

## **Indiana Borough**

### **Code of Ethics and Conduct For Elected and Appointed Officials**

*"Always do right. This will gratify some people and astonish the rest."*

*--Mark Twain*

## Policy Purpose

The Indiana Borough Council officially adopts this Code of Ethics and Conduct to assure that all elected and appointed officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of the Borough of Indiana government.

### A. ETHICS

The citizens and businesses of Indiana Borough are entitled to have fair, ethical and accountable local government. To this end, the public should have full confidence that their elected and appointed officials:

- Comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Are independent, impartial and fair in their judgment and actions;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly in an atmosphere of respect and civility.

Therefore, members of the Indiana Borough Council, Borough Manager, and all Boards, Committees and Commissions shall conduct themselves in accordance with the following ethical standards:

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 the people of Indiana Borough and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.
2. **Comply with both the spirit and the letter of the Law and Borough Policy.** Members shall comply with the laws of the nation, the State of Pennsylvania and the Borough of Indiana in the performance of their public duties.
3. **Conduct of Members.** The professional and personal conduct of members while exercising their office 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 Council, Boards, Commissions and Committees, the staff or public.
4. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the Borough Council.
5. **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.
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. When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts peculiar to an individual case), members shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented at the hearing and the law.

7. **Communication.** For adjudicative matters pending before the body, members must disregard information received from outside sources and not introduced as evidence during adjudication proceedings.
8. **Conflict of Interest.** In order to assure their independence and impartiality on behalf of the common good and compliance with conflict of interest laws, members shall use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Members shall not use their official positions to influence government decisions in which they have (a) a material financial interest, or (b) a conflict of interest with an organization in which they are a member.  
A member who has a conflict of interest regarding a particular decision shall disclose that fact. If uncertain if a conflict exists the members should seek advice from the Pennsylvania Ethics Commission. Members shall not participate in a decision in which they have a conflict of interest.  
In accordance with the law, members annually shall disclose investments, interests, in real property, sources of debt and income, and gifts; and if they have a conflict of interest regarding a particular decision, shall not, once the conflict is ascertained, participate in the decision and shall not discuss or comment on the matter in any way to any person including other members unless otherwise permitted by law.
9. **Gifts and Favors.** Members 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.** Members 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.** Members shall not use public resources which are not available to the public in general (e.g. Borough 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 Borough, 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.** Members shall represent the official policies or positions of the Borough Council, 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 Borough of Indiana, nor will they allow the inference that they do. Council members, Committee and Commission members have the right to endorse candidates for all Council seats and Committee appointments.
14. **Policy Role of Members.** Members shall respect and adhere to the council-manager structure of Indiana Borough government as outlined in the Borough Code and by ordinance. In this structure, the Borough Council determines the policies of the Borough with the advice, information and analysis provided by Borough staff, Boards, Committees and Commissions, and the public. The President of the Council, provides oversight and direction of the police department and not interfere with the administrative functioning of the Borough Manager or the professional duties of Borough staff; nor shall any member of Council 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 Work Place Environment.** Members shall support the maintenance of a positive and constructive work place environment for Borough employees and for citizens and businesses dealing with the Borough. Members shall recognize their special role in dealings with Borough employees to in no way create the perception of inappropriate supervising of staff.

**B. CONDUCT GUIDELINES**

The Conduct Guidelines are designed to describe the manner in which elected and appointed officials should treat one another, Borough staff, constituents, and others they come into contact with while representing the Indiana Borough.

**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 chair in maintaining order*

It is the responsibility of the chair 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. Free debate does not require nor justify, belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.

(c) *Avoid personal comments that could offend other members*

If a member is personally offended by the remarks of another member, the offended member should 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. The chair will maintain control of this discussion.

(d) *Demonstrate effective problem-solving approaches*

Members have 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. **Elected and Appointed Officials' 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 the 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.

(a) *Be welcoming to speakers and treat them with care and gentleness.*

While questions of clarification may be asked, the official's primary role during public testimony is to listen.

(b) *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.

(c) *Practice active listening*

It is disconcerting to speakers to have members 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. Members shall try to be conscious of facial expressions and avoid those that could be interpreted as "smirking," disbelief, anger or boredom.

(d) *Maintain an open mind*

Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.

(e) *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. **Elected and Appointed Officials' Conduct with Borough Staff**

Governance of a Borough relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and Borough 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 Borough staff from their jobs*

Elected and appointed officials should not disrupt Borough 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 Borough staff meetings unless requested by staff- even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, may intimidate staff, and hampers staff's ability to do their job objectively.

(c) *Never publicly criticize an individual employee*

Elected and appointed officials should never express concerns about the performance of a Borough employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the Borough Manager through private correspondence or conversation. Appointed officials should make their comments regarding staff to the Borough Manager or the President. Personnel matters should be discussed by Council only in executive sessions.

(d) *Do not solicit political support from staff*

Borough staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

(e) *No Attorney-Client Relationship*

Members shall not seek to establish an attorney-client relationship with the Borough Attorney, including his or her staff and attorneys contracted to work on behalf of the Borough. The Borough Attorney represents the Borough and not individual members. Members who consult with the Borough Attorney cannot enjoy or establish an attorney-client relationship with the attorney.

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

The Borough 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 Borough Council. They are a valuable resource to the Borough's 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*

Council members 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 Council member at a Board, Committee or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire Borough Council.

- (b) *Limit contact with Board, Committee and Commission members to questions of clarification*

It is inappropriate for a Council member 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 Council members 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 Council members*

The Borough Council appoints individuals to serve on Board, 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 Council members, nor should Council members feel they have the power or right to threaten Board, Committee and Commission members with removal if they disagree about an issue.

Appointment and re-appointment to 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. A Board, Committee or Commission appointment should not be used as a political "reward."

- (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 full spectrum of concerns and perspectives. Council members 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 Council member, but

not in a public forum while conducting official duties. Conversely, Council members may support Board, Committee and Commission members who are running for office, but not in an official forum in their capacity as a Council member.

### C. SANCTIONS

#### (a) *Acknowledgement of Code of Ethics and Conduct*

Council members, upon taking office, should sign an acknowledgement that they have read and understand this Code of Ethics and Conduct and pledge to comply with its provisions to the best of their ability. Refusal to do so will render the member ineligible for intergovernmental assignments or appointments as a Committee Chairperson.

#### (b) *Behavior and Conduct*

The Indiana Borough Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Borough Council, Boards, Committees and Commissions.

The chairs of Boards, Committees and Commissions and the President and Council have the responsibility to intervene when actions of a member appear to be in violation of the Code of Ethics and Conduct.

##### *Council Members:*

Council members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose committee assignments or other privileges afforded by the Council.

Individual Council members should point out to the offending Council member perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the President for action. If the President is the individual whose behavior is being questioned, then the matter should be referred to the Vice President of Council. It is the responsibility of the President (or Vice President) to initiate action if a Council member's behavior may warrant sanction. If no action is taken by the President (or Vice President), then alleged violations(s) can be brought up by any member for review by Council.

##### *Board, Committee and Commission Members:*

Counseling, verbal reprimands and written warnings may be administered by the President to Board, Committee and Commission members failing to comply with Borough policy if directed by a majority of Council to do so.

### CI. IMPLEMENTATION

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the Borough. 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 orientation of new members on Borough Council, Boards, and Commissions. Members entering office shall sign a statement (example below) acknowledging they



have read and understand the Code. In addition, the Code of Ethics and Conduct shall be periodically reviewed by the Borough Council, Boards, Committees and Commissions, and updated as necessary.

**EXAMPLE:**

***I affirm that I have read and understand the Borough of Indiana Code of Ethics and Conduct for Elected and Appointed Officials and will, to the best of my ability, comply with its guidance.***

  
\_\_\_\_\_  
Signature

11-22-22  
\_\_\_\_\_  
Date