

**TOWN OF NEDERLAND
Boulder County, Colorado**

RESOLUTION 2012 - 13

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND
ADOPTING A CODE OF CONDUCT FOR TOWN BOARDS**

WHEREAS, pursuant to C.R.S. § 31-4-301(1), the legislative and corporate authority of the Town of Nederland (“Town”) is vested in the Town Board of Trustees (“Board”); and

WHEREAS, state statutes do not prescribe standards of conduct for the Board in regards to general meeting decorum, Board-Staff relations and similar topics; and

WHEREAS, it is therefore within the purview of the Board to adopt such standards of conduct to guide its own members’ behavior and that of the members of its advisory boards; and

WHEREAS, the Board finds and determines that an official Code of Conduct would be beneficial as a resource for current and future Trustees and advisory board members, as an affirmation of the principles stated therein and as a written commitment to the public to uphold those principles; and

WHEREAS, the Board therefore desires to adopt a Town Code of Conduct, such Code to supplement those rules concerning the conduct of meetings found at Article IV of Chapter 2 of the Nederland Municipal Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND, COLORADO:

The Town of Nederland Code of Conduct for Town Boards, a copy of which is attached to this Resolution, is hereby adopted. Nothing in this Resolution or the Code of Conduct adopted hereby supersedes, repeals or otherwise amends any rule of procedure or other rule or regulation adopted by Ordinance of the Town Board.

RESOLVED, APPROVED and ADOPTED this 20th day of March, 2012.

TOWN OF NEDERLAND

By: 
Joe Gierlach, Mayor

ATTEST:


Teresa Myers, Town Clerk







TOWN OF NEDERLAND

Code of Conduct for Town Boards

This Code of Conduct is adopted by the Board of Trustees of the Town of Nederland as a supplement to its Rules of Procedure.

CONDUCT WITH ONE ANOTHER

The Board of Trustees is composed of 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 as Trustees may "agree to disagree" on contentious issues.

IN PUBLIC MEETINGS

Practice civility, professionalism 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 a free democracy in action. This does not, however, allow Trustees to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated. Trustees should conduct themselves in a professional manner at all times.

Honor the role of the Mayor in maintaining order. It is the responsibility of the Mayor to keep the comments of Trustees on track during public meetings. Trustees should honor efforts by the Mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

Avoid personal comments that could offend other Trustees. If a Trustee is personally offended by the remarks of another Trustee, the offended Trustee should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Trustee to justify or apologize for the language used. The Mayor will maintain control of this discussion.

Demonstrate effective problem-solving approaches. Trustees have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

Be punctual and keep comments relative to topics discussed. Trustees have made a commitment to attend meetings and partake in discussions. Therefore, it is important that Trustees be punctual and that meetings start on time. Be respectful of other people's time. Prepare in advance of meetings and be familiar with issues on the agenda. Stay focused and act

efficiently during public meetings. It is equally important that discussions on issues be relative to the topic at hand to allow adequate time to fully discuss scheduled issues.

Avoid expressing opinions during Public Hearings. Trustees will not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. "I think" and "I feel" comments by Trustees are not appropriate until after the close of the public hearing. Trustees should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

IN PRIVATE ENCOUNTERS

Continue respectful behavior in private. The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

Be aware of the insecurity of written notes, voicemail messages, and e-mail. Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note e-mailed to others? How would you feel if this voicemail message was played on a speakerphone in a full office? Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

Even private conversations can have a public presence. Elected officials are always on display. People around them that they may not know monitor their actions, mannerisms, and language. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

TRUSTEE CONDUCT WITH TOWN STAFF

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.

Limit contact to specific Town staff. Questions of Town staff and/or requests for additional background information should be directed to the Town Administrator. The Town Administrator should be copied on or informed of any request. Requests for follow-up or directions to staff should be made only through the Town Administrator

Do not disrupt Town staff from their jobs. Trustees should not disrupt Town staff while they are in meetings, on the phone, or engrossed in performing their job functions, in order to have their individual needs met.

Never publicly criticize an individual employee. Trustees should never express concerns about the performance of a Town employee in public or to the employee directly. Comments about staff performance are best handled by correspondence or communication with the Town Administrator.

Do not get involved in administrative functions. Trustees must not attempt to influence Town staff on the making of appointments, the awarding of contracts, selecting of consultants, processing of development applications, or granting of Town licenses and permits.

Check with Town staff on correspondence before taking action. Before sending correspondence, Trustees should check with Town staff to see if an official Town response has already been sent or is in progress.

Do not solicit political support from staff. Trustees should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from Town staff. Town staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

TRUSTEES CONDUCT WITH THE PUBLIC

IN PUBLIC MEETINGS

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Trustees toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

Be welcoming to speakers and treat them with care and gentleness. Speaking in front of the Board can be a difficult experience for some people. Some issues the Board undertakes may affect people's daily lives and homes. Some decisions are emotional. The way that the Trustees treat people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity.

Be fair and equitable in allocating public hearing time to individual speakers. The Mayor will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated three (3) minutes, with applicants and appellants or their designated representatives allowed more time. If many speakers are anticipated, the Mayor may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers. No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Board requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Mayor reopens the public hearing for a limited and specific purpose.

Give the appearance of active listening. It is disconcerting to speakers to have Trustees 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. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

Ask for clarification, but avoid debate and argument with the public. Only the Mayor -- not individual Trustees -- can interrupt a speaker during a presentation. However, a Trustee can ask the Mayor for a point of order if the speaker is off the topic or exhibiting behavior or language the Trustee finds disturbing.

If speakers become flustered or defensive by Trustees questions, it is the responsibility of the Mayor to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Trustees to members of the public testifying should seek to clarify or expand information. It is never appropriate to challenge or belittle the speaker. Trustees' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

No personal attacks of any kind, under any circumstance. Trustees should be aware that their body language and tone of voice, as well as the words they use, could appear to be intimidating or aggressive.

Follow parliamentary procedure in conducting public meetings. The Town Attorney serves as advisory parliamentarian for the Town and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Mayor, subject to the appeal of the full Board.

Main motions may be followed by amendments. Any Trustee can call for a point of order. Only Trustees who voted on the prevailing side may make motions to reconsider.

IN UNOFFICIAL SETTINGS

Make no promises on behalf of the Board. Trustees will frequently be asked to explain a Board action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of Town policy and to refer to Town staff for further information. It is inappropriate to overtly or implicitly promise Board action, or to promise that Town staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).

Make no personal comments about other Trustees. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Trustees, their opinions and actions.

Remember that despite its recent growth, Nederland is a small community at heart. The community is constantly observing Trustees every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the Town of Nederland. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Trustees, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

BOARD CONDUCT WITH OTHER PUBLIC AGENCIES

Be clear about representing the Town or personal interests. If a Trustee appears before another governmental agency or organization to give a statement on an issue, the Trustee must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the Town; 2) whether this is the majority or minority opinion of the Board. Even if the Trustee is representing his or her own personal opinions, remember that this still may reflect upon the Town as an organization.

If the Trustee is representing the Town, the Trustee must support and advocate the official Town position on an issue, not a personal viewpoint.

If the Trustee is representing another organization whose position is different from the Town, the Trustee should withdraw from voting on the issue if it significantly impacts or is detrimental to the Town's interest. Board members should be clear about which organizations they represent and inform the Mayor and Board of their involvement.

Correspondence should also be equally clear about representation. Town letterhead may be used when the Trustee is representing the Town and the Town's official position. A copy of official correspondence should be given to the Town Clerk to be filed as part of the permanent public record. Town letterhead may not be used for correspondence of Trustees representing a personal point of view, or a dissenting point of view from an official Board position.

TOWN BOARD CONDUCT WITH OTHER BOARDS AND COMMISSIONS

The Town 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 Town Board. They are a valuable resource to the Town's leadership and should be treated with appreciation and respect.

If attending a Board or Commission meeting, be careful to only express personal opinions. Trustees may attend any Board or Commission meeting, which are always open to any member of the public. However, if the Board/Commission is conducting a public hearing, the Trustee shall remove himself from the proceedings. Trustees 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 Trustee at a Board/Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire Board. Also, a Trustee's presence may affect the conduct of the Board/Commission and limit their role and function.

Limit contact with Board and Commission members. It is inappropriate for a Trustee to contact a Board/Commission member to lobby on behalf of an individual, business, or developer. Trustees should contact staff in order to clarify a position taken by the Board/Commission.

Be respectful of diverse opinions. A primary role of the Board is to provide advice and make decisions based on a full spectrum of concerns and perspectives. Trustees must be fair and respectful of all citizens serving on Boards and Commissions.

Inappropriate behavior can lead to removal. Inappropriate behavior by a Trustee should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Town Board, and the individual may be subject to removal from the Board/Commission.

CONDUCT WITH THE MEDIA

Trustees may be contacted by the media for background information and quotes.

The best advice for dealing with the media is to never go "off the record." Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

The Mayor is the official spokesperson for the Town Board of Trustees. The Mayor is the designated representative of the Board of Trustees to present and speak on the official Town position. If the media contacts an individual Trustee, the Trustee should be clear about whether their comments represent the official Town position or a personal viewpoint.

Choose words carefully and cautiously. Comments taken out of context can cause problems. Be especially cautious about humor, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

SANCTIONS

Public Disruption. Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Town meeting room.

Inappropriate Staff Behavior. Trustees should refer to the Town Administrator any Town staff that does not follow proper conduct in their dealings with Trustees, other Town staff, or the public. These employees may be disciplined in accordance with standard Town procedures for such actions.

Trustees Behavior and Conduct. Trustees who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Town Board. Serious infractions of the Code of Conduct could lead to other sanctions as deemed appropriate by the Town Board.

Trustees should point out the offending Trustee's infractions of the Code of 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 challenged, then the matter should be referred to the Mayor Pro Tem.

It is the responsibility of the Mayor to initiate action if a Trustee's behavior warrants sanction. If the Mayor takes no action, the alleged violation(s) can be brought up with the full Board in a public meeting.

If violation of the Code of Conduct is outside of the observed behaviors by the Mayor or Board, the alleged violation should be referred to the Mayor. The Mayor should ask the Town Administrator to investigate the allegation and report the findings to the Mayor. It is the Mayor's responsibility to take the next appropriate action. These actions can include, but are not limited to: discussing and counseling the individual on the violations; the investigation and its findings, as well as to recommend sanction options for Board consideration.

Staff members who are present during Board meetings shall abide by appropriate standards of conduct and may be disciplined if they act inappropriately. Arguing with or challenging Town Trustees is strictly prohibited.

**APPLICATION OF THIS CODE TO ADVISORY BOARDS, COMMISSIONS,
AND TASK FORCES**

It is the intent of the Nederland Board of Trustees that this Code of Conduct be adhered to in spirit and action by all members of Nederland advisory boards, commissions, and task forces.

APPENDIX A – WORKING AGREEMENTS



Town of Nederland

Board of Trustees Working Agreements

On April 22, 1997 the Nederland Board of Trustees adopted the Working Agreements listed below, which are a basis for running all of the meetings and workshops held by the Nederland Board of Trustees and all of the Town's Advisory Boards, Commissions and Task Forces.

The adopted Working Agreements are:

- We start and end on time.
- We listen for understanding.
- We are open to all ideas.
- We don't interrupt the speaker.
- We are hard on issues, not the person.
- We disagree respectfully.
- We use mediation to resolve conflict.
- We do our homework and are brief and concise.

APPENDIX B – MEETING PROCEDURES FOR PUBLIC PARTICIPATION



Town of Nederland

Board of Trustees

Meeting Procedures for Public Participation

WELCOME! The Mayor and Trustees are very glad you have chosen to attend our meeting and communicate your ideas and concerns with us. We are here to work for you and for the Nederland community and we value your input.

The following guidelines are here to help you become more familiar with our procedures:

- Public comment will not exceed 30 minutes.
- Members of the public should register prior to the start of the meeting.
- During public comment, the Mayor will call each individual registered.
- Members of the public have up to three (3) minutes to address the Board.
- Members of the public will have up to three (3) minutes to address the Board on agenda items.
- Members of the public not registered or have additional comments will be allowed one (1) minute.
- Please observe proper decorum to help us keep meetings respectful and productive.
- Please respect our need to conduct a productive meeting by remaining silent during the remainder of the meeting.
- Persons other than Board of Trustees and Town officers can only address the Board upon recognition of the Mayor.

THANK YOU FOR BEING HERE AND FOR RESPECTING THESE GUIDELINES!

As per Nederland Municipal Code Sec2-57 and 2-93.

APPENDIX C – PRINCIPLES OF PROPER CONDUCT

Principles of Proper Conduct

Proper conduct IS ...

- Keeping promises
- Being dependable
- Building a solid reputation
- Participating and being available
- Demonstrating patience
- Showing empathy
- Holding onto ethical principles under stress
- Listening attentively
- Studying thoroughly
- Keeping integrity intact
- Overcoming discouragement
- Going above and beyond, time and time again
- Modeling a professional manner

Proper conduct IS NOT ...

- Showing favoritism, antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up bad feelings, divisiveness
- Acting in a self-righteous manner

It all comes down to respect

Respect for one another as individuals. . . Respect for the validity of different opinions. . . Respect for the democratic process. . . Respect for the community that we serve.

APPENDIX D – CHECKLIST FOR MONITORING CONDUCT

- ✓ Will my decision/statement/action violate the trust, rights or good will of others?
- ✓ What are my internal motives and the spirit behind my actions?
- ✓ If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- ✓ How would people whose integrity and character I respect evaluate my conduct?
- ✓ Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?
- ✓ Is my conduct fair? Just? Morally right?
- ✓ If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- ✓ Does my conduct give others reason to trust or distrust me?
- ✓ Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- ✓ Do I exhibit the same conduct in my private life as I do in my public life?
- ✓ Can I take legitimate pride in the way I conduct myself and the example I set?
- ✓ Do I listen and understand the views of others?
- ✓ Do I question and confront different points of view in a constructive manner?
- ✓ Do I work to resolve differences and come to mutual agreement?
- ✓ Do I support others and show respect for their ideas?
- ✓ Will my conduct cause public embarrassment to someone else?

