

ORDINANCE NO. 2017-04

AN ORDINANCE ADOPTING CERTAIN RULES OF MEETING PARTICIPATION AND DECORUM FOR MEETINGS, AS WELL AS, A CODE OF ETHICS AND CONDUCT FOR ELECTED AND APPOINTED OFFICIALS OF THE LEOTI CITY COUNCIL. A complete text of this Ordinance may be obtained or viewed free of charge at the Office of the Leoti City Clerk. Additionally, the full text of this Ordinance may be viewed on the City’s official website www.leotikansas.org for a minimum of one week following the date of this publication. Leoti City Attorney Rebecca Faurot certifies this summary pursuant to K.S.A 12-3001, K.S.A 12-3007, *et seq.*

ORDINANCE NO. 2017-04

**AN ORDINANCE
ADOPTING CERTAIN RULES OF MEETING PARTICIPATION AND DECORUM FOR MEETINGS AND
A CODE OF ETHICS AND CONDUCT FOR ELECTED AND APPOINTED OFFICIALS OF THE LEOTI CITY COUNCIL**

WHEREAS, the Governing Board of the City of Leoti, Wichita County Kansas (City Council) desires to comply with the laws governing the Council found in Chapter 19, Article 2 Kansas Statutes Annotated; the Kansas Open Records Act found in K.S.A. 45-215 et. seq.; and the Kansas Open Meetings Act found in K.S.A. 75-4317 et. seq.

WHEREAS, Leoti City Council finds it important to maintain an open line of communication with the public.

WHEREAS, Leoti City Council finds it necessary to govern the participation and decorum of those attending the Council meetings.

THEREFORE, the Governing Board of the City of Leoti, Wichita County Kansas (City Council), meeting in regular session, this 3rd day of July, 2017, does hereby ordain as follows:

SECTION 1. PUBLIC

1.1. Public Participation. All persons who comply with the following Rules of Decorum may attend the meetings of the Leoti City Council, except those which are closed according to law. Provided, however, that such attendance shall in no way interfere with or impede the conduct of the meeting. In the event of a disturbance or conduct that is disruptive to the proceedings, the room may be cleared of any person(s) by the Presiding Officer or law enforcement. Any conduct rising to the level of Disorderly Conduct as defined by K.S.A. 21-6203 will be reported to Law Enforcement.

The public will be allowed comment in two ways: first, during “general public comment” near the beginning of each meeting, the public may comment as to issues not on the agenda; second, at the beginning of each scheduled agenda item, the public may comment as to that specific agenda item. All meeting attendees must comply with the following “Rules of Decorum”:

- a. All members of the public will turn off all devices and leave the meeting room entirely before taking or receiving calls.
- b. Speakers must be recognized by the Presiding Officer, state their name and address, and identify the topic they wish to address.
- c. All speakers must address the Council only from the podium. Public will not continue to address the City Council once they have left the podium and will not engage in conversation with the Council or its members from their seat.
- d. Each individual may only speak one time per each issue.
- e. All comments must be relevant to the issue at hand and may not be repetitive.
- f. Comments are to be limited to 5 minutes in length. If a group wishes to address the Council on the same subject, the group will be required to select a spokesperson, and such comment will be limited to 7 minutes in length. The Presiding Officer may allow more time upon request for exigent circumstances. Speakers will not continue to address the Council once their time is up.
- g. Copies of any documents, handouts, displays, or visual aids must be provided to the City Clerk.
- h. If the topic of the comment is related to non-elected employees of the city or may contain other private, privileged or confidential information, speaker shall alert the Presiding Officer prior to getting into the details of the comment as Executive Session may be required.
- i. Comments shall be directed to the Council as a whole and shall not include conversations or arguments with any individual Councilor. Other than requesting clarification, Council members should refrain from entering into dialogue with the speaker.
- j. Speakers shall refrain from making remarks which are personally offensive, threatening, impertinent, profane, demeaning, or slanderous; campaign for or against a public office; promote private business; likely to incite violence or outbursts. Speakers shall not shout, yell or argue. Speakers will refrain from using language likely to incite violence, argument, or outbursts from the audience; using language that is disruptive to the orderly process of the meeting; engaging in conversations with individual Council Members; and making comments of a personal nature regarding others.
- k. The Presiding Officer is responsible for maintaining order and decorum and will strictly enforce these rules by first asking the individual to comply or asking them to immediately cease speaking and take their seat, then by asking them to leave or requesting they be escorted out of the meeting.
- l. Anyone wishing to take photos or make audio or visual recording must notify the City Clerk prior to the meeting.

1.2. Public Comments. During this agenda item, any resident of the City of Leoti may speak as to any issue not otherwise on the agenda. Individuals seeking to speak during this time will raise their hand and wait to be called to the podium. All Public Comments must comply with the Rules of Decorum from Section 1.1. In many cases, speakers will be referred to meet with staff to resolve the issue or to get their questions answered. Speakers should not expect immediate answers as the matter may be referred to a city department or set on the agenda for a future meeting.

1.3. Citizen Comment on Agenda Items. The City Council meetings are designed for the governing body to discuss and make decisions on the agenda items. Members of the public may speak once on each agenda items if they comply with the Rules of Decorum in Section 1.1 and the following procedure:

- a. Each agenda item is first introduced by the Presiding Officer.
- b. The Presiding Officer then asks for staff presentation or clarification on the issue if necessary.
- c. The Presiding Officer then asks for comment from the individual requesting the item on the agenda if necessary.
- d. The Presiding Officer then asks if there are any citizens wishing to comment on the item. All comments must take the form described in Section 1.1.
- e. The Presiding Officer will then call for a motion and second.
- f. Once a motion has been made and seconded, no additional comments will be heard from the public and only the council and Mayor can discuss the merit of the motion. During this time:
 - i. Council members interested in speaking on the issue, must be recognized by the Presiding Officer.
 - ii. Council members may seek clarification from the public only with the permission of and through the Presiding Officer; and only if such clarification is germane and helpful to the decision making.
 - iii. Members of the public may not initiate communication during this time.

1.4. Public Hearings. When an item requires a public hearing by law, the Presiding Officer will open and facilitate the public hearing. Public comments can be made in the same manner as the public comment on agenda items. Reasonable limitations on the number of speakers and time allowed to speak may be imposed by the Presiding Officer in order to keep the meeting moving. Public hearings are held to gather data and opinions from the public that facilitate the decision-making process. The Rules of Decorum from Section 1.1 herein apply to Public Hearings.

SECTION 2. CODE OF ETHICS AND CONDUCT FOR ELECTED AND APPOINTED OFFICIALS

2.1 Elected and Appointed Officials Conduct. All elected and appointed officials of the City of Leoti shall abide by all rules of conduct for the public outlined in Sections 1.1 through 1.4. In addition, the following rules shall apply to the City Council Members:

- a. City Council Members shall abide by the Code of Ethics and Conduct outlined in Section 2.2.
- b. City Council Members shall abide by the conduct for public outlined in Sections 1.1 through 1.4 herein.
- c. Members shall attend all regular meetings unless there is illness or unavoidable business. Members shall be on time. No Member shall be able to speak or vote on an issue they have missed due to absence or tardiness.
- d. All Members must vote except in cases of a conflict of interest.
- e. Members shall preserve order and decorum and shall not delay or interrupt proceedings and must follow all rules of procedure and orders of the Presiding Officer.
- f. A Member desiring to speak must ask permission of the Presiding Officer and shall confine all discussion to the question at hand in a precise manner.
- g. A Member shall not interrupt any person speaking.
- h. A Member shall be allowed to speak for 5 minutes on each agenda item and shall not again be allowed to speak until each other Member has had opportunity.
- i. If a Member is called to order, he/she shall cease speaking and immediately comply with the rules of procedure.

- j. Members shall be removed from the meeting for failure to comply with decisions of the Presiding Officer or for continued violation of the rules of conduct or procedure herein. If the Presiding Officer fails to act, another member may make a motion to require him/her to enforce the rules.

2.2. Elected and Appointed Officials Code of Conduct. All elected and appointed officials of the City of Leoti including but not limited to Council Members, Mayor, City Treasurer, City Clerk, and other Committees and Commissions, shall sign and abide by a code of conduct as follows: **For ease of use, the collective term shall be "Official" herein.*

Policy: The Leoti City Council adopts this Code of Ethics and Conduct to assure that all elected and appointed officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of government.

2.3. Ethics. All elected and appointed officials so to provide ethical and accountable local government shall:

1. Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern, Officials will work for the common good of the people of Leoti 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. Officials shall comply with the laws of the nation, the State of Kansas and the City of Leoti.
3. Conduct of Officials. The professional and personal conduct of Officials while exercising their office must be above reproach and avoid even the appearance of impropriety. Officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other Officials, Council, Boards or Committees, the staff or public.
4. Respect for Process. Officials shall perform their duties in accordance with the processes and rules of order established by the City Council.
5. Conduct at Public Meetings. Officials 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 Merit. Officials 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 Official is called upon to determine and apply facts peculiar to an individual case), Officials 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 the law.
7. Communication. For adjudicative matters pending before the body, Officials shall refrain from receiving information outside of an open public meeting or the agenda materials, except on advice of the City Attorney. Officials shall publicly disclose substantive information that is relevant to a matter under consideration by the body which they may have received from sources outside of the public decision-making process.

8. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good and compliance with conflict of interest laws, Officials shall use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Officials shall not use their official positions to influence government decisions in which they have (a) a material financial interest, (b) an organizational responsibility or personal relationship which may give the appearance of a conflict of interest, or (c) a strong personal bias.

An Official who has a potential conflict of interest regarding a particular decision shall disclose any relevant facts to the City Attorney and reasonably cooperate with the City Attorney to analyze the potential conflict. If an Official has 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 Officials unless otherwise permitted by law.

9. Gifts and Favors. Officials 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.
10. Confidential Information. Officials must maintain the confidentiality of all written materials and verbal information provided to Officials which is confidential or privileged. Officials shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests. All records requests should be directed to the City Clerk as soon as they are received.
11. Use of Public Resources. Officials 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.
12. Representation of Private Interests. In keeping with their role as stewards of the public interest, Officials shall not appear on behalf of third parties before the Council or any Board, Committee, Commission or proceeding of the City.
13. Advocacy. Officials shall represent the official policies or positions of the City Council, Board or Committee to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Officials shall explicitly state such. Officials have the right to endorse candidates for all elected offices but it is inappropriate to mention or display endorsements during official City meetings or while at City work.
14. Policy Role of Officials. Officials shall respect and adhere to the structure of government as outlined in statute and code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City staff, Boards or Committees, and the public. Except as provided by the City Code, Officials 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 Council policy decisions.

15. Independence of Boards or Committees. Because of the value of the independent advice of Boards or Committees to the public decision-making process, Officials of Council shall refrain from using their position to unduly influence the deliberations or outcomes of Board, Committee and Commission proceedings.
16. Positive Work Place Environment. Officials shall support the maintenance of a positive and constructive work place environment for City employees. Officials shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

2.4 Conduct Guidelines. The Conduct Guidelines are designed to describe the manner in which elected and appointed officials should treat one another, City staff, constituents, and others they come into contact with while representing the City of Leoti.

1. 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 in order 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.
 - (a) Honor the role of the Presiding Officer in maintaining order. It is the responsibility of the Presiding Officer to keep the comments of Officials on track during public meetings. Officials should honor efforts 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.
 - (b) 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. Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.
 - (c) Avoid personal comments that could offend other Officials. If an Official is personally offended by the remarks of another Official, the offended Official should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Official to justify or apologize for the language used. The Presiding Officer will maintain control of this discussion.
 - (d) Demonstrate solutions-oriented approaches. Officials 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 as a whole.
 - (e) KOMA Requirements. Officials shall avoid conversation about public business before and after the meeting. Officials shall keep all information acquired in executive sessions strictly confidential.
2. Elected and Appointed Officials' Conduct with the Public in Public Meetings. Public participation is an important part of the democratic process.

- (a) No signs of partiality, prejudice or disrespect should be evident on the part of individual Officials toward an individual participating in a public forum.
 - (b) Every effort should be made to be fair and impartial in listening to public testimony.
 - (c) While questions of clarification may be asked through the Presiding Officer, the official's primary role during public testimony is to listen.
 - (d) Practice active listening. It is disconcerting to speakers to have Officials 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. Officials shall try to be conscious of facial expressions, and avoid those that could be interpreted as "smirking," disbelief, anger or boredom.
 - (f) Maintain an open mind. Officials of the public deserve an opportunity to influence the thinking of elected and appointed officials.
 - (g) Ask for clarification, but avoid debate and argument with the public. Only the Presiding Officer – not individual Officials – can interrupt a speaker during a presentation. However, an Official can ask the Presiding Officer for a point of order if the speaker is off the topic or exhibiting behavior or language the Official finds disturbing.
3. 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 the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual.
- (a) Treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.
 - (b) Do not disrupt City staff from their jobs. Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City staff meetings unless requested by staff.
 - (c) Never publicly criticize an individual employee or city department. Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Clerk or Mayor through private correspondence or conversation.
 - (d) Do not get involved in administrative functions. Elected and appointed officials acting in their individual capacity must not attempt to influence City staff on any decision or action in carrying out City policy.
 - (e) Do not solicit political support from staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

(f) No Attorney-Client Relationship. Officials shall not seek to establish an attorney-client relationship with the City Attorney. The City Attorney represents the City and not individual Officials. Officials who consult with the City Attorney cannot enjoy or establish an attorney-client relationship with the attorney.

4. Council Conduct with Boards or Committees. The City has established several Boards or Committees as a means of gathering more community input. Citizens who serve on Boards or Committees become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

(a) If attending a Board or Committee meeting, be careful to only express personal opinions. Any public comments by an Official at a Board or Committee meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

(b) Limit contact with Board, Committee and Commission Officials to questions of clarification. It is inappropriate for an Official to contact a Board or Committee Official to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Officials to contact Board or Committee Officials in order to clarify a position taken by the Board or Committee.

(c) Respect that Boards or Committees serve the community, not individual Officials. Appointment and re-appointment to a Board or Committee should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties.

(d) Be respectful of diverse opinions, decisions and recommendations of the Boards or Committees. A primary role of Boards or Committees 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.

(e) Keep political support away from public forums Board, Committee and Commissions. Officials may offer political support to a candidate, but not in a public forum while conducting official duties.

2.5. Sanctions.

(a) Officials who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct shall be ineligible for intergovernmental assignments and may be suspended from participation in meetings.

(b) Officials will partake in ethics training at the request of the Mayor.

(c) Officials who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council or Mayor, lose seniority or committee assignments or other privileges afforded by the Council. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by the Council or Mayor. These sanctions are alternatives to any other remedy provided by law.

2.6. Implementation. The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for Officials expected by the City. It therefore becomes most effective when Officials are thoroughly familiar with it. For this reason, this Code of Conduct shall be signed upon election or appointment and reviewed regularly every year thereafter. Officials entering office shall sign a statement acknowledging they have read and understand the Code of Ethics and Conduct.

ADOPTED this 3rd day of July, 2017, by the City Council, City of Leoti, Kansas. This Ordinance shall take effect and be in full force from and after its publication in the official City newspaper.

Cheryl Green, Mayor

ATTEST:

Ashley Woods, City Clerk

Published: July 18, 2017