

**DRAFT**

**CODE OF ETHICS  
For  
TOWN OF HAYMARKET  
TOWN COUNCIL and TOWN-APPOINTED OFFICIALS**

**Declaration of Policy**

**PREAMBLE**

WHEREAS, the citizens and businesses of Town of Haymarket, Virginia (the “Town”), are entitled to have fair, ethical and accountable local government, which operates to maintain the public’s full confidence for integrity. The effective functioning of a government requires that its public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the governmental operations.

WHEREAS, public officials must be impartial and fair in their judgment and actions. Public office must be used for the public good and not for the personal gain of the person holding that office. Public deliberations and processes must be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

WHEREAS, to these ends, the Town’s Town Council has adopted this policy to serve as its Code of Ethics for its members, as well as for its appointed public officials, collectively referred to herein as “Town Officials, or “Officials”.

WHEREAS, this Code of Ethics shall be supplemental to and not in lieu of any state law, including the Virginia Conflict of Interest Act, pertaining to the same subject matter or act.

NOW THEREFORE, to further advance the public’s confidence, and in recognition of the Town citizenry’s compelling interest in ensuring the integrity of their local government, including its effective and fair operation, the Town hereby adopts the following Code of Ethics to guide the Town Council and council-appointed boards and commission members.

**I. Act in the Public Interest**

Town officials owe a fiduciary duty to the Town while in the performance of their public duties, officials will work for the common good of the people of the Town and not for any private or personal interest, whether such private or personal interest is their own or that of another. Each official shall give fair and equitable treatment to all persons, claims, and transactions coming before the Town Council and its boards, commissions, and committees.

**II. Comply with the Law**

Each official is bound to uphold and comply with the laws of the United States, the Commonwealth of Virginia, and the Town whether in the performance of their public duties or in the conduct of their personal affairs. The laws of Haymarket shall include the Town’s uncodified ordinances, administrative regulations, and adopted policies.

### **III. Conduct of Members**

Town officials shall treat the public, Town staff, and each other in a respectful and courteous manner and shall at all times refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of any member of the public, Town Council, or any board, commission, or committee appointed by the Town Council, and Town staff. The professional and personal conduct of members shall be above reproach and avoid even the appearance of impropriety.

### **IV. Respect for Process**

Town officials shall perform their duties in accordance with applicable law, and the processes and rules of order established by the Town Council. Each official shall be prepared for the consideration of public business scheduled for a public meeting, including the discussion and deliberation of public policy issues.

### **V. Conduct of Public Meetings**

Town officials shall listen attentively to all public discussions before the body and base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. Members shall refrain from:

- a. Interrupting or talking over each other or any speakers;
- b. Making personal comments not germane to the business of the body; or
- c. Otherwise interfering with the orderly conduct of meetings.

### **VI. Communication**

Each official shall have a duty to share with the members of their respective public body, any substantive information that they receive from sources outside of the public decision-making process if such information is relevant to a matter under consideration by that public body.

No official shall be authorized to disclose information provided in a closed meeting without such disclosure being authorized by a majority vote in an open meeting. Any disclosure made without such votes shall be presumed unauthorized and a breach of confidentiality relative to the group. No unauthorized disclosure shall operate to waive the confidentiality of the group.

### **VII. Conflict of Interest/Misuse of Office**

No official shall use his or her official position to influence government decisions in which the official has a material interest. In addition to any disclosure that may be required by law, each official shall disclose whether she or he has a personal or business relationship to a party in any matter coming before them.

Each official shall refrain from using their position to influence the deliberations and decisions of any public body of which the official is not a current member. No official shall appear before any Town public body on a matter related to the work performed by that body, including the Town Council, on behalf, or in support, of the interests of a third party.

Should an official elect to exercise his or her personal right to speak during a public hearing or comment period on a public issue or transaction before a public body of which the official is not a member, the official shall not appear before such body wearing, or otherwise displaying, a Town-issued identification, nor shall

such official refer to his Town appointed or elected office when speaking. Each official shall disclose that his or her comments are made solely in his or her personal capacity and are not the position of the Town nor the public body of which the official is a member.

### **VIII. Gifts and Favors**

No official shall accept for himself or herself or for family members, personal or professional favors or benefits which might be construed by reasonable persons as influencing the official's vote or performance of governmental duties. Each official shall comply with the gift-reporting and disclosure requirements imposed by law.

### **IX. Confidential Information**

Each official shall respect the confidentiality of non-public information concerning the property, personnel, or affairs of the Town. No official shall disclose non-public, confidential information without proper legal authorization, nor shall an official use or divulge such information to advance his or her personal or financial interests or the interests of a third party.

### **X. Use of Public Resources/Positive Workplace**

No official shall use public resources, such as Town staff time, equipment, supplies or facilities, for the official's private purposes or personal gain. Town officials shall remain mindful of the unintended influence of their positions and authority when dealing with Town employees. To that end, no individual Town official shall give direction to staff, other than through the Town Manager or designee.

### **XI. Representation of Private Interests**

No official shall appear on behalf of the private interests of third parties before any public body of the Town, unless such appearance is required by the official in the performance of his or her private employment duties. Should an official be required by his or her private employment to appear before the public body in which he or she is a member, on behalf of the private interests of a third party, the official shall disclose said private interest and not participate in the discussion, consideration, or vote of the issue or transaction for which the official appeared.

### **XII. Advocacy**

Town officials shall represent the official policies or positions of the Town Council, commissions, or committees to the best of their ability when designated as delegates for this purpose. When representing their individual opinions and positions, officials shall explicitly state they do not represent their body or the Town, nor will they allow the inference that they do.

### **XIII. Policy Role of Members**

The Town Council determines the policies of the Town with the advice, information, and analysis provided by the public, commissions, committees, and Town Staff. The Town Council delegates authority for the administration of the Town to the Town Manager. No Town official shall interfere with the administrative functions of the Town or the professional duties of the Town staff, nor impair the ability of staff to implement the policy decisions of the Town Council. Inquiries to staff shall be made through the Town Manager or designee.

#### **XIV. Independence of Council and Commissions**

Because of the value of the independent advice of its commissions and committees to the public decision-making process, members of the Town Council shall refrain from using their positions to unduly influence the deliberations or outcomes of board, commission or committee proceedings.

#### **XV. Implementation**

The Code of Ethics shall be made available to the public and included in the regular orientations of elected and appointed officials. Each public body of the Town shall biennially review the Code of Ethics and make such recommendation for amendments or updates to the Town Council, as deemed desirable or necessary.

#### **XVI. Compliance and Enforcement**

The Town's Code of Ethics expresses standards of ethical conduct expected of each Town official, whether elected or appointed. Each official shall have as his or her primary responsibility to ensure that ethical standards are understood and met, so that the public can continue to have full confidence in the integrity of government.

A member of the Town Council or of any board, commission or committee of the Town shall have the additional responsibility to initiate ethical investigations when actions of their respective members appear to be in violation of the Code of Ethics are brought to their attention. Matters involving the violation of this Code shall be discussed initially by Town Council in closed session in an effort to discuss and resolve the matter.

An official's failure to comply with the Code of Ethics shall constitute a violation therefore, and said official shall be subject to punishment, such as public or private reprimand, formal censure, loss of seniority or committee assignment, or budget restriction, or a fine, as provided by Virginia Code Section 15.2-1400(D). The determination as to whether an official has failed to comply with the Code of Ethics, and any punishment relating thereto, shall be determined by majority vote of the Town Council.