

BILL NO. _____

RESOLUTION NO. _____

A RESOLUTION AMENDING THE COUNCIL RULES OF PROCEDURE TO ADD SECTION 10
“CITY COUNCIL CODE OF CONDUCT”.

WHEREAS, Section 1.2 of the Independence City Charter (the Charter) establishes a “council-
manager government” as the form of municipal government; and

WHEREAS, Section 2.15 of the Charter dictates that “Councilmembers shall deal with the
administrative service solely through the City Manager; and no councilmember shall give orders to any
subordinate of the City Manager either publicly or privately”; and

WHEREAS, the Council desires to uphold the Charter and “provide for more efficient, adequate,
and economical government”;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF INDEPENDENCE,
MISSOURI, AS FOLLOWS:

10. CITY OF INDEPENDENCE CITY COUNCIL CODE OF CONDUCT

A. Purpose

B. The Independence City Council Code of Conduct is designed to describe how Council members should act while representing the City of Independence, and defining more clearly the behaviors that are suitable for certain occasions. The constant and consistent themes through this section are integrity, dignity, efficiency, honesty, and respect. This section is intended to provide general guidance for Council members; it is not an exhaustive list of all situations. Council Conduct with City Staff

- a. Governing the City requires the cooperation of the elected officials who set policy, and City staff who implement and administer the policy. The City’s organizational structure, or Chain of Command, should be followed and respected.**

C. Treat City staff as professionals

- a. Clear and honest communication that respects the abilities, dignity, and experience of staff members is expected at all times.**

D. Chain of Command

- a. Questions and requests of City staff should be directed to the City Manager, as proscribed in Section 2.15 of the Independence City Charter. Any interaction occurring between a member of the City Council and a subordinate employee of the City Manager-other than matters of inquiry-shall be reported to the City Clerk, who shall then publish a monthly report itemizing these interactions. This report shall contain the name of the staff person contacted, the date of the interaction, and the subject matter discussed. Information provided to a Council member in response to a question or request will be given to all Council members to ensure equal access to information.**

- b. **City Council members will work with the City Manager through the Council structure, not on an individual Council-Manager basis.**

E. Be mindful of productivity

- a. **City staff is accessible to City Council members, but Council members should be mindful that City staff have multiple assignments/duties to accomplish. The City Manager shall be available to meet with each member of the City Council at a minimum of once every two weeks for one hour with each member for the purpose of discussing current City business, reviewing City Council meeting agendas, and discussing priorities for each City Council member. Additional meetings shall be scheduled at the discretion of the City Manager.**
- b. **Council members will prepare for all subjects scheduled for presentation and/or consideration before them; as such, Council members should provide any questions expected to be directed to staff members in a public meeting in advance of the meeting, to provide staff with sufficient time to provide meaningful and accurate information for public discourse.**

F. Respect for boundaries outside working hours

- a. **City Council members are confronted with a plethora of issues, many requiring the assistance and/or direct involvement of the City Manager for resolution. It is expected that calls, texts, or emails sent between 8:00 a.m. and 5:00 p.m. Monday through Friday shall be returned the same day. City Council members should exercise restraint when considering contacting the City Manager outside of these hours. It is recognized that calls, texts, or emails sent after 5:00 p.m. and before 8:00 a.m., or on a Saturday, Sunday, or City holiday, will be returned at the City Manager's discretion or the next business day, unless in the event of an emergency. For purposes of this section, emergency shall be defined as a circumstance in which irreparable harm or damage has or will occur to persons or property.**

G. Never publicly criticize an individual employee

- a. **Council members should not be critical of a City employee in public, to the employee directly, or to the employee's manager. Staff performance should be discussed with the City Manager during individual meetings.**

H. Council Conduct with the Public

- a. **In Public Meetings - The City's business is conducted at City Council meetings by the elected officials of the City. All Council meetings are open to the public, but public participation is permitted only at formal Council business meetings and at Study Sessions during the time and in the manner set forth in these rules. Public participation is generally not permitted during work sessions and other informal meetings, except as outlined in Section 6.4 of these rules (although the public is encouraged to express comments in writing or other communication prior to those meetings). Members of the Council should act in accordance with the state law and City ordinances applicable to public meetings.**
- b. **In Unofficial Settings**

- i. Make no promise on behalf of the Council - Council members will be asked to explain a Council action and/or for their opinion about an issue. It is appropriate to discuss City policy and to refer questions to City staff for more information. Do not promise Council action or promise that the City will do something specific.**
- ii. Council members are observed by our community every day in office. Honesty, transparency, and respect for all should be demonstrated every day.**

I. Council Conduct with Other Public Agencies

- a. Be clear about representing the City or personal interests - Council members may appear before agencies and organizations to give a statement on an issue, at which time they should clarify that:**
 - i. The statement reflects their personal opinion, or it is the official stance of the City; and**
 - ii. The statement is the majority or minority opinion of the Council.**
- b. Correspondence also should be equally clear about representation - City letterhead may be used when the Council member is representing the City and the City's official position. Copies of all official correspondence should be provided to the City Clerk.**

J. Council Conduct with the Media

- a. Council members may be contacted by the media for background information, updates, and quotes. Council members should contact the City Communications Officer prior to speaking with the media for advice and guidance, as well as to ensure adherence to the City's adopted Communications Plan.**

K. Council Conduct with Developers, Real Estate Brokers, and Agents of Developers

- a. Council members may not discuss a prospective application for a development project, land use decision, or economic development tool with any potential applicant without being in the presence of the City Manager or his or her designee.**

L. Public Trust

- a. Council members shall place the competence and effectiveness of service to the public above all interests of persons, factions, or parties.**
- b. Council members shall refuse personal gifts in every instance where there may be a reason to believe a gift worth more than a nominal value would not have been extended except for their official position, where there is reason to believe the giver's interests are likely to be affected by official actions, or where the gift is or may reasonably be considered to be designated to influence official actions.**

- c. Council members shall strive to provide fiscally-sound policies, with expenditures matching or being less than funds budgeted.
- d. Council members shall avoid unilateral action that does not comply with existing Council policy.
- e. Council members shall use City equipment only for City business and in compliance with all applicable laws, rules, and regulations. Public equipment shall not be used for activities not related to City business, including posting on or otherwise interacting on social media pages, pursuing personal commercial endeavors, or conducting certain political activities prohibited by state or local law.
- f. Council members shall conduct themselves in keeping with the trust and dignity of their position as a servant of the people of the City.
- g. Council members shall abstain from participation in a decision of the Council where a possible conflict of interest may exist.

M. Attendance Required

- a. Attendance of Council members at all meetings of the Council shall be enforced in accordance with the provisions of Section 2.7 of the Independence City Charter.

N. Violations

- a. City Council members who violate this Code of Conduct may be reprimanded, formally censured, or removed from office as prescribed by Section 5.5 of the Independence City Charter.

SECTION 2. That correction of any scrivener errors identified within the Council Rules of Procedure is hereby authorized by this resolution.

PASSED THIS _____ DAY OF _____, 2023, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

 Presiding Officer of the City Council
 of the City of Independence, Missouri

ATTEST:

 City Clerk

APPROVED AS TO FORM AND LEGALITY:

 City Counselor

REVIEWED BY:

City Manager

NOTE: Text being eliminated by this resolution is lined through and bolded, and text being added by this resolution is underlined and bolded.