council of the City of Racine, Wisconsin, hereby declares that the business of the City is to be conducted in an orderly and efficient manner to facilitate sound Common Council and public deliberation and decision making; and

WHEREAS, each member of the Common Council has a duty to:

Respect and adhere to the American ideals of government, the rule of law, the principles of public administration, and high ethical conduct in the performance of public duties;

Represent and work for the common good of the City and not for any private interest;

Refrain from accepting gifts or favors or promises for future benefits that might compromise or tend to impair independence of judgment or action;

Provide fair and equal treatment for all persons and matters coming before the Common Council;

Learn and study the background and purposes of items of business coming before the Common Council;

Faithfully perform all duties of office;

Refrain from disclosing any information received confidentially concerning the business of the City or received during any closed session held pursuant to state law;

Decline any employment that creates a conflict of interest with the elected official's public duty;

Refrain from abusive conduct, personal charges, or verbal attacks upon the character, motives, ethics, or morals of other members of the Common Council, other City governmental bodies, staff, or public, or other personal comments not germane to the issues before the Common Council;

Listen courteously and attentively to all public discussions at meetings and avoid interrupting other speakers, including other Common Council members, except as may be permitted by established Rules of Order;

Faithfully attend all sessions of the Common Council and assigned committees unless to do so because of disability or some other compelling reason;

Maintain the highest standard of public conduct by refusing to condone breaches of public trust or improper attempts to influence legislation, and by being willing to censure any member who negligently, willfully or intentionally violates the rules of conduct and the City of Racine Code of Ethics; and

NOW THEREFORE, BE IT RESOLVED, that the City of Racine Code of Conduct for Elected Officials is established.

- Section 1. The City of Racine Code of Conduct – 2
- Section 2. Elected Official Conduct with One Another – 2-4
- Section 3. Elected Official Conduct with City Staff – 4-5
- Section 4. Elected Official Conduct with the Public – 5-7
- Section 5. Elected Official Conduct with Public Agencies – 7
- Section 6. Elected Official Conduct with Boards and Commissions – 8
- Section 7. Elected Official Conduct with Media – 8-9

SECTION 1: The City of Racine Code of Conduct

It is hereby declared to be the policy of the City of Racine to demand, uphold, and promote the highest standards of ethics from its elected officials. Accordingly, all members of the Common Council and the Mayor shall maintain the utmost standards of personal integrity, trustfulness, honesty, fairness, and civility 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 Racine and its elected officials share a commitment to ethical conduct and service to the City of Racine. This Code has been created to ensure that all officials have clear standards for carrying out their responsibilities in their relationships with each other, with the City staff, with the citizens of Racine, and with all other private and governmental entities.

SECTION 2: Elected Officials' Conduct with One Another

The Common Council and the Mayor (hereinafter the “Common Council” or “Council”) have a responsibility to set the policies for the City. In so doing, certain types of conduct are beneficial, while others are destructive. The Council has the responsibility to take the high road for intra-Council conduct and to treat other Council members ethically and civilly.

The Council is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all chose to serve in public office and, therefore, have the obligation to preserve and protect the well-being of the community and its citizens. In all cases, this common goal should be acknowledged. The Council

must recognize that inappropriate behavior is counterproductive, while other behavior will lead to success.

A. Use Formal Titles

The Council shall try to refer to one another formally during public meetings as Mayor, Council President, or Alderperson followed by the individual's last name.

B. Use 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 free democracy in action. Every Council member has the right to an individual opinion, which should be respected by the other Council members. Council members shall not be hostile, degrading, or defamatory when debating a contentious issue. Council members shall assume the other members of the Council have the appropriate motives and interest of the public in mind and should not criticize differing opinions because they believe them to be lacking in judgment or improperly motivated.

However, free and open debate does not allow Council members to make belligerent, impertinent, slanderous, threatening, abusive, or personally disparaging comments in public meetings or during individual interactions. Shouting, physical actions, and the use of words that could be construed as threatening or demeaning shall not be accepted. If a Council member personally is offended by the remarks of another Council member, the offended member should make a note of the actual words used and call for a "point of personal privilege" that challenges the other Council member to justify or apologize for the language used.

Common Council members shall be attentive to the proceedings during all meetings. Members shall not engage in side conversations with each other or members of the public and shall not engage in text, email, or other electronic communications with each other or members of the public while meetings are in session.

C. Honor the Role of the Chair in Maintaining Order

It is the responsibility of the Mayor, as Chair of the Council, or other person chairing any meeting, to keep the comments of Council members on track during 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 commonly recognized parliamentary procedure. Likewise, the same responsibilities vested in the Mayor for Council meetings, are vested in the Committee Chair for Committee meetings.

D. Attend to Duties of Office

Wisconsin Statute section 62.11(3)(a) provides that the “council shall be the judge of the election and qualification of its members, may compel their attendance, and may fine or expel for neglect of duty.” “Neglect of duty” is the omission to perform a duty, including but not limited to continuing or repeated substantial neglect of the responsibilities of an elected official as defined by law, unauthorized absences, excessive tardiness, excessive absences, and failure to comply with this Code of Conduct.

SECTION 3: Elected Officials’ Conduct with City Staff

Governance of the City relies on the cooperative efforts of elected officials who set policy, statutory City officers who perform duties imposed by law, and City staff who implement and administer the Council’s policies. Therefore, every effort shall be made to be cooperative and show mutual respect for the contributions made by each other for the good of the City.

A. Treat all Staff as Professionals

Council members shall treat all staff as professionals. Clear, honest communication that respects the abilities, education, experience, and dignity of each individual is expected. Poor behavior toward staff is not acceptable. Council members should refer to staff members by their title followed by the individual’s last name in public meetings when first introduced.

B. Never Publicly Demean or Personally Attack an Individual Employee

Council members shall never demean or personally attack an employee regarding the employee’s job performance or regarding personal issues in public, including at a meeting, when any other persons are present, or in any other public forum, including social media. Council members shall not discuss publicly personnel issues regarding any individual City employee. All employee performance issues shall be forwarded to the employee’s supervisor or the City Administrator through private correspondence or conversation.

C. Do Not Supersede Administrative Authority

Unless otherwise provided in this Code of Conduct or by law, neither the Council, nor any of its members, shall attempt to supersede the administration’s powers and duties. Neither the Council nor any member thereof shall give orders to any subordinate of the Administrative Managers, either publicly or privately. Council members shall not attempt to unethically influence or coerce City staff concerning either their actions or recommendations to Council about personnel, purchasing, awarding contracts, selection of consultants, processing of development applications, or the granting of City licenses and permits.

Nothing in this section shall be construed, however, as prohibiting the Council while in open session from fully and freely discussing with or suggesting to the Administrative Managers anything pertaining to City affairs or the interests of the City.

D. Do Not Solicit Political Support from Staff

Council members shall not solicit any type of political support, i.e., financial contributions, display of posters or lawn signs, name on support list, names in political advertisements, collection of petition signatures, etc., from City staff. City staff may, as private citizens acting within their constitutional rights, support political candidates, but all such activities must be done away from the workplace. Photographs of uniformed City employees, including but not limited to protective service employees, shall not be used in political ads.

SECTION 4: Elected 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 Council members toward an individual participating in a public forum. Every effort should be made to be fair in listening to public comment or testimony. The Council members are expected to demonstrate their honesty and integrity and to be an example of appropriate and ethical conduct. All Council members should convey to the public their respect and appreciation for the public's participation, input, and opinions.

A. Be Welcoming to Speakers and Treat Them with Care and Respect

For many citizens, speaking in front of Council is a new and difficult experience. Under such circumstances, many are nervous. Council members are expected to treat citizens with care and respect during public comment periods and during public hearings. Council members should commit full attention to the speakers or any materials relevant to the topic at hand. Comments and non-verbal expressions should be appropriate, respectful, and professional.

B. Be Attentive to Speakers during Public Comment and Public Input Periods

The following language shall be announced during the Common Council Public Comment period by the City Clerk and shall constitute the rules for such public comments:

The public comment segment is an opportunity for citizens to speak directly to the common council. Speakers will limit their remarks to three minutes.

There shall be no dialogue or interaction between the speaker and elected officials or staff. This time is not intended to be a debate or discussion.

The common council shall not hear personal complaints or attacks against any city employee or elected official or any matter related to an individual claim, citation, appeal, or lawsuit. Profane, disruptive, threatening, or conduct that otherwise impedes the safe, orderly, and effective conduct of the common council meeting is equally unacceptable during the public comment period as it is during all other portions of city meetings. When a group of people representing one viewpoint wishes to address the council, one person should be appointed the designated speaker for the group. Candidates for public office may not use this opportunity to campaign for office.

Speakers during the public comment period shall follow all rules of the common council and rulings of the chair, including a decision to terminate the remarks if the speaker does not adhere to these rules. Public comment shall be limited to ideas or concerns regarding the City of Racine.

C. Be Fair and Equitable in Allocating Public Hearing Time to Individual Speakers

The Mayor, or other person chairing a meeting, will determine and announce time limits on speakers at the start of the Public Hearing process. Generally, each speaker at a Public Hearing will be allocated five minutes, with applicants and appellants or their designated representative 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 addressed by previous speakers.

After the close of the Public Hearing, no additional public testimony will be accepted unless the Council reopens the Public Hearing for a limited and specific purpose.

D. Ask for Clarification, but Avoid Debate and Argument with the Public

Only the Mayor, not other Council members, should interrupt a speaker during a presentation. However, other Council members may ask the Mayor for a point of order if the speaker is off the topic or is exhibiting behavior or language the Council member finds disturbing. Questions directed by Council members to members of the public testifying should seek to clarify or expand information, not to criticize or debate.

E. Follow Parliamentary Procedure in Conducting Public Meetings

The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. The City Attorney's answers or interpretations are advisory only. Final rulings on parliamentary procedure are made by the Mayor or Committee Chair, subject to the appeal of the full Council or Committee per the City's procedural rules and Roberts Rules of Order.

Outside Public Meetings

F. Make no Promise on Behalf of the City or Council in Unofficial Settings.

Council members frequently are asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community or with the media. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. While Council members may make promises as to their own actions, explicit or implicit promises of specific Council action or promises that City staff will take some specific actions shall not be made.

Council members must ensure that, in expressing their own opinions, they do not mislead any listener into believing that their individual opinion is that of the entire Council, unless the Council has taken a vote on that issue and the Council member's opinion is the same as the decision made by the Council. Likewise, no Council member should state in writing that Council member's position in a way that implies it is the position of the entire Common Council. A Council member has the right to state a personal opinion, and has the right to indicate that he/she is stating such as a member of the Council, but must always clarify that he/she is not speaking on behalf of the City or the Council unless authorized by the Council to do so.

Inevitably, the Common Council, as a whole, will make decisions that are contrary to the position held by an individual member. Certainly any individual Alder may express disagreement with the decision of the Council, but shall so do in a way that demonstrates respect for the action taken by the Council. No individual member of the Council shall take any individual action that is contrary to the direction of the Council or that undermines any decision made by the Council.

SECTION 5: Elected Official Conduct with Public Agencies

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

Council members must inform the Council of their involvement in an outside organization if that organization is or may become involved in any issue within the City's jurisdiction. If an individual Council member publicly represents or speaks on behalf of another organization whose position differs from the City's official position on any issue, the Council member must clearly communicate the organization upon whose behalf they are speaking and must withdraw from voting as a Council member upon any action that has bearing upon the conflicting issue.

SECTION 6: Elected Official Conduct with City Boards, Commissions, and Authorities

A. Limit Contact with City Board, Commission, and Authority Members to Questions of Clarification

Council members shall not contact a City Board, Commission, or Authority member to lobby on behalf of an individual, a business, or a developer for personal gain. Council members may contact Board, Commission, or Authority members in order to clarify a position taken by the Board, Commission, or Authority or a member thereof. Council members may respond to inquiries from Board, Commission, and Authority members. Communications should be for information only.

B. Attendance at Board, Commission, or Authority Meetings

Council members may attend any Board, Commission, or Authority meeting and provide input or advocate on behalf of issues, when such meetings are open to any member of the public. However, they should be sensitive to the way their participation is viewed, especially if it is on behalf of an individual, business, or developer, which could be perceived as unfairly affecting the process. Further, being a member of the Council does not bestow membership on any Board, Commission, or Authority. Unless specifically appointed to the particular Board, Commission, or Authority, no Council member has any greater right than any other member of the public to attend or speak at any Board, Commission, or Authority meeting, including closed sessions.

C. Be Respectful of Diverse Opinions

A primary role of any Board, Commission, or Authority 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. In addition, Boards, Commissions, and Authorities have independent power and duties within their areas of responsibility. Council members must be fair and respectful to all citizens serving on Boards and Commissions.

SECTION 7: Elected Official Conduct with the Media

A. Expression of Positions on Issue

When communicating with the traditional or non-traditional news media, Council members should clearly differentiate between personal opinions and the official position of the City. Each Alderperson represents one vote of fifteen and, until a vote on any issue is taken, Council members' positions are merely their own.

B. Discussions Regarding City Staff

Council members shall not discuss personnel issues or other matters regarding individual City staff in the traditional or non-traditional news media. Any issues pertaining to City staff

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should only be addressed directly to the employee's Administrative Manager or to the City Administrator.

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