

## **I. PURPOSE**

The Town, acting through its elected Selectboard, recognizes that all individuals elected or appointed by the town must maintain and enforce respectful discourse with their fellow elected or appointed members, with those who work for the Town, those who volunteer their time and services on behalf of the Town and members of the public by striving at every meeting, forum or other official interaction to treat every person fairly with respect regardless of any differences of opinion.

This policy provides a standard of conduct for ALL elected and appointed officials in the Town.

## **II. APPLICABILITY**

This policy shall apply to all elected and appointed officials acting on behalf of the Town and covers all of their actions and communications, whether spoken or written, including but not limited to all electronic communications, including social media, when such elected or appointed officials are acting as such or representing their respective board or committee and conducting Town business.

## **III. CODE OF CONDUCT**

All Town elected and appointed officials must serve their positions honestly, reasonably, and in good faith at all times, having regard to their responsibilities, the interest of the Town, and the welfare of its residents.

The Town elected and appointed officials must refrain from communicating or acting in a disrespectful, abusive, or threatening manner towards members of the community, other elected or appointed officials, The Town Administrator, or Town Staff.

Moreover, all elected and appointed officials must fully comply with the Town's Policy against Workplace Violence as well as applicable legal requirements, including, but not limited to, the Conflict-of Interest Law, the Public Records Law, and the Open Meeting Law.

Further, all elected and appointed officials of the Town must assume the following responsibilities:

### **A. Conduct Generally and in Relation to the Community**

- Be well informed concerning the local State duties of a municipal employee or member of the public body.
- Never purport to represent the opinion of your public body unless specifically authorized by a recorded vote to do so. When representing your individual opinion, clearly state that the opinion expressed is your own and not representative of the board or committee on which you serve. Members of the public body are reminded of

their duty to uphold the Open Meeting Law and that they should refrain from expressing any opinion on business pending or to come before their board or committee outside of a public meeting of their board of committee.

- Accept your position as a means of unselfish public service, not to benefit personally, professionally, or financially from your position.
- Conduct yourself so as to promote public confidence in our local government.
- Recognize that the chief function of local government at all times is to serve the best interests of all the people.
- Demonstrate respect for the public that you serve
- Unless specifically exempted by law, conduct the public's business in a manner that promotes open and transparent government.
- Safeguard confidential information, including executive session discussions.
- Conduct official business in such a manner that demonstrates you cannot be improperly influenced in the performance of your official duties.
- Comply as fully as possible with all applicable laws, Town policies, regulations, and bylaws, including, without limitation, the following:
  - Selectboard Policies, including the Workplace Violence and Harassment, Sexual Harassment policies
  - The Open Meeting Law
  - The Public Records Law
  - Conflict of Interest Law (M.G.L. c. 268A)
  - Massachusetts Procurement Laws
  - Town Personnel Bylaw
  - Town of Wellfleet Employee Personnel Manual

B. Conduct in relation to other elected and appointed officials

- Treat all members of the public body to which you belong with respect despite differences of opinion, keeping in mind that professional respect does not preclude honest differences of opinion but requires civility when expressing those differences.
- Participate and interact in official meetings with dignity and decorum, fitting those who hold a position of public trust.
- Recognize your responsibility to attend all meetings to assure a quorum and promptly notify the chair should you, for any reason, be unable or unwilling to continue to serve. Formal notice to resign from a public body requires written notification to the Town Clerk.
- Recognize that action taken at meetings of each public body is binding and that no individual can bind a public body.
- Members of a public body should refrain from making statements or promises as to how they will vote on matters within their body's jurisdiction until they have

had an opportunity to hear the pros and cons of the issue during a public meeting of their body.

- Uphold the intent of executive session as well as the confidential communications that exist in executive session as well as the confidentiality of such executive session minutes and materials until the public body votes to publicly release same in accordance with the Open Meeting Law.
- Make decisions only after all facts on a question are presented and discussed.

#### C. Conduct in relation to the Town Administrator

- Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- Give the Town Administrator full responsibility for discharging their duties and/or solutions, as specified in the Charter. Refrain from giving orders or directions to the Town Administrator for action as an individual member of the public body.

#### D. Conduct in Relation to Town Staff

- Treat all staff as professionals and respect each individual's abilities experience, and dignity.
- Refrain from giving instructions to Town staff but rather channel all such activities through the Town Administrator.
- Refrain from publicly criticizing an individual employee or a department in your capacity as public body member, Concerns about staff performance should only be made to the Town Administrator through private communication.
- Elected and Appointed Officials who interact with Town staff do so respectfully and understand that employees should not be expected to take direction from any individual official

### IV. DISTRIBUTION

**The town clerk shall provide a copy of this policy to all elected and appointed officials upon its issuance and upon individuals subsequent re-election, appointment, or re-appointment.**

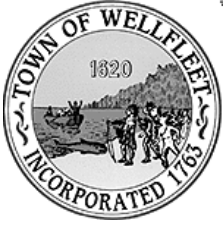
- Each individual shall sign a statement that they have read this policy and will comply with all requirements set forth in this policy. If any member declines to sign the form, that fact shall be noted by the Town Clerk on the form.

## **V. ENFORCEMENT**

In addition to any other remedies or enforcement options available under the law, each board, committee or other Selectboard vote to censure any elected member. The appointing authority may remove or decline to reappoint an individual who violates any provision of this Code of Conduct. Previous violations of this Code of Conduct must be noted when any appointed official is reappointed or appointed to a different position. The individual rights and procedures outlined in G.L. c. 30A Section 21(a)(1) shall be observed before any board votes to censure an elected official or remove or decline to reappoint an appointed official.

If any elected or appointed official is accused of violating the Town's Policy Against Workplace Violence, or Sexual Harassment Policy, the Town Administrator, or if the Town Administrator is the individual accused the Selectboard, shall refer the matter for investigation to the contact named in the Policy Against Workplace Violence, Sexual Harassment Policy, or a disinterested outside firm or individual to whom the matter is referred shall promptly investigate the matter and report back findings of fact and recommendations to the Town Administrator or if the Town Administrator is the individual under investigation to the Selectboard. The Town Administrator and or/ Selectboard shall then take such action as is authorized by law and as it deems fit in response to the matter.

If an elected or appointed official is accused of violation any other provision of this Code of Conduct, the public body that the official represents or, if applicable, the appointing authority may take such action as is authorized by law as it deems fit or it may vote upon the request of the Town Administrator or on its own to refer the matter to a disinterested outside firm or individual qualified to investigate the alleged conduct. The firm or individual shall promptly investigate the matter and report back findings of fact and recommendations to the Town Administrator. The Town Administrator and/or Selectboard shall then take such action as is authorized by law and as it deems fit in the response to the matter. These remedies shall be in addition to, and not in substitution for, any other remedies that may be available by law.



# TOWN OF WELLFLEET

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Tel (508) 349-0300

[www.wellfleet-ma.gov](http://www.wellfleet-ma.gov)

By my signature, I acknowledge that I have read, understand, and agree to the Town of Wellfleet's Code of Conduct Policy.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Town Clerk Signature

By checking this box, you are acknowledging you do not wish to sign this Code of Conduct Policy.