

Code of Conduct

City of El Paso

The City of El Paso has a mission to **deliver exceptional services to support a high quality of life and place for our community**. In pursuing its mission, the City recognizes that stewardship of the public interest must be the primary concern of the elected and appointed officials, as well as employees. Everyone must work together for the common good of the people of El Paso and not for any private or personal interest, and must assure fair and equal treatment of all persons, claims and transactions.

The following Code of Conduct has been designed to preserve the values adopted by the City of El Paso - *Integrity, Respect, Excellence, Accountability and People*. **This Code of Conduct applies to all Appointed Officials (Board and Committee members).**

Members of the City Organization

Mayor

- Recognized as head of the City Government for all ceremonial purposes, but has no administrative duties except as provided in the City Charter
- Is a non-voting member of and presides over the City Council, except for the limited purpose of breaking tie votes and as otherwise permitted by the City Charter
- Has the authority to veto legislation, except for any City Council action which removes the City Manager or the City Attorney
- Responsible for leading the Council into an effective, cohesive working team

City Council

- Responds to citizen concerns
- Represents various segments of the community
- Appoints and directs City Manager and City Attorney
- Enacts ordinances, resolutions and sets policy
- Approves budget
- Determines tax rates

City Manager

- Serves Council and community
- Administers City projects and programs

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- Recruits, hires and supervises City staff
- Serves as the Mayor and Council's chief advisor and has the right to take part in discussion but not vote
- Carries out Council's policies
- Prepares budget for the Mayor and Council's consideration

City Attorney

- Serves as chief legal adviser to Mayor and Council
- Serves as chief legal adviser and attorney to all City departments in matters relating to their official duties
- Oversees all civil litigation in which the City is a party
- Enforces municipal ordinances and prosecutes violations thereof.

Chief Internal Auditor

- Serves as independent adviser to City Manager and City Council thru the Financial Oversight and Audit Committee
- Creates a systematic, disciplined approach to evaluate and improve effectiveness of risk management, control and governing processes
- Shares recommendations for improving management controls, accountability to maintain the organization's image through regular audits of departments and programs.

Appointed Officials (Boards/Committee members)

- Serve in an advisory capacity to the Mayor and City Council
- Established to gather, encourage and foster community input
- Act as advocates for the citizens and employees of El Paso

City Employees

- Serve the community under the direction of the City Manager, who directs the administration of all City departments
- Work together to build a good working environment within the organization
- Share leadership and unique skills necessary to meet the goals of the City and the departments

City Volunteers

- Serve the community under the direction of the City Manager, who directs the administration of all City departments
- Share unique skills that assist assigned departments to meet the goals of the City and the departments, without compensation

Five Pillars of Conduct

I. Comply with the spirit and letter of the law and City Policy

Comply with the laws of the nation, State of Texas and the City of El Paso.

(Ethics Ordinance 2.92.050)

II. Make decisions and act on facts

Maintain an open mind and base your decisions and actions on the facts presented and the law.

(Texas Penal Code 39.02, 39.03)

III. Never disclose confidential information

Confidential information should never be disclosed without proper legal authorization, or use such information to advance personal, financial or other private interests.

(Texas Penal Code Ch. 39.06)

IV. Respect City Process

Perform duties in accordance with City Manager form of government and the processes and rules of order established by the City Charter and City Council.

(Ethics Ordinance 2.92.050)

V. Maintain a Positive Work Place Environment

Support and maintain a positive and professional work place environment. Abusive conduct, personal charges and verbal attacks are not acceptable. It is imperative to uphold the values of the City and create a positive perception at all times with staff, businesses and the community. (City Charter, Ethics Ordinance 2.92.050, Texas Penal Code 39)

APPOINTED OFFICIALS CONDUCT WITH ONE ANOTHER

In Public Meetings

- Practice civility, professionalism, and decorum during discussions and debate. Keep in mind that criticism of ideas and expression of differing points of view are legitimate elements of a free democracy in action.
- Refrain from making belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.
- It is the responsibility of the Chair to maintain order and keep the comments of appointed officials on track during public meetings. Appointed officials should maintain focus on the current agenda item being discussed. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following parliamentary procedure. The City Council follows Roberts Rule of Order for meeting management, to the extent they are not in conflict with other City procedural rules and/or orders.
- Demonstrate effective problem-solving approaches. Appointed officials 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 respectful of everyone's time. Be punctual and keep comments relative to topics being discussed.

In Private Encounters

- Continue respectful communications in private. The same level of respect and consideration of differing points of view deemed appropriate for public discussions should be maintained in private conversations.
- Be mindful that written notes, voicemail messages, and e-mails may be subject to the Texas Public Information Act. Technology allows words written or said without much forethought to be distributed wide and far. Written notes, voicemail messages and e-mails should be treated as potentially "public" communication.

APPOINTED OFFICIALS CONDUCT WITH CITY EMPLOYEES/VOLUNTEERS

Governance of a City relies on the cooperative efforts of appointed officials who advise on policy and staff who implement and administer the Council's policies. Therefore, every effort should be made by appointed officials to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- Recognize and respect the City's organizational structure. All questions and/or requests for information should be directed to the designated staff member assigned to the Board/Committee.
- Treat all employees/volunteers as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Disrespectful behavior towards employees/volunteers is not acceptable.
- Do not disrupt employees/volunteers from their jobs. Appointed officials should not disrupt employees/volunteers while they are in meetings, on the phone, or engaged in performing their job functions in order to have their individual needs met.
- Refrain from making personal attacks on an individual employees/volunteers. Appointed officials should never express concerns about the performance of a City employee/volunteer in public, to the employee/volunteer directly, or to the employee's/volunteer's manager. Comments and concerns about employee/volunteer performance should only be made to the City Manager through correspondence or conversation.
- Do not get involved in administrative functions. Appointed officials must not attempt to influence employees/volunteers on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

Requests for additional staff/volunteer support - even in high priority or emergency situations -- should be made to the City Manager who is responsible for allocating City resources and personnel in order to maintain a professional, well-run City government.

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 individual appointed officials toward those participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- *Be welcoming to speakers.* Speaking in front of appointed officials can be a difficult experience for some people. Some of the issues the appointed officials undertakes may affect people's daily lives and homes. Some decisions are emotional. The way that appointed officials 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.* Generally, each board/committee determines the amount of time speakers will be allocated. If many speakers are anticipated, the Chair 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.
- *Be an active listener.* It is disconcerting to speakers to have appointed officials 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 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 Chair should be permitted to interrupt a speaker during a presentation. However, an appointed official can ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior or language the appointed official finds disturbing.
- *No personal attacks of any kind, under any circumstance.* It is never appropriate to belligerently challenge or belittle the speaker. Appointed officials should be aware that their body language and tone of voice, as well as the words they use, could come across intimidating or aggressive.
- *Follow the adopted parliamentary procedure for the Board/Committee.*

In Unofficial Settings

- *Refrain from making promises on behalf of the City.* Appointed officials may be asked to explain a City Council action about an issue as they meet and talk with members of the community. It is appropriate to refer them to Mayor and Council or City staff for further information.
- *Refrain from making personal comments about elected or other appointed officials.* It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about elected officials or other appointed officials, or their opinions and actions.

APPOINTED OFFICIALS CONDUCT WITH OTHER PUBLIC AGENCIES

- *Be clear about representing the City or personal interests.* The Mayor represents the City in intragovernmental and intergovernmental relationships. If an appointed official appears before another governmental agency or organization to give a statement on an issue, the appointed official must clearly state whether his or her statement reflects personal opinion or is the stance of the City. Even if the appointed official is representing his or her own personal opinions, keep in mind that the opinion may still reflect upon the City as an organization. If the appointed official is representing the City, the appointed official must support and advocate the official City position on an issue, not a personal viewpoint.

APPOINTED OFFICIALS CONDUCT WITH OTHER ELECTED/APPOINTED OFFICIALS

The City has established several Boards and Committees as a means of gathering more community input. By serving on a Board or Committees you are an appointed official and serve as an advisor to the Mayor and City Council. Appointed officials are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- *Attending a Board or Committee meeting.* Although not prohibited, appointed officials attendance at other City Board or Committee meetings is discouraged, based on the affect that their presence may have on the proceedings. Appointed officials must state that they are appearing on behalf of an individual, business or developer. Any public comment made by an appointed official at a Board or Committee meeting should be clearly made as an individual opinion.
- *Limit contact with other appointed officials.* It is inappropriate for appointed officials to contact other appointed officials to lobby on behalf of an individual, business, or developer. Officials should contact staff in order to clarify a position taken by the Board or Committee. (Ethics Ordinance 2.92.050)
- *Remember that Boards and Committees serve the community, not the Mayor or individual Council members.* Appointed officials (Board/Committee members) report to the Mayor and City Council, not to individual Council members. Mayor and Council members should never feel they have the power or right to threaten appointed officials with removal if they disagree about an issue. Appointment to a Board or Committee should be based on criteria such as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Committee appointment should not be used as a political "reward."
- *Be respectful of diverse opinions.* A primary role of Boards and Committees is to represent many points of view in the community and to provide the Mayor and City Council with advice based on a full spectrum of concerns and perspectives. Mayor and City Council members must be fair and respectful to all citizens serving on Boards and Committees.

APPOINTED OFFICIALS CONDUCT WITH THE MEDIA

Officials may be contacted by the media for background and quotes.

- Any appointed officials that receives a request from media for comment or information should direct the reporter to the Board or Committee's assigned staff member or the City's Public Affairs Office.

APPOINTED OFFICIALS COMMUNICATION PRACTICES

Officials are reminded that the City of El Paso is committed to fostering a positive environment free from any form of harassment or bullying.

- Positive and constructive communication and behavioral practices are a priority when communicating and interacting with fellow officials, City staff and the public.
- Bullying is a single significant act or a habitual pattern of intentional behavior by an appointed official aimed at an individual or group of individuals that a reasonable person would find hostile, intimidating, offensive or creates a hostile work environment. Workplace bullying includes abuse or misuse of power.
- Cyberbullying is bullying behavior in the form of intimidation, threats, humiliation and harassment that takes place through the use of computers, cellphones or other electronic devices.
- Bullying in any manner is very serious and can possibly result in a violation of federal, state laws and City policies.
- Officials are encouraged to be conscientious when communicating in any manner, to avoid any negative feelings.

ACKNOWLEDGEMENT

Acknowledgement of Code of Conduct

Board and Committee members will be required to sign an acknowledgement that they have read and understand the Code of Conduct to be eligible for appointment.

ADDRESSING ISSUES

Appointed Official to Employee/Volunteer

- Appointed official must directly notify the City Manager
- City Manager will handle through set process

Appointed Official to Appointed / Elected Official

- Visit with fellow member and discuss the issue.
- If the behavior continues; member will need to inform the Chair.
- Chair will inform assigned staff, who will follow process to inform the appropriate Department Head/Deputy City Manager.
- If it is the Chair's behavior in question then member will inform assigned staff, who will follow process to inform the appropriate Department Head/Deputy City Manager.

Behavior and Conduct

- If the appointed official repeatedly fails to follow proper conduct, the City Council may remove the member from office.
- Any form of discipline imposed by Council shall be determined by the affirmative vote of three fourths of all of the Representatives.

Code of Conduct Declaration

I _____, have read, understand and agree to abide by the Code of Conduct for the City of El Paso.

Appointed Official

Board /Committee