

**TOWN of Irvington**  
**CODE OF ETHICS**  
**For**  
**ELECTED OR**  
**APPOINTMENT POSITIONS,**  
**INCLUDING STAFF, TOWN**  
**COUNCIL, PLANNING**  
**COMMISSION, AND BOARD**  
**OF ZONING APPEALS**

The Town Council adopted the attached Code of Ethics at its meeting on mm/dd/yy The Code addresses how members will conduct themselves in an ethical manner.

The Code of Ethics is adopted for execution by each elected or appointed member of a Town public body, including the Mayor and Town Council Members, the Planning Commission, Board of Zoning Appeals, ~~and staff and Architectural Review Board.~~

~~Mission Purpose: The Town of Irvington desires to ensure its business is conducted with respect, honesty, and transparency. This code of ethics documents the expected behaviors when interacting with each other, residents, businesses, or other entities as a part of town duties. Mayor, Town Council and the Staff of Irvington are dedicated to provide high level services in a cost-effective manner; display honesty, respectfulness, support the health and economic well-being of our citizens; preserve our historic small town character; and address public concerns and opportunities promptly and effectively.~~

**Commented [ 1]:** I don't think the Code of Ethics needs a mission statement.

Could we reframe as "Purpose"?

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**Commented [ 2]:** I did not feel all of this is addressed in the document. See my suggested revision.

**CODE OF ETHICS**

Preamble

The citizens of Town of Irvington, Virginia, are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. ~~Public officials, both~~ elected and appointed, must comply with the letter and spirit of the laws and policies affecting the operations of government. The public officials must be independent, impartial and fair in their judgment and actions. The public office is used for the public good, not for personal gain; and that public deliberations and processes must be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

**Commented [ 3]:** This phrase does not necessarily include staff.

Is the intent to include staff in this code of ethics document?

1. Act in the Public Interest

~~Members of Council will work for the common good of the residents of Irvington and not for any private or personal interest, and they will assure fair and equal treatment of all persons, matters and transactions coming before them.~~

**Commented [ 4]:** I am assuming the formatting as a table cell is an artifact of copying from other sources.

Should we also ensure that we give credit to the sources for elements of this document?

Also, using "Members of Council" further restricts to whom this code of ethics pertains.

I recommend we decide on who is included and a standard term for that body of individuals, which should be defined the first time it is used.

2. Comply with the Law

Members of Council will comply as applicable with the laws of the nation, the Commonwealth of Virginia, and the Town of Irvington, as well

as the procedures and rules adopted by the Town Council in the performance of their public duties. Members of Council must timely report to the Mayor any violation of law that results with them being charged with a misdemeanor or felony.

### 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, profane language, personal charges or verbal attacks upon the character or motives of other members of the Town Council, commissions, and committees, the staff or public.

**Commented [ 5]:** I would suggest we include the fact people should recuse themselves as appropriate in this section.

To me that is part of being above reproach.

### 4. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the Town Council.

**Commented [ 6]:** Are there documented processes? And rules of order?

It is hard to hold someone to something that is not documented and shared with the person.

### 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 speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

**Commented [ 7]:** Does this include committee 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.

### 7. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Town Council or committees and commissions, which they may have received from sources outside of the public decision-making process.

### 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, or where they have an organizational responsibility or personal relationship that may give the appearance of a conflict of interest.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

## 9. Gifts and Favors

Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are 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 shall respect the confidentiality of information concerning the property, personnel or affairs of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

**Commented [ 8]:** Do we want to specifically call out closed sessions? And the need for all information shared in those sessions to remain confidential?

11. Use of Public Resources

Members shall not use public resources such as Town staff time, equipment, supplies, property or facilities, for private gain or personal purposes.

12. Representation of Private Interests

In keeping with their role as stewards of the public interest, members of the Council shall not appear on behalf of the private interests of third parties before the Town Council or any committee, commission or proceeding of the Town, nor shall members of committees or commissions appear before their own bodies or before the Town 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 Town Council, boards, commissions or committees 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 Town of Irvington, nor will they allow the inference that they do.

**Commented [ 9]:** I recommend emphasizing the "when designated."

14. Policy Role of Members

The Town Council determines the policies of the Town with the advice, information and analysis provided by the public, commissions, and committees, and Town staff.

Members shall not interfere with the administrative functions of the Town or the professional duties of Town staff; nor shall they impair the ability of staff to implement Council policy decisions.

**Commented [ 10]:** Am I correct that this includes things like: releasing RFPs, securing bids, contracting services, etc.?

I do not know that recent Councils have had the stark lines between Council and Staff duties/responsibilities that would facilitate the functioning of Irvington.

15. Independence of Board and Commissions

Because of the value of the independent advice of boards, committees and commissions 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 committee or commission proceedings.

**Commented [ 11]:** I believe this is repetitive to some extent with 12 and 13.

Would it make sense to combine so there is one section about not swaying - regardless of whether it is to your personal gain or the gain of someone else?

## 16. Positive Work Place Environment

Members shall support the maintenance of a positive and constructive work place environment for Town employees and for citizens and businesses dealing with the Town. Members shall recognize their special role in dealings with Town employees and in no way create the perception of inappropriate direction to staff.

(a) **Treat all staff as professionals.** Members of Council will use their best efforts to engage in clear, honest communication that respects the abilities, experience, and dignity of each individual staff member.

(b) **Do not disrupt Town staff from their jobs.** Members of Council should not disrupt Town staff while they are in meetings, on the phone, or performing their job.

(c) **Never publicly criticize an individual employee.** Members of Council should never express concerns about the performance of a Town employee in public, to the employee directly. Comments about staff performance should only be made to the Mayor or Human Resource Committee through private correspondence or conversation.

(d) **Do not get involved in administrative functions.** Members of Council acting in their individual capacity will not attempt to influence Town staff in the course of performing their official duties.

(e) **Do not solicit political support from staff.** Members of Council will not solicit any type of political support from Town staff nor require political support of appointees to boards or commissions. Staff and appointees may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

(f) **No Attorney-Client Relationship.** Members of Council shall not seek to establish an attorney-client relationship with the Town Attorney, including his or her staff and attorneys contracted to work on behalf of the Town. The Town Attorney represents the Town and not individual members.

## 17. Implementation

As an expression of the standards of conduct for members expected by the Town, the Town of Irvington Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for candidates for the Town Council, applicants to boards, committees and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the Town of Irvington Code of Ethics. In addition, the Town Council, committees and commissions, shall annually review the Code of Ethics and the Town Council shall consider recommendations from committees and commissions to update it as necessary.

**Commented [ 12]:** As mentioned in the HR committee recording, I wholeheartedly support an orientation - perhaps every time a new councilperson, Mayor, or staff join. This could serve as a nice way to refresh people's memories and ensure people are on the same page.

The goal could be to have one session that is general enough for all to attend followed by a more detailed session for the particular role (council/mayor or staff).

## 18. Compliance and Enforcement

The Town of Irvington Code of Ethics expresses standards of ethical conduct expected of members of the Town Council, committees and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of committees and commissions and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics are brought to their attention.

**Commented [ 13]:** I would recommend identifying the committee or entities that will oversee this annually - and when it will take place.

My experience is that will help to ensure it happens as planned.

The Town Council may impose sanctions on members whose conduct does not comply with the Town's ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment. Where allowed by law, the Town Council also may remove members of Town-appointed committees and commissions from office.

**Commented [ 14]:** Could we add something about intervening immediately?

I would imagine the Mayor/Chair would (1) state the behavior that is not in line with the Code of Ethics, (2) request the behavior stop immediately, and apologies be issued, and (3) close the meeting or conversation if the behavior continues.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Town Council, board, and committee or commission decision.

It is important that someone is made aware of the concerns about their behavior and this Code of Ethics before they are written up.

Also the HR committee talked about the Mayor/Chair writing it up and sending to HR. I believe it makes sense for HR to hear complaints involving staff violating the code of ethics. However, I would suggest the Mayor and Vice-Mayor should be the body to address violations of the code of ethics by appointed or elected officials.

**RESOLUTION**

**A RESOLUTION TO ADOPT CODE OF ETHICS FOR THE MEMBERS OF THE  
IRVINGTON TOWN COUNCIL AND FOR THE MEMBERS OF ALL  
COMMITTEES AND COMMISSIONS APPOINTED BY THE TOWN COUNCIL**

WHEREAS, the Town Council has determined that the adoption of a Mission and Code of Ethics for its members and the members of all Council-appointed committees and commissions will assist in achieving these ends; and

WHEREAS, the citizens and businesses of the Town of ~~Irvington~~Irvington are entitled to have fair, ethical and accountable local government which has earned the public's full confidence; and

WHEREAS, in keeping with Town Council's commitment to excellence, all public officials, both elected and appointed, must comply with both the letter and spirit of the laws and policies affecting the operation of government; and

WHEREAS, all public officials, both elected and appointed, are required to be impartial and fair in their judgment and actions and ensure that public office is used for the public good; and; now therefore, be it

RESOLVED by the Town Council mm/dd/yy, that the following Mission and and Code of Ethics is hereby adopted: