

**LEGISLATIVE HISTORY**

Introduced by: City Council  
Date: March 9, 2021  
Action: Approved  
Vote: Unanimous

Yes:	No:
Berberich	
Best	
Carrington	
Combs	
Daniels	
DeVries	
Valerius	

CITY OF PALMER, ALASKA

**Resolution No. 21-010**

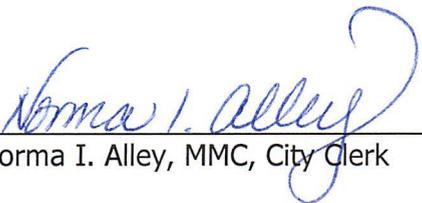
**A Resolution of the City Council of the City of Palmer, Alaska, Approving a Code of Ethics and Conduct for Elected Officials**

WHEREAS, the city council requested the development and review of a code of ethics; and

WHEREAS, committee of the whole's were held to review code of ethics on June 9, 2020; June 23, 2020; July 14, 2020; and September 22, 2020.

NOW, THEREFORE, BE IT RESOLVED, the Palmer City Council hereby adopts a Code of Ethics and Conduct for Elected Officials is hereby attached and by this reference incorporated.

**Approved** by the Palmer City Council this 9<sup>th</sup> day of March, 2021.

  
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 Norma I. Alley, MMC, City Clerk

  
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 Edna B. DeVries, Mayor



# City of Palmer

## Code of Ethics and Conduct

### for Elected Officials

#### Purpose

The Palmer City Council (Council) adopts this Code of Ethics and Conduct for Elected Officials for the promotion of public confidence and trust in the City of Palmer (City) government.

#### A. ETHICS

The Council supports accountable City government as follows:

- Compliance with laws and policies affecting City government activities;
- Be independent, impartial and fair in Council judgment and actions;
- Act in the public's interest;
- Avoid personal benefit; and
- Promote respect and civility during official City proceedings.

In accord with the foregoing principles the Council adopts the following principles:

1. **Act in the Public Interest.** The Council will act in the public's interests when exercising City official action.
2. **Compliance with Law.** The Council will comply with applicable law when engaged in official business.
3. **Conduct of Members.** The Council should avoid the appearance of impropriety.
4. **Respect for Process.** Councilmembers shall perform their duties in accordance with council processes and rules of order. Members should conduct deliberations with civility and refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards, Committees and Commissions, the staff or public.
5. **Conduct at Public Meetings.** Councilmembers should be familiar with City services, activities and matters presented for Council action and be prepared for Council meetings. Councilmembers should listen courteously and attentively to public testimony.
6. **Decision making.** Councilmembers shall consider their decisions on the merits, substance, and public testimony of the matter at hand.
7. **Quasi-judicial decision making.** When making quasi-judicial decisions Councilmembers should base their decisions on the evidence presented at the hearing.

For quasi-judicial matters pending before the Council, councilmembers shall refrain from receiving ex-parte communications. Councilmembers shall publicly disclose ex-parte communications.

8. **Conflict of Interest.** To assure independence and impartiality, council members shall use best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Councilmembers shall not use their official positions to influence government decisions in which they have (a) a

substantial financial interest that equals 10% of total income, unless the (1) financial interest in the matter is insubstantial, or of a type that is possessed generally by the public or a large class of persons to which the municipal officer belongs; or (2) action or influence would have insubstantial or conjectural effect on the matter. Any effort to benefit a substantial financial interest through official action is a violation of the public trust. The Council finds that, so long as it does not interfere with the full and faithful discharge of an official's public duties and responsibilities, this code does not prevent an official from following other independent pursuits. The Council further recognizes that (1) in a representative democracy, the representatives are drawn from society, and therefore cannot and should not be without personal and financial interests in the decisions and policies of City government; (2) people who serve as municipal officials retain their rights to interests of a personal or financial nature; and (3) standards of ethical conduct for Councilmembers need to distinguish between those minor and insubstantial conflicts that are unavoidable in a free society, and those conflicts of interests that are substantial and material.

A member who has a potential conflict of interest regarding a particular decision shall disclose that interest in accord with the process contained in City code and AS 29.20.010.

9. **Gifts and Favors.** Councilmembers 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.** Councilmembers must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
11. **Use of Public Resources.** Councilmembers 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, members of Council shall not appear on behalf of the private interests of third parties before the Council or any Board, Committee, Commission or proceeding of the City, nor shall members of Boards, Committees 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.
13. **Advocacy.** Councilmembers shall represent the official policies or positions of the City Council, Board, Committee or Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Palmer, nor will they allow the inference that they do. Councilmembers and Board, Committee and Commission members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, or Board, Committee and Commission meetings, or other official City meetings.
14. **Policy Role of Members.** Councilmembers shall respect and adhere to the council- manager structure of Palmer City government as outlined in the Palmer City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City staff, Boards, Committees and Commissions, and the public. Except as provided by the City Code, members

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, Committees and Commissions.** Because of the value of the independent advice of Boards, Committees and Commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of Board, Committee and Commission proceedings.
16. **Positive Workplace Environment.** Councilmembers shall support the maintenance of a positive and constructive workplace 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.

## B. 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 Palmer.

### 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 mayor in maintaining order*  
It is the responsibility of the mayor to keep the comments of members on track during public meetings. Members should honor efforts by the chair 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 by a free democracy in action and may be rigorously but respectfully debated.
- (c) *Avoid personal comments that could offend other members*  
If a member is personally offended by the remarks of another member he or she should call to the mayor for a point of order.
- (d) *Demonstrate effective problem-solving approaches*  
Members 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.

### 2. Council Conduct with the Public in Public Meetings

The mayor and councilmembers should make the public feel welcomed by exercising respect and civility.

- (a) *Maintain an open mind*  
Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.

- (b) *Ask for clarification, but avoid debate and argument with the public*  
Only the chair, not individual members, can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

### 3. **Council 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 and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- (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 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*  
Elected and appointed officials should avoid expressing 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 Manager through private correspondence or conversation. Appointed officials should make their comments regarding staff to the City Manager.
- (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 the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.
- (e) *Do not solicit political support from staff*  
Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

### 4. **Council Conduct with Boards, Committees and Commissions**

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

- (a) *If attending a Board, Committee or Commission meeting, be careful to only express personal opinions*  
Councilmembers may attend any Board, Committee or Commission meeting, which are always open to any member of the public. However, they should 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 Councilmember at a Board, Committee or Commission 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 members to questions of clarification*  
It is inappropriate for a Councilmember to contact a Board, Committee or Commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact Board, Committee or Commission members in order to clarify a position taken by the Board, Committee or Commission.
- (c) *Respect that Boards, Committees and Commissions serve the community, not individual Councilmembers*  
The Mayor appoints and City Council confirms individuals to serve on Boards, Committees and Commissions, and it is the responsibility of Boards, Committees and Commissions to follow policy established by the Council. But Board, Committee and Commission members do not report to individual Councilmembers. Appointment and re-appointment to a Board, Committee or Commission 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*  
A primary role of Boards, Committees and Commissions 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. Councilmembers may have a closer working relationship with some individuals serving on Boards, Committees and Commissions, but must be fair and respectful of all citizens serving on Boards, Committees and Commissions.
- (e) *Keep political support away from public forums*  
Board, Committee and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board, Committee and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

## C. **IMPLEMENTATION**

- (a) *Acknowledgement of Code of Ethics and Conduct*  
Councilmembers shall sign an acknowledgement that they have read and understand the Code of Ethics and Conduct for Elected Officials.
- (b) *Ethics Training for Local Officials*  
The Council may receive periodic ethics training.
- (c) *Behavior and Conduct*  
The Palmer Code of Ethics and Conduct expresses standards of ethical conduct expected for the Council. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have confidence in the integrity of government. The Council may intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

### Councilmembers:

Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured 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.

Individual Councilmembers should point out to the offending Councilmember perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the

Mayor in private. If the Mayor is the individual whose actions are being questioned, then the matter should be referred to the Deputy Mayor. It is the responsibility of the Mayor (or Deputy Mayor) to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor (or Deputy Mayor), then the alleged violation(s) can be brought up with the full Council.

When deemed warranted, the Mayor or majority of Council may call for an investigation into alleged ethical violations. Also, should the City Manager or City Attorney believe an investigation is warranted, they shall confer with the Mayor or Council. The Mayor or Council shall ask the City Manager or the City Attorney to investigate the allegation and report the findings.

These sanctions are alternatives to any other remedy that might otherwise be available to remedy conduct that violates city code or state or federal law.

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for the Council. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be included in the regular orientations for candidates for Mayor and City Council, and newly elected officials. Members entering office shall sign a statement acknowledging they have read and understand the Code of Ethics and Conduct for Elected Officials. In addition, the Code of Ethics and Conduct for Elected Officials shall be periodically reviewed by the Mayor and City Council and updated as necessary.

***I affirm that I have read and understand the City of Palmer Code of Ethics and Conduct for Elected Officials.***

Signature

Date

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Printed Name

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