

Leesburg Town Council

Ethics, Conduct and Decorum Policy

Adopted September 14, 2021

Preamble: The citizens of Leesburg are entitled to fair, ethical and accountable local government. The public should have full confidence that their elected officials:

- a) Comply with both the letter and spirit of the laws and policies affecting the operations of government;
- b) Are independent, impartial and fair in their judgment and actions;
- c) Use their public office for the public good, not for personal gain; and
- d) Conduct public deliberations and processes openly, unless required by law to be confidential, with decorum, respect and civility.

Therefore, the members of the Leesburg Town Council shall conduct themselves pursuant to the following ethical standards:

1. **Act in the Public Interest.** Members of Council will work for the common good of the people of Leesburg 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.
2. **Comply with both the spirit and the letter of the Law and Town Policy.** Members of Council will comply as applicable with the laws of the nation, the Commonwealth of Virginia, Loudoun County and the Town of Leesburg, 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 and the Town Manager 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 of Council while exercising their office must avoid 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, 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 Council.
5. **Conduct at Public Meetings.** Members of Council shall prepare themselves for issues to be discussed at legislative sessions, listen courteously and attentively to all public discussions before the body and focus on the business at hand.

6. **Decisions Based on Merit.** Members of Council shall base their decisions on matters before them on the merits and substance of the matter at hand.
7. **Communication.** For adjudicative matters pending before the Council, members will not engage in communication on matters before the Council with each other involving three or more members at the same time outside of an open public meeting or the agenda materials, or with third parties, except as disclosed pursuant to Item 9 below or on the advice of the Town Attorney.
8. **Correspondence.** Members of Council will not use Town stationary or letterhead for personal purposes.
9. **Disclosure and Reporting of Activities.** Members shall publicly disclose substantive information which they may have received from sources outside of the public decision-making process that is relevant to a matter to be considered by the Council, including contracts, re-zonings, special exceptions and other adjudicative matters. Members of Council shall also disclose their attendance at any event paid for or sponsored by any party involved in any adjudicative matter to be considered by the Council. Disclosure should be made at the next regular Council meeting attended by the member. The member should also complete the disclosure form provided by the Clerk.
10. **Conflict of Interest.** Members of Council 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) an organizational responsibility or personal interest as defined by applicable state law which creates a conflict of interest.

A member who has a potential conflict of interest regarding a particular decision shall disclose the matter to the Town Attorney and cooperate with the Town Attorney to analyze the potential conflict.

Members shall disclose investments, interests in real property, sources of income, and gifts as required by state law and update those disclosures as necessary. If a member has a conflict of interest regarding a particular decision, the member will not participate in the decision, nor discuss or comment on the matter in any way.

11. **Gifts and Favors.** Members of Council 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.
12. **Confidential Information.** Members of Council must maintain the confidentiality of all written materials and verbal information provided to them which is

confidential or privileged, including materials disclosed to them in a closed session. Members will neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

13. **Use of Office or Public Resources.** Members of Council will not knowingly use their office or use public resources which are not available to the public in general (e.g., Town staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.
14. **Representation of Private Interests.** Members of Council will not appear on behalf of the private interests of third parties before the Council or any Board, Commission or other proceeding of the Town.
15. **Advocacy.** Members of Council will represent the official policies or positions of the Town to the best of their ability when designated for this purpose. When presenting their individual opinions and positions, members will explicitly state they do not represent the Council or the Town. While Council members have the right to endorse candidates for all elected offices, members will not mention or display endorsements during Council meetings or other official Town meetings.
16. **Policy Role of Members.** Members will respect and adhere to the council-manager structure of the Town of Leesburg's government as outlined in the Leesburg Town Charter and the Town Code. In this structure, the Council determines the policies of the Town with the advice, information and analysis provided by Town staff, as well as input from any applicable Boards, Commissions, and the public. Members of Council will not interfere with the administrative functions of the Town or the professional duties of Town staff or impair the ability of staff to implement Council policy decisions.
17. **Independence of Boards and Commissions.** Members of Council will refrain from using their position to unduly influence the deliberations or outcomes of Board and Commission proceedings.
18. **Positive Work Place Environment.** Members of Council will support the maintenance of a positive and constructive work place environment for Town employees and for citizens and businesses dealing with the Town. Members will in no way create the perception of inappropriate direction to staff.

Conduct and Decorum

The Conduct and Decorum Guidelines are designed to describe the manner in which members of Council should treat one another, Town staff, constituents, and others they come into contact with while representing the Town of Leesburg.

1. Members of Council's Conduct with Each Other in Public Meetings.

(a) **Respect the role of the chair in maintaining order.** It is the responsibility of the chair to keep meetings on track and on topic. Members of Council will respect efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, members will state those objections politely and with reason, following 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 will all arise and are legitimate elements of Council discussion. However, members of Council acknowledge that the foregoing types of discussion do not require or justify belligerent, personal, 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 will use their best efforts to show how individuals with disparate points of view can find common ground and to seek compromise solutions that benefit the community as a whole.

2. Members of Council's Conduct with the Public in Public Meetings.

(a) **Be welcoming to speakers and treat them politely.** While questions of clarification may be asked, the member's primary role during public testimony is to listen. Members will not exhibit signs of partiality, prejudice or disrespect toward an individual participating in a public forum.

(b) **Be fair and equitable in allocating public hearing time to individual speakers.** The adopted rules of procedure control limits on speakers during the public comment and public hearing process. Members of Council will not interfere with those established limits unless they absolutely believe that additional time is necessary for the full and fair adjudication of a matter.

(c) **Practice active listening.** Members of Council will be attentive to speakers and try to avoid reading for a long period of time, using an electronic device or gazing around the room while a speaker is communicating to the Council. Members will also try to be conscious of facial expressions, and avoid those that could be perceived negatively by a speaker or the public.

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

Members of Council acknowledge that only the chair – not individual members – can interrupt a speaker during a presentation. Members will use their best efforts to avoid debate or argument with a speaker.

3. Members of Council's Conduct with Town 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 functions in order to have their individual needs met. Members will not attend Town staff meetings unless requested by staff.

(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, or to the employee's manager. Comments about staff performance should only be made to the Town Manager 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.