

**Code of Ethics and Conduct for  
Elected and Appointed Officials**

## **Table of Contents**

<b><u>Title</u></b>	<b><u>Page No.</u></b>
A. Ethics	3
B. Conduct	6
1. Overview of Councilmembers Roles and Responsibilities	6
2. General Policies and Protocol	7
3. EAO Conduct with One Another	8
4. Conduct with Town Staff	9
5. Conduct with the Public	11
6. Council Conduct with Other Public Agencies	12
7. Council Conduct with Boards and Commissions	13
8. Conduct with the Media	14
C. Sanctions	14
D. Glossary of Terms	17
E. Implementation	18

## **Policy Purpose**

The Sunnyvale Town Council has adopted this Code of Ethics and Conduct for Elected and Appointed Officials for members of the Town Council and the Town's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

### **A. ETHICS**

The citizens and businesses of Sunnyvale are entitled to have a fair, ethical and accountable local government that has earned the public's full confidence for integrity. Achieving this 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 confidential, in an atmosphere of respect and civility.

To this end, the Sunnyvale Town Council has adopted this Code of Ethics and Conduct for Elected and Appointed Officials ("Code of Ethics and Conduct") for members of the Town Council and of the Town's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

1. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, Elected and Appointed Officials (EAO) will work for the common good of the people of Sunnyvale and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Sunnyvale Town Council, boards and commissions.
2. **Comply with both the spirit and the letter of the Law and Town Policy.** Members of the Town Council and the Town's boards and commissions shall comply with the laws of the nation, the State of Texas and the Town of Sunnyvale in the performance of their public duties. These laws include, but are not limited to: the United States and Texas Constitutions; State laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and Town Charter, ordinances and policies.
3. **Conduct of Elected and Appointed Officials ("EAO").** EAO shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff, or public.
4. **Respect for Process.** EAO shall perform their duties in accordance with the processes and rules of order established by the Town Council and boards and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Town Council by Town staff.

5. **Conduct of Public Meetings.** EAO 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; attempting to monopolize the discussion at public meetings; or otherwise interfering with the orderly conduct of meetings.
6. **Decisions Based on Merit.** EAO shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
7. **Communication.** EAO shall publicly disclose substantive information that is relevant to a matter under consideration by the Town Council or boards and commissions, which they may have received from sources outside of the public decision-making process.
8. **Conflict of Interest.** No EAO or officer of the Town or a relative thereof shall:
  - (a) Have a financial interest in any contract, job, work, or service of or to the Town, or the sale to the Town of any supplies, equipment, material, or real or personal property.
  - (b) Participate in a vote or decision on any matter in which the officer has a substantial personal or financial interest.
  - (c) Accept any gift from any person that might reasonably tend to influence such EAO or officer in the discharge of such person's official duties. The prohibition against gifts shall not apply to:
    - (i) A lawful campaign contribution;
    - (ii) An honorarium in consideration for services unless the officer would not have been asked to provide the services but for the officer's position;
    - (iii) Meals, lodging, transportation in connection with services rendered by the officer at a conference, seminar or similar event that is more than merely perfunctory;
    - (iv) Complimentary copies of trade publications and other related materials;
    - (v) Attendance at hospitality functions at local, regional, state or national association meetings and/or conferences;
    - (vi) Any gift, which would have been offered or given to the person if such person was not an officer or employee of the Town;
    - (vii) An occasional item with a value less than fifty dollars (\$50.00);
    - (viii) Tee shirts, caps and other similar promotional material;
    - (ix) Meals, transportation and lodging in connection with a seminar or conference at which the officer is providing services;

- (x) Gifts on account of kinship or a personal, or professional, or business relationship independent of the officer's status; and,
  - (xi) Complimentary attendance at political or charitable fund raising events.
9. **Confidential Information.** EAO 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, political or other private interests.
  10. **Use of Public Resources.** EAO shall not use public resources not available to the public in general, such as staff time, equipment, supplies or facilities, for private gain or personal, political purposes. Councilmembers desiring use of such Town resources for public meetings shall first obtain permission from a majority of the Council at a duly called, posted Council meeting.
  11. **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, commission or proceeding of the Town, nor shall members of boards 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, nor voluntarily participate on behalf of others in any litigation to which the Town is, or might be, an adverse party.
  12. **Advocacy.** EAO shall represent the official policies or positions of the Town Council, board or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, EAO shall explicitly state they do not represent their body or the Town of Sunnyvale, nor will they allow the inference that they do.
  13. **Policy Role of EAO.** EAO shall respect and adhere to the council-manager structure of Sunnyvale Town government as outlined by the Sunnyvale Town Charter. In this structure, the Town Council determines the policies of the Town with the advice, information and analysis provided by the public, boards and commissions, and Town staff. Except as provided by the Town Charter, EAO 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.
  14. **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 unduly influence the deliberations or outcomes of board and commission proceedings.
  15. EAO shall not intervene in Civil Service or Municipal Court matters.
  16. EAO shall not direct Town staff to take actions that are not in keeping with advice and guidance from the Town Attorney's Office.
  17. Councilmembers shall adhere to the same Town procurement policy as utilized by Town staff.

18. **Positive Work Place Environment.** EAO shall support the maintenance of a positive and constructive work place environment for Town employees and for citizens and businesses dealing with the Town. EAO shall recognize their special role in dealings with Town employees so in no way do they create the perception of inappropriate direction to staff.

## **B. CONDUCT**

The Town Charter provides detailed information on the roles and responsibilities of members of the Sunnyvale Town Council, the Mayor Pro Tem, and the Mayor. The Town's Code of Ethics and Conduct provides guidance on ethical issues and questions of right and wrong.

This Code of Ethics and Conduct is designed to describe the manner in which Councilmembers and board and commission members should treat one another, Town staff, citizens, and others they come into contact with in representing the Town of Sunnyvale.

The constant and consistent theme through all of the conduct guidelines is "respect." Councilmembers experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected and appointed officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Councilmembers and board and commission members to do the right thing in even the most difficult situations.

### **1. Overview of Councilmember Roles and Responsibilities**

#### **Mayor**

- Acts as the official head of the Town for all ceremonial purposes.
- Chairs Council meetings.
- Calls for special meetings.
- Serves as spokesperson for the Town Council on Town positions.
- Selects substitute for Town representation when Mayor cannot attend.
- Makes judgment calls on proclamations, Special Orders of the Day, etc.
- Recommends subcommittees as appropriate for Council approval.
- Leads the Council into an effective, cohesive working team.
- Signs documents on behalf of the Town.
- Reviews mail addressed to Mayor.
- Other duties as set forth in other laws, ordinances, or the Town Charter.

#### **Mayor Pro Tem**

- Performs the duties of the Mayor if the Mayor is absent or disabled.
- Chairs Council meetings at the request of the Mayor.
- Represents the Town at ceremonial functions at the request of the Mayor.
- Signs documents on behalf of the Town, in absence of Mayor.
- All duties as assigned by Mayor.

### **All Councilmembers**

All members of the Town Council, including those serving as Mayor and Mayor Pro Tem, have equal votes. No Councilmember has more power than any other Councilmember, and all should be treated with equal respect. Therefore, no ranking or pecking order shall be established for predetermining the order of roll call votes or public introductions, except that the Mayor and Mayor Pro Tem shall be introduced first at public meetings and events. All Councilmembers should:

- Fully participate in Town Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others;
- Prepare in advance of Council meetings and be familiar with issues on the agenda;
- Represent the Town at ceremonial functions at the request of the Mayor;
- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community;
- Provide contact information with the Town Secretary in case an emergency or urgent situation arises while the Councilmember is out of town;
- Demonstrate honesty and integrity in every action and statement; and,
- Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Ethics and Conduct for Elected and Appointed Officials.

### **Meeting Chair**

The Mayor will chair official meetings of the Town Council, unless the Mayor Pro Tem or another Councilmember is designated as chair of a specific meeting.

The Meeting Chair shall:

- Maintain order, decorum, and the fair and equitable treatment of all speakers.
- Keep discussion and questions focused on the specific agenda item under consideration.
- Make parliamentary rulings with advice, if requested, from the Town Secretary who acts as advisory parliamentarian, and in her absence, the Town Attorney shall act as advisory parliamentarian.

## **2. General Policies and Protocol**

### *Ceremonial Events.*

Requests for a Town representative at ceremonial events will be handled by the Town Secretary's Office. The Mayor will serve as the designated Town representative. If the Mayor is unavailable, then Town staff will determine if event organizers would like another representative from the Council. If so, then the Mayor may ask a Councilmember to serve as a substitute. Invitations received at Town Hall are presumed to be for official Town representation. Invitations addressed to Councilmembers shall be shared with the Town Secretary's Office in order to assure posting for compliance with the Texas Open Meetings Act, if applicable.

### *Travel Expenses.*

All Council travel in which the Councilmember expects to officially represent the Town and be reimbursed by the Town for travel costs, should be disclosed to the Mayor, Town Council, and Town Manager in advance. The travel budget for Council shall be reviewed at each annual budget cycle.

*Rules of Order for Meetings.* The latest edition of Robert's Rules of Order Newly Revised shall serve as the parliamentary authority for Council and boards, committees and commissions. Standing rules that vary from Robert's Rules may be adopted by the Council by ordinance.

*Non-agenda Items (Public Forum).*

During a designated period of the agenda, referred to as "Public Forum," citizens may bring forth issues or questions that are not on the meeting's agenda. Each citizen may be limited to three minutes unless otherwise directed by the Mayor (Council meetings) or Chair (board/commission meetings).

Public Forum may not be used as a forum to make personal attacks against individual citizens, Town employees or Councilmembers. Such remarks will result in the speaker being asked to step back from the podium and a forfeiture of the remaining time to speak.

*Public hearings.*

EAO will not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. "I think" and "I feel" comments by EAO are not appropriate until after the close of the public hearing. EAO should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

*Appeal Protocol.*

The applicant or appellant shall have the right to speak first. The Mayor or Chair will determine the length of time allowed for this presentation. Speakers representing either pro or con points of view will be allowed to follow. The Mayor or Chair will determine how much time will be allowed for each speaker, with 3 minutes the standard time granted. The applicant or appellant will be allowed to make closing comments. The Mayor or Chair has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly.

**3. EAO Conduct with One Another**

EAO are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. 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 "agree to disagree" on contentious issues.

**3(a). In Public Meetings**

*Use formal titles.*

EAO should refer to one another formally during public meetings, such as Mayor, Mayor Pro Tem, Chair, Commissioner or Councilmember followed by the individual's last name.

*Practice civility and decorum in discussions and debate.*

Difficult questions, challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, EAO to make belligerent, personal, impertinent, 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 the comments of EAO on track during public meetings. EAO 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.

*Avoid personal comments that could offend other EAO.*

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.

*Demonstrate effective problem-solving approaches.*

EAO 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. Although a board or commission may disagree with the final decision the Council makes, the board or commission shall not act in any manner contrary to the established policy adopted by the Council.

### **3(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 potentially "public" communication.

*Even private conversations can have a public presence*

Elected and appointed officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eaves-dropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted and may be subject to the Open Meetings Act.

## **4. 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 implements and administers 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.*

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

*EAO questions/inquiries to Town staff.*

1. **General.** EAO communications with Town staff shall be through the Town Manager.
2. **Routine Requests for Information and Inquiries.** EAO may contact staff directly for information made readily available to the general public on a regular basis (e.g., “What are the library’s hours of operation?” or “How does one reserve a tee time at the golf course?”). Under these circumstances staff shall treat the EAO no differently than they would the general public, and the EAO shall not use their elected or appointed status to secure preferential treatment. The Town Manager does not need to be advised of such contacts.
3. **Non-Routine Requests for Readily Available Information.** EAO may also contact staff directly for easily retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion (e.g., “How many traffic lights are there in the Town?” or “Under what circumstances does the Town lower its flags to half-mast?”).
4. **Non-Routine Requests Requiring Special Effort.** Any EAO request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff to express an opinion (legal or otherwise) shall be directed to the Town Manager, or to the Town attorney, as appropriate. The Town Manager shall be responsible for distributing such requests to his/her staff for follow-up. Responses to such requests shall be copied to all Councilmembers (if originating from a Councilmember), relevant board or commission members (if originating from a board or commission member), the Town Manager, the Town Attorney as appropriate and affected department directors. The Town Manager, at his or her option, may choose to seek clarification from the Town Council for non-routine requests that might be considered extraordinary.
5. **Meeting Requests.** Any EAO request for a meeting with staff shall be directed to the Town Manager or council appointee, as appropriate. EAO’s shall promptly notify the Town Manager of any requests they receive by Town employees or volunteers for meetings to discuss policy issues, budget issues, management issues, or administrative issues.

*Do not disrupt Town staff from their jobs.*

EAO’s should not disrupt Town staff while they are in meetings, on the phone, or otherwise engaged in performing their job functions in order to have their individual needs met. Do not attend Town 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, intimidates staff, and hampers staff’s ability to do their job objectively.

*Never publicly criticize an individual employee.*

EAO’s 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 through private correspondence or conversation.

*Do not get involved in administrative functions.*

EAO’s must not attempt to influence Town staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, the payment of claims against the Town or granting of Town licenses and permits.

*Check with Town staff on correspondence before taking action.*

Before sending correspondence, Councilmembers should check with the Town Manager to see if an official Town response has already been sent or is in progress. Board and commission members shall not send correspondence except as authorized by the Town Council.

*Limit requests for staff support.*

Routine secretarial support will be provided to all Councilmembers. The Town Secretary (or designee) opens mail addressed to Mayor and forwards information as appropriate. The Town Secretary also opens mail for other Councilmembers, unless a Councilmember requests other arrangements.

*Do not solicit political support from staff.*

EAO's shall 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. The use of the Town's email system for political purposes or communications is not allowed.

## **5. Conduct with the Public**

### **5(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 EAO 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 care and gentleness.*

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

The Mayor or Chair will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated three minutes with applicants and appellants or their designated representatives allowed time as allocated by the Mayor. If many speakers are anticipated, the Mayor or 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.

No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Mayor or Chair requests additional clarification later in the process.

*Give the appearance of active listening.*

It is disconcerting to speakers to have EAO not look at them when they are speaking. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom. EAO's shall refrain from texting or other cellular phone functions during public hearings.

*Ask for clarification, but avoid debate and argument with the public.*

Only the Mayor (Chair) – not individual EAO – can interrupt a speaker during a presentation. However, a member can ask the Mayor (Chair) for a point of order if the speaker is off the topic or exhibiting behavior or language that is disturbing.

If speakers become flustered or defensive by questions, it is the responsibility of the Mayor (Chair) to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by EAO to the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Personal opinions or inclinations of EAO about upcoming votes should not be revealed until after the public hearing is closed.

*No personal attacks of any kind, under any circumstance.*

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

*Follow parliamentary procedure in conducting public meetings.*

The Town Secretary serves as advisory parliamentarian for the Town Council and is available to answer questions or interpret situations according to parliamentary procedures. In her absence, the Town Attorney serves as advisory parliamentarian. The Mayor (Chair), subject to the appeal of the full Council or board/commission, makes final rulings on parliamentary procedure per the procedure outlined in Robert's Rules of Order Newly Revised.

#### **5(b). In Unofficial Settings**

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

EAO will frequently be asked to explain a Council or board/commission action or to give their opinion about an issue as they meet and talk with constituents in the community. 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 Town staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).

*Make no personal comments about other EAO.*

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

*Remember that Sunnyvale is a small town at heart.*

EAO 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 Sunnyvale. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by EAO, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

#### **6. Council Conduct with Other Public Agencies**

*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 and with the Town Manager's knowledge.

When representing another organization whose position is different from the Town, the Councilmember should withdraw from voting on the issue if it significantly impacts or is detrimental to the Town's interest. Councilmembers should be clear about which organizations they represent and inform the Mayor, the Town Council, and the Town Manager of their involvement.

*Be equally clear in correspondence about representation.*

Town letterhead may be used when the Councilmember is representing the Town and the Town's official position. A copy of official correspondence should be given to the Town Secretary to be filed with the Town as part of the permanent public record.

Town letterhead should not be used for non-Town business or for correspondence representing a dissenting point of view from an official Council position.

## **7. Council Conduct with Boards and Commissions**

The Town has established several boards and commissions as a means of gathering more community input. Citizens who serve on boards and commissions 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.

*If attending a board or commission meeting, be careful of personal opinions.*

Councilmembers may attend any board 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 Councilmember at a board or commission meeting should be clearly made as individual opinion and not as a representation of the feelings of the entire Town Council.

*Limit contact with board and commission members to questions of clarification.*

It is inappropriate for a Councilmember to contact a board or commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact board or commission members in order to clarify a position taken by the board or commission.

*Remember that boards and commissions serve the community, not individual Councilmembers.*

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 Councilmembers, 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 Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on boards and commissions but must be fair and respectful of all citizens 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. Conversely, Councilmembers may support board and commission members who are running for office but not in an official forum in their capacity as a Councilmember.

### **8. 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 by the Town Council.

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 represent the highest levels of journalistic integrity and 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 Mayor is the official spokesperson for the Town on Town positions.*

The Mayor is the designated representative of the Council to present and speak on the official Town position. If an individual Councilmember is contacted by the media, the Councilmember should be clear about whether their comments represent 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, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

### **C. SANCTIONS**

*Public Disruption.*

Members of the public who do not follow proper conduct after a warning in a public meeting may be barred from further testimony at that meeting or removed from the Council Chambers.

*Inappropriate Staff Behavior.*

EAO's shall refer any Town staff member or volunteer who does not follow proper conduct or protocol in their dealings with EAO, other Town staff, or the public, to the Town Manager. These employees may be disciplined in accordance with standard Town procedures for such action. (Please refer to the section on Council Conduct with Town Staff for more details on interaction with Staff.)

*Councilmembers Behavior and Conduct.*

Compliance and Enforcement. The Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Sunnyvale Town Council, boards and commissions. EAO 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 boards and commissions and the Mayor and Council have the additional responsibility to intervene when actions of EAO that appears to be in violation of the Code of Ethics and Conduct are brought to their attention.

Town Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, be removed from committee assignments (both within the Town of Sunnyvale or with inter-governmental agencies) by the Council.

Councilmembers should point out to the offending Councilmember infractions of the Ethics Policy. If the offenses continue, then the matter should be placed on a council agenda in closed session under the provisions of Section 551.074 of the Texas Government Code.

The affected Councilmember may request that the complaint be considered in a public meeting. The affected Councilmember shall be provided by the Town Attorney a copy of the complaint in writing. At such meeting, the Town Attorney or Town Manager shall present in detail to the Town Council the nature of the complaint and the Town Attorney findings and conclusions as to a possible violation of this Code of Ethics and Conduct for Elected and Appointed Officials.

The affected Councilmember shall have the right to a full and complete hearing before the Town Council with the opportunity to call witnesses and present evidence in such person's behalf. The non-implicated Town Councilmembers in attendance shall conduct a hearing in open session and review the complaint. The Town Council may reject the complaint and take no action or take action to formally reprimand or censure the offending Councilmember.

*Board and Commission Members Behavior and Conduct.*

Counseling and verbal reprimands may be administered by board and commission chairs (or their designee) to board and commission members failing to comply with Town policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Verbal or written reprimands may be administered by the Mayor or Mayor Pro Tem at the direction of the Council. Copies of all written reprimands administered by the Mayor or Mayor Pro Tem shall be distributed in memo format to the respective board or commission member, the board or commission chairperson, the Town Secretary, the Town Manager, and the Town Council. Written reprimands administered by the Mayor or Mayor Pro Tem shall not be publicized except as required under the Public Information Act.

The Town Council may impose sanctions on any EAO whose conduct does not comply with the Town's policies, up to and including removal from office. Any form of discipline imposed by Council shall be determined by a majority vote of at least a quorum of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation. The Report to Council shall be distributed in accordance with normal procedures. Any Report to Council addressing alleged misconduct by a board or commission member shall be routed through the Town Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Information Act.

When deemed warranted, the Council may call for an investigation of an EAO's conduct. Should the Town Manager or Town Attorney believe an investigation is warranted, they shall confer with the Council. The Council shall ask for an investigation of the allegation and a report of the findings.

The results of any investigation conducted by the Town Manager or Town Attorney shall be reported to the full Council in a closed session. It may be reported in a verbal or written report. Any written report to Council addressing the investigation of board and commission members shall be routed through the Town Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Information Act. The affected EAO may request that the complaint be considered in a public meeting. The EAO shall be provided a copy of the complaint in writing. At such meeting, the Town Attorney or Town Manager shall present a report to the Town Council describing in detail the nature of the complaint and the Town Attorney findings and conclusions as to a possible violation of this Code of Ethics and Conduct for Elected and Appointed Officials. The affected EAO shall have the right to a full and complete hearing before the Town Council with the opportunity to call witnesses and present evidence in such person's behalf. The non-implicated Town Councilmembers in attendance shall conduct a hearing and review the complaint. The Town Council may reject the complaint or take action

It shall be the Council's responsibility to determine the next appropriate action. Any such action taken by Council (with the exception of "take no further action") shall be conducted at a noticed meeting. These actions include, but are not limited to discussing and counseling the individual on the violations; placing the matter on a future public hearing agenda to consider sanctions; forming a Council ad hoc subcommittee to review the allegation, the investigation and its findings, as well as to recommend sanction options for Council consideration.

A violation of this Code of Ethics and Conduct for Elected and Appointed Officials, alone, shall not constitute a basis for challenging the validity of a Council, board or commission decision.

## **D. GLOSSARY OF TERMS**

**Confidential information** means any information to which an official has access in such person's official capacity, which may not be disclosed to the public except pursuant to state and/or federal law and which is not otherwise a matter of public record or public knowledge. Confidential information includes the following information, however transmitted: (i) any information from a meeting closed to the public pursuant to the Texas Open Meetings Act or other law regardless of whether disclosure violates the Texas Open Meetings Act or Texas Public Information Act; (ii) any information protected by attorney client, attorney work product, or other applicable legal privilege; and (iii) any information deemed confidential by law.

**Gift** means anything of value, regardless of form, offered or given in the absence of adequate and lawful consideration. It does not include the receipt or acceptance of campaign contributions, which are regulated by federal, state, and/or local laws or ordinance.

**Relative** means any person related to an officer within the second degree by Consanguinity or affinity. This relationship includes the spouse, parents, children, stepchildren, father and mother-in-law, or son and daughter-in-law, grandparents, grandchildren, sisters and brothers of the officer.

**Substantial financial interest** means (i) the ownership of ten (10) percent or more of the voting stock or shares of a business entity; (ii) the ownership of ten (10) percent or more, or fifteen thousand dollars (\$15,000.00) or more of the fair market value of a business entity; or (iii) funds received from the business entity exceed ten (10) percent of the person's gross income for the previous year, and action on the matter involving the business entity will have a special economic effect on the business entity that is distinguishable from the effect on the public. It is expressly provided herein that an investment or ownership in a publicly held company, in an amount less than fifteen thousand dollars (\$15,000.00) does not constitute a substantial interest. Substantial interest in real property means the person has an interest in the real property that is equitable or legal ownership with a fair market value of two thousand five hundred dollars (\$2,500.00) or more; and it is reasonably foreseeable that an action on a matter involving the real property will have a special economic effect on the value of the real property distinguishable from its effect on the public. (Ownership includes any partnership, joint or corporate ownership or any equitable or beneficial interest as a beneficiary of a trust.) A Member is considered to have a substantial interest under this Ethics Policy if a person related to the Member in the second degree of consanguinity or affinity has a substantial interest under this Code of Ethics and Conduct for Elected and Appointed Officials.

## **E. IMPLEMENTATION**

As an expression of the standards of conduct for EAO expected by the Town, the Code of Ethics and Conduct is intended to be self-enforcing. It therefore becomes most effective when EAO are thoroughly familiar with it and embrace its provisions. For this reason, this document shall be included in the regular orientations for candidates for Town Council, applicants to board and commissions, and newly elected and appointed officials. EAO entering office shall sign a statement affirming they read and understood the Town of Sunnyvale Code of Ethics and Conduct for Elected and Appointed Officials. In addition, the Code of Ethics and Conduct shall be annually reviewed by the Town Council, boards and commissions, and the Town Council shall consider recommendations from boards and commissions and update it as necessary.

CODE OF ETHICS ACKNOWLEDGMENT

I acknowledge that I have received a copy of the Town of Sunnyvale's most recent Code of Ethics for Elected and Appointed Officials. I further acknowledge that I have read and understand all of my obligations, duties, and responsibilities under each provision of this Code of Ethics.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date