

CITY COUNCIL OFFICIAL POLICIES

CITY OF EARLHAM, IOWA

ADOPTED JULY 8, 2013

CHAPTER 1: OFFICIAL ORGANIZATIONAL, OPERATIONAL, AND PROCEDURAL RULES

RULE I. PURPOSE AND AUTHORITY: Iowa Code Section 372.13(5) requires that "the Council shall determine its own rules." The following rules shall be in effect upon their adoption by the Council and until such time as they are amended or new rules adopted. The rules as adopted shall apply to the Governing Body of the City, which is the Mayor and City Council.

RULE II. COUNCIL MEETING LOCATION: All regular meetings of the Earlham City Council shall be held in the Council Chambers at Earlham City Hall, 140 S Chestnut Avenue, Earlham, Iowa, unless determined by an affirmative motion of the Council to hold a meeting at another location.

RULE III. COUNCIL MEETING DATES AND TIME: The regular meeting of the Earlham City Council shall be held at 7:00 PM on the second Monday of each month. If such day shall fall on a legal holiday, the meeting shall still be held unless a different day or time is determined by motion of the Council. Additional regular meeting dates and times may be approved by Council resolution.

RULE IV. COUNCIL MEETING PROCEDURES: All meetings of the Council, including Committee meetings, shall be held in accordance with the following:

A. Notice of Meetings. Notice of meetings including the date, time, and place of each meeting, and tentative agendas must be posted in a prominent public place at least twenty-four (24) hours in advance of the meeting, except in case of a bona fide emergency according to Iowa Code Section 21.4. Tentative agendas shall be posted at an accessible bulletin board designated for that purpose at City Hall and provided to news media who have filed a request for notice.

B. Meeting Agendas. Agendas must provide notice sufficient to inform the public of the specific actions to be taken and matters to be discussed at the meeting. The precise detail needed to communicate effectively will depend on the situation, including whether the public is familiar with an issue. The less the public knows about an issue, the more detail is needed in the tentative agenda.

C. Meetings Open. All meetings of the Council shall be held in open session unless closed sessions are held as expressly permitted by State law. The public and media may use cameras and recording devices at any open session.

D. Closed Session. Closed session is only permitted for twelve specific reasons set out in Iowa Code Section 21; in all other cases closed session is prohibited. In cases where closed session is permitted, the following guidelines apply:

1. Announce the reason. The Council must publicly announce the reason for closing the meeting and record the reason in the minutes.

2. Take a vote. Closing requires an affirmative vote of two-thirds of the members, or all members present. This requires either four (4) votes (two-thirds of all the members) or three (3) votes (if only three are present and three is a quorum) to close a session.
3. Keep records. The Council must keep detailed minutes and must tape-record the closed session. Detailed minutes must record who is present, all discussion, and any action taken. The minutes and tape are sealed and can be opened only under a court order.
4. Stay focused. A closed session is authorized only to the extent necessary for the reason cited. There must not be discussion of other matters in closed session.
5. Return to open session for final action. Final action can only be taken in open session. For any final decision, a motion and vote must be done in open session.

D. Minutes. The City Clerk shall be responsible for recording minutes for all Council meetings. Minutes shall show the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The minutes shall be public records open to public inspection.

E. Electronic Meetings. A meeting of the Council may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and then only in compliance with the provisions of Iowa Code Section 21.

RULE V. PRESIDING OFFICER:

A. The Mayor shall preside at all meetings of the Council. In case of the Mayor's absence or temporary disability, the Mayor Pro Tem shall act as Mayor during the Mayor's absence. In the event the Mayor resigns, the Mayor Pro Tem shall temporarily act as the Presiding Officer. In case of the absence or temporary disability of the Mayor and the Mayor Pro Tem, a Mayor Pro Tem selected by members of the Council shall act as Mayor Pro Tem during the joint absence or disability of both. Both the Mayor and Mayor Pro Tem are referred to as the "Presiding Officer" from time-to-time in these Rules.

B. A Council member, while serving as Mayor Pro Tem, shall retain all the powers of a Council member, including the power to debate and vote on measures. Their presence shall be counted as a Council member when determining whether or not a quorum of the Council exists.

C. The Mayor Pro Tem shall exercise all of the Mayor's executive powers and perform all Mayoral duties during the Mayor's absence, including the duty to affix their signature on documents that require the Mayor's signature. With regard to measures passed by the Council, the Mayor Pro Tem may sign the measure or may take no action as provided by Iowa Code Section 380.6(3), in which case the measure becomes effective pursuant to Section 380.6(3). However, the Mayor Pro Tem shall not have power to appoint, employ or discharge from

employment, officers or employees that the Mayor has the power to appoint, employ or discharge without the approval of the Council.

D. The Presiding Officer shall preserve order and decorum, prevent attacks on personalities and the impugning of members' motives, confine members in deliberation and debate to the question under discussion and decide all questions of order. Their decision shall be final unless an appeal shall at once be raised. Such appeal shall then be decided by a two-thirds (2/3) vote of the Council members present.

RULE VI. QUORUM: At all Council sessions, three Council members who are present and eligible to vote shall constitute a quorum for the transaction of business. If a quorum is not present, the names of those in attendance shall be recorded and they shall adjourn to a later time or date.

RULE VII. COUNCIL MEMBER'S NON-ATTENDANCE: Members of the Governing Body who are unable to attend shall contact the City Clerk prior to the meeting and state their reason for their inability to attend the meeting. If the member is unable to contact the City Clerk, the member shall contact the Mayor.

RULE VIII. SPECIAL COUNCIL MEETINGS: Special meetings shall be held upon the written or oral call of the Mayor or written request of a majority of the members of the City Council submitted to the City Clerk. Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the Council, Mayor, and the business office of each local media which has on file a written request for notice of special meetings. Unless an emergency meeting is required such notice must be delivered at least twenty-four (24) hours prior to the meeting.

RULE IX. CLERK OF THE COUNCIL: The City Clerk shall be the Clerk of the Council, shall keep minutes and shall perform such other and further duties in the meeting as may be required by the Council or Mayor. In the absence of the City Clerk, the Mayor shall appoint another qualified staff member to act as Clerk of the Council.

RULE X. SETTING THE COUNCIL AGENDA: The Mayor is responsible for establishing the agenda and order of the agenda for meetings of the Council. The City Clerk shall prepare the meeting agenda for every Council meeting. The Clerk may place the following items on the agenda without approval: 1) any item where Council action is required by state law or City ordinance; 2) any standing agenda item included in Rule XVI. Order of Business at Council Sessions; 3) any item relating to departmental activity requiring the attention of the Council; or 4) any item deemed necessary or expedient for accountable government and general welfare of the City. The Clerk will also place on the agenda any item affirmatively requested by two Council members by 12:00 noon of the Thursday prior to the Council meeting. A copy of the agenda and supporting materials shall be distributed to the Council members, the Mayor, and the press. The Council shall have the option of deleting any item from the agenda or deferring an item on the agenda to a subsequent Council meeting.

RULE XI. SERGEANT AT ARMS: The Chief of Police or the Chief's designee shall attend and act as sergeant at arms during all Council meetings.

RULE XII. SEATING ARRANGEMENT DURING COUNCIL SESSIONS: Governing Body members shall determine a mutually agreeable seating arrangement for Council meetings. The Presiding Officer shall be seated at the head of the Council table.

RULE XIII. CONFLICT OF INTEREST PROTESTS: Anyone seeking to disqualify a member of the Governing Body from participating in a decision on the basis of a violation of a legal "Conflict of Interest" must raise the challenge as soon as the basis for disqualification is made known or reasonably should have been made known prior to the issuance of the decision.

RULE XIV. RULES OF ORDER: Rules of order not specified by statute, ordinance or resolution shall be governed by the most current edition of Robert's Rules of Order, Revised.

RULE XV. AFFIRMATIVE MOTIONS ONLY: All ordinances, resolutions, contracts, routine motions and items of business that require Council approval for the expenditure of funds or any type of City action shall be in the form of an affirmative motion to enact, adopt, approve or other appropriate language. The Council members who move and second the motion are not required to vote in favor of the same during the roll call vote.

RULE XVI. ORDER OF BUSINESS AT COUNCIL SESSIONS: The business of all regular Council meetings shall be transacted as follows; provided, however, that the Presiding Officer may, during a Council meeting, re-arrange items on the agenda for the purpose of conducting business more expeditiously or to accommodate out of town guests who are on the agenda.

The order of the agenda shall be as follows:

1. Call to Order by the Presiding Officer
2. Roll Call
3. Approval of the Agenda
4. Approval of Minutes
5. Public Forum (limit comments to five minutes)
6. Approval of the Consent Agenda
7. Action Items and Public Hearings
8. City Department Reports
9. New Business
10. Mayor' Report
11. Clerk's Report
12. Council Member Comments/Discussion
13. Adjournment.

No meeting shall continue beyond two (2) hours without approval of a majority of the Council members who are present and eligible to vote. A new time limit must be established before taking a Council vote to extend the meeting. In the event that a meeting has not been closed or continued by Council vote prior to the two (2) hour limit, the items not acted on shall be deferred

to the next regular Council meeting, unless the Council, by majority vote of members present, determines otherwise.

RULE XVII. PREPARATION OF CONSENT AGENDA:

A. The City Clerk shall place matters on the Consent Agenda which have been 1) based on information delivered to members of the Council by administration that can be reviewed by a Council member without further explanation; 2) are routine or technical in nature that passage is likely; or 3) as directed by the City Council.

B. The motion to approve the consent agenda has the effect of moving to adopt all items on the Consent Agenda. It is assumed that all items listed on the Consent Agenda will be approved without dissent; however, any member of the Council shall have the right to remove any item from the Consent Agenda for separate consideration.

C. Prior to voting on the motion to adopt the Consent Agenda, the Presiding Officer shall inquire if any Council member desires to have an item withdrawn from the Consent Agenda. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda or direct that it be placed on the agenda of a future meeting.

RULE XVIII. CITIZEN PROCEDURES FOR ADDRESSING THE COUNCIL:

A. Public Forum—Non Agenda items. Members of the Public in attendance at a Council meeting who desire to address matters not on the current agenda may request time to address the Council during the Public Forum portion of the agenda, when provided. After being recognized by the Presiding Officer, the speaker may address the Council. The speaker shall begin by first stating their name, address and the general subject of their presentation. The Presiding Officer may then allow the comments subject to such time limitations as the Officer deems reasonable and appropriate, generally five (5) minutes. Following the citizen comments, the Council may place the matter on a future agenda by motion, refer the matter to the City Clerk for further investigation and report or make no further comment or disposition of the matter.

B. Current Agenda Items. The Presiding Officer may recognize citizens requesting permission to speak on a pending Agenda measure. Those wishing to speak should raise their hand to be recognized by the Presiding Officer. Once recognized, the speaker shall begin by first stating their name, address and the general subject of their presentation. The Presiding Officer may change the order of speakers so that comments are heard in the most logical format, e.g., proponents, opponents, adjacent property owners, vested interests, etc. The Presiding Officer may allow the comments subject to a five (5) minute time limit per speaker.

C. Anyone making “out of order” comments may be subject to removal. There shall be no demonstrations, applause, "boos," or cheers during or at the conclusion of a speaker's presentation. These rules are intended to promote an orderly and dignified system of conducting a public meeting, to give every interested citizen an opportunity to be heard and to ensure that no individual is embarrassed by exercising their right of free speech or their right to petition their government.

RULE XIX. VOTING: Voting during Council meetings shall be transacted as follows:

A. Unless otherwise provided for by statute, ordinance or resolution, all votes shall be taken by voice or roll call vote. The order of a roll call vote shall be (1) the Council member making the motion, (2) the Council member that seconded the motion and (3) the remaining Council members in a clockwise direction.

B. Every member who is in the Council Chambers when roll is called shall give their vote unless the member has stated they are so prohibited due to a legal "Conflict of Interest," in which case the Council member shall state the reason for the conflict.

C. In the case of any Council member refusing to vote, their vote shall have the same effect as a "no" vote. Since voting on Council matters is generally regarded as an essential and primary duty of a Council member and the willful or habitual neglect or refusal to perform the duties of the office constitute potential grounds for removal from office, it is imperative that every Council member in attendance participate in voting unless excused by a legally prohibited "Conflict of Interest."

RULE XX. MEASURES--ORDINANCES, RESOLUTIONS AND MOTIONS:

A. Ordinances. An enacted ordinance is a legislative act prescribing a general, uniform, and permanent rule of conduct relating to the corporate affairs of the municipality. Council action shall be taken by ordinance when required by law or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty. Once an ordinance is duly enacted and published, it becomes law and the Council shall not grant any "special exceptions" or "one time exemptions" from the law. However, the Council is always free to amend any ordinance it may deem appropriate, at any time. The procedure for enacting an ordinance is as follows:

1. The title of each ordinance shall in all cases be read prior to its passage; however, should a majority of the Council members present request that the entire ordinance or certain of its sections be read, such request shall be granted. Printed copies shall be made available upon request to any person attending a Council meeting.
2. Required Readings. All ordinances require three readings prior to adoption, unless additional readings are waived by the affirmative vote of four (4) members of the Council.
3. Any ordinance amending or repealing any portion of the Code of Ordinances shall also amend or repeal the respective portions of any underlying ordinance(s).

B. Resolutions. An enacted resolution is an internal legislative act which is a formal statement of policy concerning matters of special character. Council action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired, or where a more complete written record is appropriate. Except

for franchise resolutions, a resolution may be put to its final passage on the same day on which it was introduced. The title of each resolution shall in all cases be read prior to its passage; provided, should a majority of the Council members present request that the entire resolution or certain of its sections be read, such requests shall be granted. Printed copies shall be made available upon request to any person attending a Council meeting.

C. Motions. A motion is a measure passed by the Council directing that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in instances where a resolution is not required by law.

RULE XXI. MAYOR'S VETO POWERS; EFFECTIVE DATE OF MEASURES:

A. The Mayor may sign, veto, or take no action on an ordinance, amendment or resolution passed by the Council.

B. An ordinance or amendment signed by the Mayor becomes effective when the ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the ordinance or amendment. A resolution signed by the Mayor becomes effective immediately upon signing. A motion becomes effective immediately upon passage of the motion by the Council.

C. The Mayor may veto an ordinance, amendment or resolution within fourteen days after passage. The Mayor shall explain the reasons for the veto in a written message to the Council at the time of the veto. Within thirty days after the Mayor's veto, the Council may pass the measure again by a vote of not less than two-thirds (2/3) of all of the members of the Council. If the Mayor vetoes an ordinance, amendment, or resolution and the Council re-passes the measure after the Mayor's veto, a resolution becomes effective immediately upon re-passage, and an ordinance or amendment becomes a law when the ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the ordinance or amendment.

D. If the Mayor takes no action on an ordinance, amendment or resolution, a resolution becomes effective fourteen days after the date of passage and an ordinance or amendment becomes a law when the ordinance or a summary of the ordinance is published, but not sooner than fourteen days after the date of passage, unless a subsequent effective date is provided within the ordinance or amendment.

RULE XXII. COUNCIL STANDING COMMITTEES: The Mayor shall appoint the members of all Standing Committees of the City Council, with one member as chair. All appointees shall serve for a minimum of one year. The Standing Committees are Finance, Municipal Enterprises, Public Safety, Streets, and Human Resources/Employee Relations. Each Standing Committee shall consist of three (3) members. Each Council member shall serve on three (3) Standing Committees. All Council members and the Mayor may participate in debate or discussion during committee meetings, but only Standing Committee members may vote.

RULE XXIII. COUNCIL ADVISORY COMMITTEES: Subject to approval of the Council, the Mayor may appoint special advisory committees consisting of Council Members, City employees and/or private citizens, as deemed desirable and necessary to assist and advise the Council in its work. Citizen advisory committees shall sunset at the end of their mission, but no later than the end of each calendar year unless specifically continued by the Council thereafter for a specified time period. Committees may make recommendations on proposed programs, services, ordinances, and resolutions within their area of responsibility before action is taken by the Council.

RULE XXIV. FILLING COUNCIL VACANCIES: If a vacancy occurs in the office of Mayor or Council member, the Council will follow the procedures outlined in the Code of Iowa. If the Council pursues the appointment process to fill the vacancy, and in order to appoint the most qualified person available until an election is held, the Council shall widely distribute and publish a notice of the vacancy, the procedure and any application form required. The Council shall draft an application form that contains relevant questions to answer as posed by the Council. The application forms will be used in conjunction with an interview of each candidate to aid the Council's selection of the new Council member or Mayor.

RULE XXV: CITIZEN COMPLAINTS, GRIEVANCES AND RECOMMENDATIONS TO COUNCIL: Citizen input regarding the affairs of the City should always be welcomed. Moreover, all citizens have a First Amendment Right to Petition Government for a Redress of Grievances. However, the City must also conduct its business in an orderly fashion. The following three alternatives are established for purposes of accommodating citizens who wish to bring important matters to the attention of the City while maintaining order and efficiency:

A. A citizen may speak directly to a Council member and state their concerns. The Council member may then present the issue directly to the full Council during the "Council Member Comments/Discussion" portion of the next meeting. The Council may then direct the City Clerk to investigate the issue further and report back to the Council at the next meeting. And/or if it appears that the issue should be formally addressed and action taken, the Council may direct that the issue in the form of a measure be placed on the formal agenda during the next Council session.

B. A citizen may always appear at the Public Forum portion of the Agenda and orally present their issue before the entire Council. If the citizen desires to present written materials in addition to their oral presentation, they should deliver eight copies of those materials to the City Clerk by 12:00 noon on the Thursday prior to the next Council meeting. After the citizen's oral presentation, the Council may then direct the City Clerk to investigate the issue further and report back to the Council at the next meeting and/or if it appears that the issue should be formally addressed and action taken, the Council may direct that the issue in the form of a measure be placed on the formal agenda during the next Council session.

C. A citizen may present a formal written petition which may be signed by any number of citizens, clearly identifying a perceived problem or issue, recommending a specific solution and asking for specific action by the Council. This written Petition shall be delivered to the City Clerk who will place the same in the Council packets for the next meeting, if received

by 12:00 noon on the Thursday prior to the next Council meeting. It is recommended that the Petitioner also appear at the Public Forum and speak in support of their Petition. After reviewing the written Petition and hearing the Petitioner's oral presentation, the Council may then direct the City Clerk to investigate the issue further and report back to the Council at the next meeting and/or if it appears that the issue should be formally addressed and action taken, the Council may direct that the issue in the form of a measure be placed on the formal agenda during the next Council session.

D. In all three of the above alternatives, if a majority of the Council fails to direct the City Clerk to make an investigation and report, nor gives direction to place the issue on the formal Agenda at a future meeting, the issue shall be deemed "inactive" and shall not be presented to the Council for twelve (12) months following its initial presentation unless the Council passes a motion to reconsider the same prior to the expiration of twelve (12) months.

RULE XXVI. COUNCIL-MAYOR COMMUNICATIONS WITH CITY EMPLOYEES:

A. As the chief executive officer of the City and presiding officer of the Council, the Mayor shall supervise all departments of the City, give direction to department heads concerning the functions of the departments, and have the power to examine all functions of the municipal departments, their records and to call for special reports from department heads at any time. No individual Council member shall give directions or orders to City employees, except in the extended absence or disability of the Mayor or their temporary designee.

B. Individual Council members shall refrain from listening to staff and employee comments and complaints concerning fellow employees, supervisors or working conditions. If an employee or staff member attempts to voice such a complaint with them, the complaining employee should immediately be directed to follow the grievance procedure set forth in the Personnel Policy Manual. This section shall not be construed as prohibiting or discouraging employees from reporting actual criminal acts or serious acts of personal misconduct.

RULE XXVII. APPOINTMENT OF CITY ATTORNEY AND LEGAL SERVICES:

The Council shall appoint by majority vote a City Attorney to serve at the discretion of the Council. The City Attorney shall act as attorney for the City in all matters affecting the City's interests. Requests for the City Attorney to perform legal services on behalf of the City may be made by the Mayor, City Clerk, or by vote of the City Council.

RULE XXVIII. CITY CONTACT WITH THE MEDIA: The Mayor is the designated representative of the City to present and speak on the official City position. If an individual Council member or city employee is contacted by the media regarding a matter involving the official position of the City, the member of the media shall be referred to the Mayor to speak on behalf of the City.

RULE XXIX. SUSPENSION OF RULES OF PROCEDURE: All provisions of these rules not governed by the Iowa Code or the Earlham Code of Ordinances may be temporarily suspended by three (3) affirmative votes of the Council.

RULE XXX. AMENDMENT TO RULES OF PROCEDURE: These Rules of Procedure may be amended, or new rules adopted, by a majority vote of all members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior meeting.

RULE XXXI. INTERPRETATION OF THE RULES OF PROCEDURE: The City Attorney shall be considered the final authority on any questions regarding the application or interpretation of these rules and procedures.

CHAPTER 2: CODE OF ETHICS AND CONDUCT FOR GOVERNING BODY MEMBERS

SECTION I. PURPOSE: This Code of Ethics and Conduct is a policy statement designed to describe the manner in which members of the Governing Body relate to one another, City employees, constituents and others while conducting business on behalf of the City of Earlham, Iowa; and to create standards of conduct to provide definition for the following concepts: 1) willful or habitual neglect for the duties of the incumbent's office; 2) refusal to perform the incumbent's duties of the office; and 3) willful misconduct or maladministration in the incumbent's office.

SECTION II. GOVERNING BODY CONDUCT WITH ONE ANOTHER:

A. Public Meetings. All discussions on difficult questions and tough challenges are legitimate elements within a public meeting; however, Governing Body members must maintain a degree of civility and decorum and refrain from making belligerent, personal, slanderous, threatening, abusive or disparaging comments. If a Governing Body member is personally offended by the remarks of another Governing Body member, the offended member shall make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. It shall be the responsibility of the Mayor to keep the comments of Council members on track during public meetings. Council members shall honor the efforts of the Mayor to focus discussion on current agenda items. In the event a disagreement concerning the agenda or the Mayor's actions should arise, objections should be voiced politely and with reason, in compliance with parliamentary rules of procedure.

B. Private Encounters. The same level of respect and consideration of differing points of view among members of the Governing Body that is deemed appropriate in public meetings shall be maintained in private conversations. It is acceptable to publicly disagree about an issue, but it is unacceptable for a Governing Body member to make derogatory comments about the opinions or actions of other Governing Body members.

SECTION III. GOVERNING BODY CONDUCT WITH CITY EMPLOYEES

A. Governance of the City relies on the cooperative efforts of the City Council, who set policy, and City employees who implement and administer the Council's policies. Every effort must be made to be cooperative and mutually respectful for the contribution made by Council members and City employees towards the assurance of public confidence in the integrity of City government and its effective and fair operation.

B. Council members should never express concern about the performance of a City employee in public or to the employee directly. Comments about staff performance should only be made to the employee's supervisor and/or the Mayor through private correspondence or conversation.

C. Council members must not attempt to influence City employees on the making of appointments, awarding of contracts, selecting of consultants, processing of development

applications, enforcing of city ordinances and policies, granting of City licenses and permits, or performing of their official duties in general.

D. Council members shall refrain from attending City employee meetings unless requested by the Mayor and/or City Clerk.

E. All requests by Council members for City employee support shall be made through the Mayor who is responsible for allocating City resources in order to maintain a professional, well-run City government.

SECTION IV. GOVERNING BODY CONDUCT WITH PUBLIC:

A. No signs of partiality, prejudice or disrespect shall be evident on the part of elected officials towards any individual participating in a public forum.

B. Elected officials are frequently asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate for an elected official to give an overview of City policy and that member's opinion about an issue and/or to refer the constituent to City employees for further information. It is inappropriate for a Governing Body member to overtly or implicitly promise Council action, or to promise City employees will do or not do something specific.

C. Governing Body officials are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for the proper deportment in the City of Earlham. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Council members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

SECTION V. GOVERNING BODY CONDUCT WITH PUBLIC AGENCIES:

A. In the event a Governing Body member appears before another governmental agency or organization to give a statement on an issue, the Governing Body member must clearly state whether his or her statement reflects a personal opinion or represents the official position of the City Council. If the Governing Body member is representing the City's official position, the member must support and advocate that position.

B. City letterhead may be used when the Governing Body member is representing the City and the City's official position. A copy of official correspondence shall be given to the City Clerk to be filed as part of the permanent record.

SECTION VI. GOVERNING BODY CONDUCT WITH BOARDS AND COMMISSIONS:

A. The City has established several boards and commissions as a means of gathering more community input. Citizens who serve on boards and commissions 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.

B. Governing Body members may attend any board or commission meeting, which are always open to any member of the public; however, members must 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 Governing Body member at a board or commission meeting should be clearly made as individual opinion and not a representation of the position of the entire Governing Body.

C. It is inappropriate for a Governing Body member to contact a board or commission member on behalf of an individual, business or developer. It is acceptable for Governing Body members to contact board or commission members in order to clarify a position taken by the board or commission.

D. The Mayor is responsible for coordinating implementation of the policy decisions affecting all city departments and will provide guidance in the implementation of the mandates of the City Council and the various Boards, Commissions, and Committees.

SECTION VII. INCOMPATIBILITY OF OFFICES: The City’s elected Mayor and Council members hold important positions of responsibility that require the utmost attention to impartiality and evenhandedness in the provision of public services. In order to help prevent a clash between the public’s interest and a public official’s interest in a particular department or service, many positions are incompatible with office of Mayor and City Council member. The Governing Body’s policy is that all other paid and volunteer offices, excluding the fire and rescue departments, and staff positions within the City operation and organizational structure are incompatible with the offices of Mayor and City Council because the nature and duties of the elected Mayor and City Council positions render it improper, from considerations of public policy and concern for good government and efficient distribution of resources for all important City services. Any Governing Body member wishing to serve in any other paid or volunteer office except volunteer firefighter or rescue unit member, or staff position within the City organization must first resign their elected office.

SECTION VIII. USE OF PUBLIC FUNDS, PROPERTY, CREDIT, AND RECORDS:

A. No Governing Body member may make use of the facilities, material or equipment of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the opposition of any ballot proposition the City officially favors or for any private purpose.

B. Elected officials shall not use public resources not available to the public in general, including City staff time, the offices of City Clerk and City Attorney, equipment, supplies or facilities, for private gain or personal purposes. Elected officials’ access to public facilities will not be greater than that available to the public in general and will be controlled by the City Clerk whose duty it is to manage the resources of the City of Earlham.

C. Elected officials access to City records will not be greater than that of the public in general.

SECTION IX. RESPONSIBILITY OF GOVERNING BODY MEMBERS: In addition to those responsibilities set forth herein above, Council members shall have the following standards for ethics and conduct in office:

A. **Prepare for and Attend Meetings.** Prepare in advance for all Council meetings and be familiar with the issues on the agenda. All handouts from individual Council members shall be distributed through the Council packet. Governing Body members shall review Council packets and direct any questions regarding packet contents to the City Clerk prior to the Council meeting. Attendance at Council meetings is essential to effective governing. Therefore, if a Governing Body member is absent from three (3) consecutive meetings, the member may be subject to sanctions as outlined in Chapter 3 of this policy.

B. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, Governing Body members shall work for the common good of the people of Earlham and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Earlham City Council, boards and commissions.

C. **Comply with the Law.** Members shall comply with the laws of the nation, the State of Iowa and the City of Earlham in the performance of their public duties. These laws include, but are not limited to: the United States and Iowa constitutions; the Earlham Code of Ordinances; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City policies.

D. **Conduct of Members.** The professional and personal conduct of members 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 the Council, boards and commissions, the staff, or the public.

E. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the City Council and board and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City employees.

F. **Conduct at Public Meetings.** Members shall prepare themselves for public issues; listen courteously and attentively to all public discussion before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

G. **Decisions Based on Merit.** Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

H. **Communication.** Members shall publicly share substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process.

I. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. The following shall also apply:

1. No member shall participate in the appointment, vote for appointment, or discuss any appointment of an immediate family member or business associate, or use his/her position, directly or indirectly, to effect the employment status of an immediate family member or business associate to any paid City office or position.
2. In accordance with the law, members shall disclose investments, interests in real property, sources of income and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

J. Gifts and Favors. Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are 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.

K. Confidential Information. Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests. Any disclosure of confidential information made without proper legal authorization, shall be considered as willful misconduct or malfeasance in office as defined by Section 66.1A of the Iowa Code.

L. Use of Public Resources. Members shall not use public resources not available to the public in general, such as City staff time, vehicles, equipment, materials, supplies, property or facilities of the City, for private gain or personal purposes.

M. Representation of Private Interests. In keeping with their role as stewards of the public interest, members of the Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City, nor shall members of boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

N. Policy Role of Members. Members shall respect and adhere to the Council-Mayor structure of Earlham City government as outlined by the Earlham City Charter. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City employees. Except as provided by the City Charter, members therefore shall not interfere with the administrative functions of the City

or the professional duties of City employees; nor shall they impair the ability of staff to implement Council policy decisions.

O. Positive Work Place Environment. Members shall support the maintenance of a positive and constructive work place 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.

CHAPTER 3: SANCTION FOR VIOLATIONS OF STANDARDS

SECTION I. SANCTIONS PERMITTED: Governing body members who intentionally or repeatedly do not follow the provisions within the Code of Ethics and Conduct may be formally reprimanded, fined, or removed by the Council through the procedures set forth in Section II below. Further rules concerning sanctions shall be the following:

A. Formal reprimands for intentionally or repeatedly violating the Code of Ethics and Conduct shall be approved by the affirmative vote of a majority of the Council. Formal reprimands shall include a description of the charges validated by the Council against the Governing Body member and shall be published in the newspaper of public record.

B. Fines for intentionally or repeatedly violating the Code of Ethics and Conduct shall be approved by the affirmative vote of a majority of the Council. Fines shall not exceed \$50 per incident, but each separate day a violation continues may be considered a separate incident.

C. The Council may pursue its options under Chapter 66.29 of the Iowa Code to remove elected members of the Governing Body for intentionally or repeatedly violating any standard contained in Chapter 1 or Chapter 2 of this document.

SECTION II. PROCEDURE FOR SANCTIONS: The following process shall be used in the bringing and discharge of sanctions against a member of the Governing Body:

A. A Governing Body member, the City Clerk, or five (5) citizens of Earlham, Iowa, may file a complaint against a Governing Body member who intentionally or repeatedly violates any standard contained in Chapter 1 or Chapter 2 of this document.

B. Said complaint shall be filed with the office of the City Clerk of Earlham, Iowa.

C. The City Council shall hear and act on the complaint in the timeliest manner possible. The City Council may request that an investigation be made of those violations alleged in the complaint by directing the City Clerk or City Attorney, or those designated by the City Clerk or City Attorney, to make a finding and to file a report with the Council within a period of time as established by the Council.

D. The member who allegedly has violated the provisions of the Code of Ethical Conduct may respond and have those comments made a part of the report to Council.

E. The Council may dismiss the complaint, set a hearing before the Council, or impose sanctions under Section I of this Chapter above.

RESOLUTION # _____

A RESOLUTION ADOPTING CITY COUNCIL OFFICIAL POLICIES

WHEREAS, The citizens and businesses of Earlham are entitled to a fair, ethical and accountable city government; and

WHEREAS, The effective functioning of government requires efficient conduct of City Council business; and

WHEREAS, There is a need to maintain rules of procedures to provide for efficient conduct of City Council business;

NOW, THEREFORE, BE IT RESOLVED by the Earlham City Council that the City of Earlham does hereby set forth and adopt the attached City Council Official Policies, which shall be maintained by the City Clerk.

PASSED AND ADOPTED by the City Council of the City of Earlham on this ____ day of _____, 2013, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Dusky Terry, Mayor

ATTEST:

Linette Crouch, City Clerk