

**TOWN OF TRUCKEE
California**

RESOLUTION 2023-51

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TRUCKEE

WHEREAS; the Truckee Town Council recognizes the value of adopting a code of ethics and conduct for themselves, Town Board, Commission and Committee members, and the public; and

WHEREAS; Council directed staff to develop a Code of Conduct that exemplifies their ethical conduct and values; and

WHEREAS; staff consulted a Council sub-committee consisting of Mayor Romack and Council Member Zabriskie to provide valuable feedback to refine the Code of Ethics and Conduct attached;

NOW THEREFORE BE IT RESOLVED by the Truckee Town Council that the Code of Ethics and Conduct attached hereto as Exhibit A is hereby adopted and that members elected to Town Council and members appointed to Council, and/or any appointed board, commission or other body be held accountable to it.

The foregoing resolution was introduced by _____, seconded by _____, at a regular meeting of the Truckee Town Council, held on the ____ day of _____, 202_ and adopted by the following vote:

AYES:

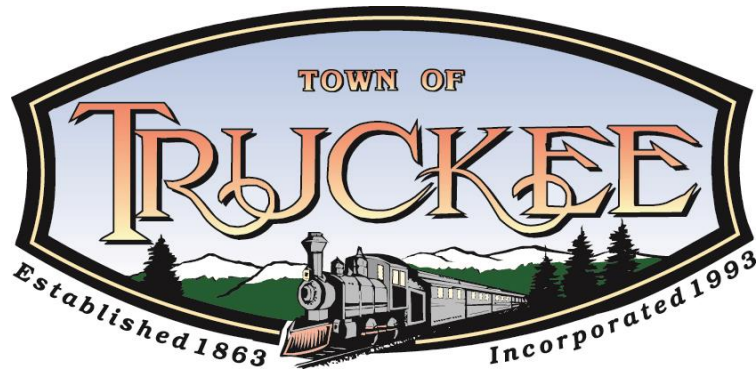
NOES:

ABSENT:

ATTEST:

Lindsay Romack, Mayor

Judy Price, MMC, Town Clerk



Town of Truckee

2023 Code of Ethics and Conduct for Elected and Appointed Officials

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Policy Purpose

The Truckee Town Council has adopted a Code of Ethics and Conduct for elected and appointed officials to assure public confidence in the integrity of local government and its effective and fair operation.

A. ETHICS

The citizens and businesses of Truckee are entitled to fair, ethical and accountable local government, which will instill public confidence in the fair operation and integrity of Truckee's Town government. In keeping with the Town of Truckee's Commitment to Excellence and the Town Council's commitment to the ethical values while representing its residents and community, the effective functioning of democratic government requires that:

- public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- public officials be independent, impartial and fair in their judgment and actions;
- public office be used for the public good, not for personal gain; and
- public deliberations and processes be conducted openly, unless legally permitted to be conducted in a closed session under the Ralph M. Brown Act, in an atmosphere of respect and civility.
- Public officials, both elected and appointed, act in a transparent manner to enable the public to obtain information about public official activities and understand the decision-making process.

To this end, the Truckee Town Council has adopted a Code of Ethics and Conduct for elected and appointed officials (Members) to assure public confidence in the integrity of local government and its effective and fair operation. The Ethics section of the Town's Code of Ethics and Conduct provides guidance on ethical issues and questions of right and wrong.

1. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of all the people of Truckee and not for any private or personal interest, and they will ensure fair and equal treatment of all people, claims and transactions coming before the Truckee legislative bodies.
2. **Comply with both the spirit and the letter of the Law and Town Policy.** Members shall comply with the laws of the nation, the State of California, and the Town of Truckee. These laws include, but are not limited to: the United States and California constitutions; federal and state statutes, the Truckee Town Municipal Code, laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and Town policies.
3. **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 Town's legislative bodies, staff, or the public.

4. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the Town Council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions.
5. **Conduct of Public Meetings.** Members shall prepare themselves for public issues listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speaker, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.
6. **Decisions Based on Merit.** Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. Members shall reserve judgment until all evidence has been presented and considered.
7. **Communication.** Members shall verbally disclose any contact or receipt of substantive information they have received outside of the public decision-making process that is relevant to a matter under consideration by the legislative body prior to calling for public comment, considering that matter so that all parties have the opportunity to respond to that information.
8. **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, in accordance with state law. Members shall disclose such conflicts.
9. **Gifts and Favors.** Members shall not take any special advantage of their public office to access services or opportunities for personal gain that are not available to the general public. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise or appear to compromise their independence of judgment or action.
10. **Confidential Information.** Members shall respect the confidentiality of information concerning certain negotiations (e.g., labor and real property), personnel matters, claims and litigation in order to avoid prejudicing the legal or negotiating position of the Town or compromise the private interest of employees. They shall neither disclose confidential information without proper Town Council authorization, nor use such information to advance their personal/private, financial, or other interests.
11. **Use of Public Resources.** Members shall not use public resources not available to the general public, such as Town staff time, vehicles, equipment, supplies, land or facilities, for private gain or political or personal purposes.
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, commissions, boards, or other legislative bodies of the Town on matters related to the subject matter jurisdiction of their bodies.

13. **Advocacy.** Members shall represent the official policies or positions of the Town legislative bodies to the best of their ability when authorized to do so. When presenting their individual opinions and positions, members shall explicitly state they are doing so in their personal capacity and not on behalf of the Town of Truckee, nor will they allow the inference that they do.
14. **Policy Role of Members.** Members shall respect and adhere to the council-manager structure of Truckee Town government. In this structure, the Town Council is responsible for establishing policy, passing local ordinances, adopting budgets, overseeing the roles of the town manager and attorney, and developing an overall vision for the city. The town manager is responsible for the day-to-day operations of the city and undertaking and accomplishing the policy objectives of the council. The town manager, rather than the Council or any member, is responsible for directing staff in the performance of their professional duties.
15. **Independence of boards and commissions.** Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to influence the deliberations or actions of board and commission proceedings.
16. **Positive Workplace Environment.** Members shall support the maintenance of a positive and constructive workplace environment for Town employees and for residents and businesses dealing with the Town. Members shall direct their requests of staff pertaining to their elected or appointed role to the appropriate staff liaison or in the case of Councilmembers, to the Town Manager.

B. CONDUCT

This section is designed to describe the manner in which members should treat one another, Town staff, constituents, and others they come into contact with when representing the Town of Truckee.

The constant and consistent theme through all of the conduct guidelines is "respect." Members experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, Members are called upon to always exhibit appropriate and respectful behavior.

1. Elected and Appointed Officials' Conduct with One Another

Elected and appointed officials have a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to support the community. This common goal applies in all cases even though individuals may "agree to disagree" on contentious issues.

1 (a) In Public Meetings

Practice civility and decorum in discussions and debate

Criticism is an essential component of democracy. This does not however, allow public officials to make belligerent, personal, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

Honor the role of the chair in maintaining order

It is the responsibility of the chair to keep members on track during public meetings. Members should honor efforts by the chair to focus discussions on current agenda items. If there is disagreement about the agenda or the chair's actions, members should follow parliamentary procedure in calling for a point of order or to voice their objections politely.

Demonstrate effective problem-solving approaches

Members 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.

Representing the Body

Outside of official board or commission meetings, individual members are not authorized to represent the Town or their board or commission unless specifically designated by the Council or their board or commission to do so for a particular purpose. In private settings, board and commission members may communicate at any time and on any subject. In public, however, all members shall endeavor to represent the official policies or positions of their board or commission.

1 (b) 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. Written notes, voicemail messages and e-mail should be treated as likely "public" communication, subject to disclosure if any member of the public asks for them.

Even private conversations can have a public presence

Public officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations may be overheard, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted. Cellular phones and other technologies allow for recording of these events with the potential for recorded conversations and actions being shared via social media.

Members shall communicate vocally with one another at council meetings and not electronically. Members may communicate electronically with the Town staff regarding the efficient conduct of the proceedings during council meetings.

2 Elected and Appointed Officials' Conduct with Town Staff

Governance of a town relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and Town 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.

Treat all staff as professionals

Treat Town staff with respect. Poor behavior towards staff is not acceptable.

Do not disrupt Town staff from their jobs

* Elected and appointed officials should not disrupt Town staff while they are in meetings, on the phone, or engrossed in performing their job functions. Consult with the Town Manager and/or Department Head to determine whether it would be appropriate to attend a staff meeting.

Never publicly criticize an individual employee

Public officials should never express concerns about the performance of a Town employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the Town Manager privately. Comments about staff in the Town Attorney's Office should be made directly to the Town Attorney. Appointed officials should make their comments regarding staff to the Town Manager or Town Attorney.

Do not get involved in administrative functions

Public officials outside a public meeting must not attempt to influence Town staff on the making of appointments, 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, Council members should consider checking 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

Public officials 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 and outside of the employee's work hours.

3 Elected and Appointed Officials' Conduct with the Public

3 (a) 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 members 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 respect and professionalism. While the chair may permit member questions, a member's primary role during public testimony is to listen and learn.

Be fair and equitable in allocating public hearing time to individual speakers.

The chair will determine and announce limits on speakers at the start of the public hearing process. Questions should *not* be asked for the express purpose of allowing one speaker to evade the time limit imposed on all others (e.g., "Was there something else you wanted to say?"). Generally, each speaker will be allotted three minutes, with applicants and appellants, or their designated representatives, allowed additional time. If many speakers are anticipated, the chair may also shorten the time limit.

No speaker will be turned away unless he or she exhibits disruptive behavior. Each speaker may only speak once during the public hearing unless the chair requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the chair reopens the public hearing for a limited and specific purpose.

Practice active listening

It is disconcerting to speakers to have members not look at them when they are speaking. Avoid facial expressions that could be interpreted as smirking, disbelief, anger, disrespect, or boredom.

Maintain an open mind

Members of the public deserve an opportunity to influence the thinking of public officials. To express an opinion prior to the close of a public hearing casts doubt on the body's fairness. Put another way, "those who decide must also listen." This is particularly important when officials are serving in a quasi-judicial capacity.

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.

If speakers become flustered or defensive by questions, it is the responsibility of the chair to calm and focus the speaker and to maintain order and decorum. Questions by members to the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker.

No personal attacks of any kind, under any circumstance

Members should also be aware of their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

3 (b) In Unofficial Settings

Make no promises on behalf of the Council, board/commission or Town

Members will frequently be asked to explain a Council or board/commission action or to give their opinion about an issue as they talk with community members. 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 Council or board/commission action, or to promise that Town staff will do something specific (fix a pothole, plant new flowers in the median, etc.).

Make no personal comments about other members

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other members, their opinions and actions.

Truckee is a small town at heart

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

4 Elected and Appointed Officials' Conduct Regarding Ex-parte Communications

Members have the responsibility to hear all viewpoints at a public hearing. Members must always keep an open mind, and not rush to pre-judge any matter, until all concerned parties (including but not limited to applicants, members of the public and staff) are heard during the public hearing. Members must not come to a conclusion on a matter until the public hearing is closed.

One key responsibility involves “ex parte” communications. Ex parte is a Latin phrase that literally means “from one party.” Generally, it is defined as any oral or written communication with a decisionmaker about the subject matter of an upcoming quasi-judicial proceeding, which takes place outside of a noticed hearing that is open to all parties to the matter.

Hearings are “quasi-judicial” when they require the members to apply general rules and standards to specific factual situations and to reach conclusions that affect the rights or interests of an individual person or entity. Common examples of quasi-judicial matters

include decisions to approve or deny specific development projects, permit revocation proceedings, and employee disciplinary matters.

For quasi-judicial agenda matters, a member must report (disclose) any information that they received outside of the public hearing or staff report, if the information significantly influenced their views of the matter. The disclosure should state the nature of the communication (e.g., whether it was oral, written, or sensory), and should explain the substance of the communication so that other members, interested parties, and the public will have an opportunity to become apprised of the factors influencing the Member and to attempt to controvert or rebut any such factor during the hearing. Disclosure alone will not be deemed a sufficient basis for a request to continue the hearing. An ex parte communication is not grounds to disqualify a member from participation in a quasi-judicial hearing unless the member feels that they cannot reach an impartial decision.

5 Council Conduct When Serving on Intergovernmental Assignments

Be clear about representing the Town or personal interests

When representing the Town, the Councilmember must support and advocate the official Town position on an issue, not a personal viewpoint. Outside of official board or commission meetings, board and commission members are not authorized to represent the Town or their board or commission unless specifically designated by the Council or the board or commission to do so for a particular purpose.

Correspondence also should be equally clear about representation

Town letterhead may be used when the Councilmember is representing the Town and the Town's official position. Town staff will support Councilmembers in the drafting and distribution of letters.

Town letterhead shall not be used for non-Town business nor for correspondence representing a dissenting point of view from an official Council position.

6 Council Conduct with Boards and Commissions

The Town has established several legislative bodies as a means of gathering more community input. Residents who serve on these legislative bodies become more involved in government and serve as advisors to the Town Council. They are a valuable resource to the Town's leadership and should be treated with appreciation and respect.

While council members may attend any board or commission meeting, which are always open to the public, they are discouraged from doing so. Otherwise, they run the ethical risk of revealing a biased view, jeopardizing the role of the commission as an independent advisory body, and/or not acting in accordance with the views of the town council as a whole.

Limit participation to questions of clarification

If a Council member attends a board or commission meeting, the member should avoid speaking. Any public comments by a Council member at a board or commission meeting,

including characterizations of council actions, should be clearly made as individual opinion and not as a representation of the feelings of the entire Town Council.

Remember that boards and commissions serve the community, not individual Council members

The Town Council appoints individuals to serve on boards and commissions, and it is the responsibility of boards and commissions to follow policy established by the Council. But board and commission members do not report to individual Council members, nor should Councilmembers feel they have the power or right to threaten board and commission members with removal if they disagree about an issue. Appointment and re-appointment to a board or commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A board or commission appointment should not be used as a political "reward."

Be respectful of diverse opinions

A primary role of boards and commissions is to represent many points of view in the community and to provide the Town Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a close working relationship with some individuals serving on boards and commissions but must be fair and respectful of all individuals serving on boards and commissions.

Keep political support away from public forums

Board and commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties.

7 Elected and Appointed Officials' Conduct with the Media

Board and commission members are not authorized to represent the Town outside of official board/commission meetings unless specifically authorized to do so.

Councilmembers are frequently contacted by the media for background and quotes.

The best advice for dealing with the media is to never go "off the record"

Most members of the media follow journalistic 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 Public Information Officer is the official spokesperson for the Town, on Town positions.

The Mayor is the designated representative of the Town Council to present and speak on the official Town position. If an individual Council member is contacted by the media, the preferred procedure is for the Council member to direct the requester to the Mayor. If the Council member chooses to engage with the requester, they should be clear about whether their comments reflect 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.

A. SANCTIONS

Ethics Training for Public Officials

Town Councilmembers, board and commission members, and Council appointees who are out of compliance with State- or Town-mandated requirements for ethics training.

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 Council Chambers/meeting room.

Inappropriate Staff Behavior

Councilmembers should refer to the Town Manager for any Town staff who do not follow proper conduct in their dealings with members, other Town staff, or the public. These employees may be disciplined in accordance with standard Town procedures for such actions.

C. GLOSSARY OF TERMS

attitude	The manner in which one shows one's disposition, opinions, and feelings
behavior	External appearance or action; manner of behaving; carriage of oneself
civility	Politeness, consideration, courtesy
conduct	The way one acts; personal behavior
courtesy	Politeness connected with kindness
decorum	Suitable; proper; good taste in behavior
manners	A way of acting; a style, method, or form; the way in which things are done
point of order	An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration
point of personal privilege	A challenge to a speaker to defend or apologize for comments that a fellow member considers offensive
propriety	Conforming to acceptable standards of behavior
protocol	The courtesies that are established as proper and correct
respect	The act of noticing with attention; holding in esteem; courteous regard
legislative body	Council, Boards and Commissions

APPENDIX A - Model of Excellence Member Statement

MODEL OF EXCELLENCE

Truckee Town Council, Boards and Commissions MEMBER STATEMENT

As a member of the Truckee Town Council or of a Truckee board or commission, I agree to uphold the Code of Ethics and Conduct for Elected and Appointed Officials adopted by the Town and conduct myself by the following model of excellence. I will:

- Recognize the worth of individual members and appreciate their individual talents, perspectives and contributions;
- Help create an atmosphere of respect and civility where individual members, Town staff and the public are free to express their ideas and work to their full potential;
- Conduct my personal and public affairs with honesty, integrity, fairness and respect for others;
- Respect the dignity and privacy of individuals and organizations;
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;
- Avoid and discourage conduct which is divisive or harmful to the best interests of Truckee;
- Treat all people with whom I come in contact in the way I wish to be treated.

I affirm that I have read and understood the Town of Truckee Code of Ethics and Conduct for Elected and Appointed Officials.

Signature

Date

Name

Office/Meeting Body