

RESOLUTION NO. _____ OF 2023

A resolution adopting a Code of Conduct for the City Council

WHEREAS, pursuant to Utah Code Section 10-8-84, the City Council of Salt Lake City (the "Council") may pass all ordinances and rules necessary for carrying into effect or discharging all powers and duties conferred to the City Council by Utah Code;

WHEREAS, the Council recognizes that as elected representatives, a Council Member's behavior represents the City and their community;

WHEREAS, the Council desires to help create an atmosphere of respect and civility where individual members, City employees, and the public are free to express their ideas and participate freely in City government;

WHEREAS, the Council desires to adopt a code of conduct to achieve these goals and establish expectations for Council Member conduct while maintaining appreciation of the individual member's contributions.


NOW, THEREFORE, be it resolved by the City Council of Salt Lake City, Utah, as follows:

That the Council hereby adopts the attached Code of Conduct to be effective immediately upon its adoption.

Passed by the City Council of Salt Lake City, Utah, this _____ day of December, 2023.

SALT LAKE CITY COUNCIL

By _____
CHAIR

Approved as to form: 

Kimberly Chytraus
Salt Lake City Attorney's Office
Date: December 8, 2023

ATTEST:

CITY RECORDER

EXHIBIT A

SALT LAKE CITY COUNCIL CODE OF CONDUCT

Purpose: Establish expectations for Council Member conduct while maintaining appreciation of the individual member contributions. As elected representatives, a Council Member's behavior represents the City and their community. Sharing personal strengths and perspectives builds a dynamic representation of the community, and each Council Member is relied upon to represent themselves with dignity and respect of the role as part of a deliberative body. The group norms included below are not an exhaustive list of all considerations.

Established Role:

1. As elected representatives of the Council districts and as stewards of City resources, Council Members are charged with finding common ground and working toward the best interests of the City as a whole.
2. All members of the City Council have equal voting power and have committed to serve in the role of an elected official. All members of the body shall be treated with equal respect.
3. Upon taking the oath of office, Council Members are provided the code of conduct and are asked to sign and abide by the Model of Excellence Member Statement (see Appendix A), and file it with the City Recorder's office as a public record.

I. Overview of Standards of Responsibility

All Council Members are responsible to:

- A. Fully participate in City Council meetings and other public forums while demonstrating respect, consideration, and courtesy to their colleagues on the Council, the public, Council staff, and the Administration's staff. It is not acceptable to show antagonism or hostility, lie or mislead, speak recklessly, spread rumors, or unnecessarily stir up divisiveness or controversy.
- B. Plan to attend and prepare in advance of Council meetings to be familiar with issues on the agenda; pursuant to Rule 5 of the Council Rules of Procedure, fines may be imposed in the event of excessive absences.
- C. Practice fiscal responsibility with public funds.
- D. Be attentive and act efficiently during public meetings.
- E. Serve as a model of civility to the community.
- F. Instill public confidence in City/local government through your engaged approach.
- G. Demonstrate honesty and integrity.
- H. If committing to a meeting or activity, make the best effort to attend.
- I. Recognize the role of the Mayor as the official spokesperson on behalf of the City administrative positions, while the Council Chair/Vice Chair speak on behalf of the

Council as a public body, and individual Council Members speak on behalf of their individual capacity.

II. Ethics

Council Members are expected to comply with State law and City code and policy, including ethical requirements. If a Council Member has a conflict of interest under City code or policy and if the Council holds a closed session as permitted under Utah law, the conflicted Council Member may be excluded in the Council Chair's reasonable discretion, or that of the authorized conductor of the meeting.

III. Conduct Guidance

A. Council Conduct with Colleagues

1. Practice civility and professionalism in discussions and debate.
2. In public meetings use formal titles, honor the role of the chair in maintaining order and recognition of the selected speaker, avoid personal commentary.
3. Be aware of the potential public disclosure of written notes, voicemail messages, e-mail, text messages, "tweets," and social media posts and comments.
4. Robust legislative debates and differences of opinion will occur and should center on policy, actions, and ideas; refrain from criticizing an individual person.

B. Council Conduct with the Administration and Council Staff

1. The Mayor's role is to direct the administration; do not direct administrative staff or functions.
2. Treat all City employees as professionals.
3. Keep in mind the professional boundary necessary to allow employees to complete tasks associated directly with their employment.
4. Avoid romantic or sexual relationships with any City employee. Any such relationship should be disclosed to the Council Chair, Executive Director of the City Council office, and the City Attorney. In the case of a relationship by the Chair, disclosure should be made to the Vice Chair as well. The Council Member must recuse themselves from any actions impacting the employee's direct responsibilities.
5. Recognize the power dynamic as an elected official. Council Members, by virtue of their position, have power over staff members' livelihood and should be cognizant to not take advantage of that power dynamic.
6. Do not solicit political support from Council staff or administrative staff during business hours or on City property.

7. Do not use Council staff for unauthorized purposes (e.g., personal tasks, social events not attended on behalf of the Council, or work to benefit the Council Member or their family personally).

8. Do not use Council staff resources to prepare or publish controversial positions. Controversial positions include those that (a) attack or criticize other Council Members or the Mayor, (b) address an issue which is being discussed by candidates opposing an incumbent Council Member during an election year, (c) address an issue which is an integral part of an incumbent Council Member's platform for elected office during an election year, or (d) address sensitive subjects on which Council Members are sharply divided.

C. In Public Meetings

1. Be welcoming to speakers and treat them with respect.

2. Actively listen to presenters and commenters with an open mind. Avoid debate and argument with the public during the meeting.

3. Demonstrate effective problem-solving approaches.

4. Strive to be succinct and keep comments and debate relative to topics discussed.

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

6. Disagreements with the public will occur; comments and questions should center on policy, ideas, and actions; refrain from criticizing an individual person.

7. Follow the Council's rules of procedure in conducting public meetings.

D. Council Conduct while Traveling on City/Council Business
[travel paid for with taxpayer funds]

1. Taxpayer funds are paying for Council Member travel, conferences, seminars, and meetings to benefit the City through the Council Member's enrichment and opportunity.

2. When registering for an event that requires travel, strive to participate in the event to make the most of the available opportunities.

3. Be professional and act according to the setting of the activity.

4. When traveling, be mindful of the following considerations:

a. You are a representative of the City's elected leaders through the duration of the travel.

b. Comments or positions may be attributed to you or the City.

c. Consuming alcohol or other substances may impair your ability to remain professional or to conduct yourself to these standards.

- E. Council Conduct in Other Public and Professional Settings
 - 1. As an individual of a deliberative body, do not make promises or assurances on behalf of the Council, board, commission, or the City.
 - 2. Refrain from sharing unfavorable personal commentary or personal opinions of your Council colleagues as individuals.
 - 3. In dealing with other public agencies or state legislative meetings, be clear in communications that you are either leadership representing the City or are there representing your personal interests.
 - 4. When attending a City board or commission meeting, state explicitly whether you are attending as a Council Member or are providing your personal opinions.
 - 5. With the media, choose words carefully and best practice is to never go “off the record.”

IV. Compliance and Enforcement

This Code of Conduct expresses standards of ethical conduct expected for Council Members. Council Members are responsible for assuring that the public can continue to have full confidence in the integrity of government. Council Members have the additional responsibility to intervene when actions of other members appear to be in violation of this Code of Conduct are brought to their attention.

A. If a Council Member violates this Code of Conduct, the following steps should be taken as appropriate. These steps are not all required; however, the alleged offending Council Member should be given notice prior to any public Council discussions. At any step in this process, if the Chair is the individual whose actions are being challenged, then the matter should be referred to the Vice Chair. Council Members are encouraged to discuss any concerns or questions with the City Attorney at any time.

1. A Council Member who believes that a violation has occurred should first discuss the potential violation with the other Council Member. If such discussion is not appropriate for any reason, the concerned Council Member should talk directly to the Council Chair.

a. If a potential violation becomes known to Council staff, the Executive Director of the City Council office should bring the concern to the Chair or Vice Chair.

2. If the offense is significant, not resolved by discussion, or the concerned Council Member can't discuss the matter with the other Council Member, then the matter should be referred to the Council Chair. Council Chair should discuss the matter with the offending Council Member in private. If the matter is significant or continues to be unresolved, the Council Chair should discuss it with the Executive Director and the City Attorney.

3. It is the responsibility of the Chair to bring the matter to the entire Council if a Council Member's behavior may warrant sanctions under this Code. If no action is taken by the Chair, the alleged violation can be brought up with the full Council in a public meeting as a point of personal privilege or as an agenda item. Prior to any discussion with Council, the Chair or other Council Member should provide written notice to the offending Council Member of the alleged violation.

4. The majority of Council may call for an investigation of member conduct. Should the City Attorney believe an investigation is warranted, they shall confer with the Council in a closed meeting. The Council may ask the City Attorney to investigate the allegations and report the findings. The City Attorney may designate an outside investigator to investigate any allegations where appropriate.

5. 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 public meeting, which may be closed if appropriate pursuant to Utah law. Any such closed meeting for violations of this Code of Conduct may exclude the offending Council Member in the Council Chair's reasonable discretion, or that of the authorized conductor of the meeting.

- a. The Council may find that no further action is warranted. If the Council determines that sanctions are appropriate, actions taken by the Council may include one or more of the following: discussing and counseling the individual on the violation;
- b. placing the matter on a future public meeting agenda to consider sanctions;
- c. 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;
- d. censuring the offending member in a Council meeting and/or in writing;
- e. suspending the offending member from conducting formal meetings;
- f. suspending the offending member from City/Council related travel;
- g. removing the member from leadership or committee roles; and
- h. requesting that the member resign their Council position.

B. A Council Member's conduct may create legal liability on the part of the City, and it is not the Council Member's role to determine whether the potential for liability is acceptable. The City Attorney may advise taking additional actions not included in this Code of Conduct to minimize legal liability for the City. If there is legal action taken naming the City and/or a Council Member, a Council Member may be entitled to indemnification by the City for actions taken within the role of Council Member. However, Council Member actions taken outside of the role may result in personal

liability. The City Attorney is the attorney for the City and the elected officials on all matters related to public business.

V. IMPLEMENTATION

As an expression of the standards of conduct for Council Members expected by the City, this Code of Conduct 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, this document must be included in the regular orientations for Council Members and Council staff. Council Members entering office shall sign the attached Model of Excellence statement affirming that the Council Member read and understood this Code of Conduct. This Code of Conduct is in effect regardless of a Council Member's execution of the Model of Excellence Member Statement. The City Attorney's office will provide annual training to the Council on this Code.

Appendix A

MODEL OF EXCELLENCE MEMBER STATEMENT

As a member of the Salt Lake City Council, I understand I am held to a higher standard by the public, and I agree to uphold the Code of Conduct for the City Council and conduct myself by the following model of excellence. I will:

- Recognize the worth of individual members and appreciate their individual talents, perspectives, and contributions;
- Help create an atmosphere of respect and civility where individual members, City employees, and the public are free to express their ideas and work to their full potential;
- Conduct my personal and public affairs with honesty, integrity, fairness, and respect for others;
- Respect the dignity and privacy of individuals and organizations;
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;
- Avoid illegal and reckless behavior whether in private or public life, while serving as a Salt Lake City elected official;
- Avoid and discourage conduct which is divisive or harmful to the best interests of Salt Lake City; and
- Treat all people with whom I come in contact in the way I wish to be treated.

I affirm that I have read and understood the Salt Lake City Code of Conduct for the City Council and agree to abide by such Code.

Signature

Date

Appendix B

Checklist for Self-Monitoring Conduct

- ✓ Will my decision/statement/action violate the trust, rights, or good will of others?
- ✓ If I have to justify my conduct in public tomorrow, will I do so with confidence that I acted according to our Code of Conduct?
- ✓ How would my conduct be evaluated by people whose integrity and character I respect?
- ✓ Even if my conduct is not illegal or unethical, is it done at someone else's expense? Will it destroy their trust in me? Will it harm their reputation?
- ✓ Is my conduct fair? If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- ✓ Does my conduct give others reason to trust or distrust me?
- ✓ Can I take legitimate pride in the way I conduct myself and the example I set?
- ✓ Do I listen and understand the views of others?
- ✓ Do I question different points of view in a constructive manner?
- ✓ Do I work to resolve differences and come to mutual agreement?
- ✓ Do I support others and show respect for their ideas?
- ✓ Will my conduct cause public embarrassment to someone else, the City Council, my community, or the City overall?