MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE
Ordinance 2022-17 Amended

Introduced By: Mayor Matt Roath

Date Introduced: December 6, 2022

Amendments Adopted: February 7, 2023

Date Adopted: February 7, 2023

Date Effective: February 27, 2023

AN ORDINANCE concerning

MAYOR AND COMMISSIONERS CODE OF CONDUCT

FOR the purpose of defining the roles of the Mayor and Commissioners of the Town of Perryville; providing for implementation and enforcement of a Code of Conduct for the Mayor and Commissioners as prescribed by Section C3-10 of the Town of Perryville Charter; providing that the provisions of this Ordinance are severable; specifying when this Ordinance becomes effective; and generally relating to regulation of the conduct of the Mayor and Commissioners of the Town of Perryville.

BY adding
Chapter 6 Mayor and Commissioner Code of Conduct
Sections 6-1 through 6-3
Code of the Town of Perryville

BY adding
Chapter 8 Financial Disclosure and Ethics
Section 8-5(F)(11)
Code of the Town of Perryville

EXPLANATION:
CAPITALS INDICATE MATTER ADDED TO EXISTING LAW
((Double Parenthesis)) indicate matter deleted from existing law.
Underlining indicates amendments to bill.
Strike-Out indicates matter stricken from bill by amendment or deleted from the law by amendment
*** indicates omitted text that is not amended by this ordinance.
SECTION 1. BE IT ENACTED BY THE MAYOR AND COMMISSIONERS OF
THE TOWN OF PERRYVILLE that new Sections 6-1 through 6-3 are hereby added to the
Code of the Town of Perryville, to be under the new Chapter 6 – Mayor and Commissioners
Code of Conduct, to follow immediately after Section 5-2 of Chapter 5 - Code Enforcement, and
to read as follows:

Chapter 6 – MAYOR AND COMMISSIONERS CODE OF CONDUCT

§ 6-1. CODE OF CONDUCT FOR MAYOR AND COMMISSIONERS - PURPOSE

(A) THE PURPOSE OF THIS CHAPTER IS TO DEFINE THE ROLE OF MAYOR
AND COMMISSIONERS IN THE GOVERNANCE OF THE TOWN OF PERRYVILLE AND
TO ADVANCE THE TOWN’S GOALS OF PROVIDING EFFICIENT AND HIGH-QUALITY
SERVICES TO ITS RESIDENTS AND PROVIDING A SAFE AND PRODUCTIVE WORK
ENVIRONMENT FOR ITS EMPLOYEES.

(B) THIS CHAPTER IMPLEMENTS THE PROVISIONS OF SECTION C3-10 OF
THE CHARTER OF THE TOWN OF PERRYVILLE BY PROVIDING FOR THE
ENFORCEMENT OF THAT SECTION AND ESTABLISHING POLICIES, RULES,
EXPLANATIONS AND INTERPRETIVE GUIDANCE FOR IMPLEMENTING THAT
SECTION.

(C) THIS CHAPTER DOES NOT PROVIDE A RULE OF CONDUCT FOR ALL
SITUATIONS. HOWEVER, THE MAYOR AND COMMISSIONERS SHALL MANAGE
THEIR BEHAVIOR IN A MANNER CONSISTENT WITH THE POLICIES, RULES AND
GUIDANCE THAT FOLLOW IN § 6-2.

§ 6-2. POLICIES AND RULES.

POLICIES GOVERNING THE CONDUCT OF THE MAYOR AND
COMMISSIONERS ARE LISTED IN THIS SECTION. FOLLOWING EACH POLICY IS A
SET OF RULES THAT GIVE SPECIFIC APPLICATION TO THE POLICY. IN ITALICS
FOLLOWING EACH RULE IS AN EXPLANATION OF THE RULE AND GUIDANCE FOR
INTERPRETING AND APPLYING THE RULE.

(A) (1) POLICY A. THE MAYOR AND COMMISSIONERS SHALL DEAL WITH
THE ADMINISTRATIVE SERVICE SOLELY THROUGH THE TOWN ADMINISTRATOR
EXCEPT AS OTHERWISE MAY BE PROVIDED BY ORDINANCE.

(2) RULES AND GUIDANCE:

A. THE MAYOR AND COMMISSIONERS SHALL NOT DIRECT,
ORDER OR MAKE DEMANDS ON ANY TOWN EMPLOYEE, OTHER THAN INQUIRIES
THAT CAN BE ANSWERED ROUTINELY AND WITHOUT RESEARCH.
(I) TOWN STAFF ARE ORGANIZED IN A HIERARCHICAL STRUCTURE, AND TOWN EMPLOYEES WORK UNDER THE DIRECTION AND CONTROL OF SEVERAL LAYERS OF MANAGEMENT CULMINATING WITH THE TOWN ADMINISTRATOR. THE MAYOR AND INDIVIDUAL COMMISSIONERS ARE NOT PART OF THAT MANAGEMENT STRUCTURE AND HAVE NO AUTHORITY TO DIRECT EMPLOYEES. WHEN AN OFFICIAL ATTEMPTS TO GIVE AN EMPLOYEE DIRECTION, THE EMPLOYEE IS PUT IN AN AWKWARD POSITION AND THE MANAGEMENT STRUCTURE IS UNEARTHED. IN SOME CASES, SUCH ACTIONS HAVE THE POTENTIAL FOR LIABILITY. THE MAYOR AND COMMISSIONERS ARE NOT AUTHORIZED DIRECTLY TO GIVE WORK ASSIGNMENTS TO EMPLOYEES, INCLUDING DEPARTMENT HEADS. EMPLOYEES ARE INSTRUCTED NOT TO TAKE DIRECTIONS OR WORK ASSIGNMENTS FROM OFFICIALS AND TO REPORT ANY SUCH ATTEMPTS TO THEIR DEPARTMENT HEAD. AN OFFICIAL MAY ASK A ROUTINE QUESTION OF STAFF; BEYOND THAT, CONCERNS ABOUT WORK ASSIGNMENT SHOULD BE ADDRESSED TO THE TOWN ADMINISTRATOR.

B. THE MAYOR OR COMMISSIONERS SHALL NOT ATTEMPT TO REORGANIZE AN EMPLOYEE'S PRIORITIES OR INFLUENCE HOW TOWN STAFF PERFORM THEIR ASSIGNED FUNCTIONS OR DUTIES.

(I) TOWN EMPLOYEES ARE DIRECTED IN THEIR EVERYDAY TASKS BY THEIR IMMEDIATE SUPERVISOR IN ACCORDANCE WITH APPROVED WORK PLANS. INTERFERENCE WITH AN EMPLOYEE'S WORK ROUTINE, PRIORITIES OR DECISION-MAKING PROCESSES BY THE MAYOR OR A COMMISSIONER CREATES CONFUSION AND STRESS AND PLACES THE EMPLOYEE IN THE DIFFICULT POSITION OF EITHER DISREGARDING HIS OR HER ASSIGNED WORK OR APPEARING TO DISRESPECT THE OFFICIAL'S WISHES. ALL REQUESTS FOR WORK OR RESEARCH BY SHOULD BE DIRECTED TO THE TOWN ADMINISTRATOR. FROM TIME TO TIME AN OFFICIAL MAY BELIEVE THAT A PROBLEM MUST BE LOOKED INTO IMMEDIATELY AND IS TEMPTED TO DIRECT AN EMPLOYEE TO DROP EVERYTHING AND FOCUS ON THAT PROBLEM. THIS IS UNACCEPTABLE AND THE MAYOR OR COMMISSIONER MUST, HOWEVER, COMMUNICATE THE CONCERN TO THE TOWN ADMINISTRATOR.

C. NEITHER THE MAYOR NOR A COMMISSIONER SHALL RETALIATE OR THREATEN TO RETALIATE AGAINST AN EMPLOYEE AS A RESULT OF DISAGreements OVER POLICY RECOMMENDATIONS.

(I) IT IS CRITICAL TO THE SUCCESS OF THE TOWN THAT ITS EMPLOYEES ENJOY A WORKPLACE FREE OF THE FEAR OF RETALIATION. THE TOWN TAKES GREAT PRIDE IN ITS CREATIVITY AND ITS RECEIVING TO NEW AND DIFFERENT IDEAS. AN OPEN AND NONJUDGMENTAL ATMOSPHERE FOSTERS CREATIVITY WHERE CANDOR IS NOT PENALIZED. TOWN EMPLOYEES ARE HIRED TO OFFER THEIR PROFESSIONAL JUDGMENTS AND OPINIONS. THE MAYOR AND COMMISSIONERS ARE CERTAINLY FREE TO DISAGREE WITH THOSE JUDGMENTS AND, INDEED, THOSE OFFICIALS ULTIMATELY MAY HAVE THE FINAL WORD. BUT THOSE DISAGreements MUST NOT EXTEND TO THREATS OR GENERATE FEAR OF
D. NEITHER THE MAYOR NOR A COMMISSIONER SHALL THREATEN A TOWN EMPLOYEE WITH DISCIPLINARY ACTION.

(i) IF THE MAYOR OR A COMMISSIONER IS CONCERNED ABOUT THE PERFORMANCE OF A TOWN EMPLOYEE, THAT CONCERN SHOULD BE EXPRESSED PRIVATELY TO THE TOWN ADMINISTRATOR. SUCH CRITICISMS CAN THEN BE ADDRESSED IN ACCORDANCE WITH THE TOWN'S PERSONNEL RULES, IN A MANNER THAT PROTECTS THE EMPLOYEE'S RIGHTS AND PROTECTS THE TOWN'S AUTHORITY PROPERLY TO DISCIPLINE ITS EMPLOYEES. IT IS NEVER ACCEPTABLE FOR AN OFFICIAL DIRECTLY TO THREATEN DISCIPLINARY ACTION OF ANY KIND, AND RARELY, IF EVER, IS IT APPROPRIATE TO CRITICIZE PUBLICLY AN EMPLOYEE. OFFICIALS SHOULD CERTAINLY HAVE HIGH EXPECTATIONS OF EMPLOYEES' WORK PERFORMANCE, BUT THERE IS NO ROOM IN THE TOWN ORGANIZATION FOR PUBLIC HUMILIATION OF ANY PERSON.

(B) (I) POLICY B. THE MAYOR AND COMMISSIONERS SHALL ACT COLLECTIVELY IN A PROPERLY NOTICED AND CONSTITUTED MEETING AND HAVE NO AUTHORITY TO MAKE DECISIONS OR TAKE ACTIONS ON BEHALF OF THE BODY UNLESS EXPRESSLY AUTHORIZED TO DO SO.

(2) RULES AND GUIDANCE:

A. NEITHER THE MAYOR NOR ANY COMMISSIONER SHALL MAKE REPRESENTATIONS OR PROMISES TO ANY THIRD PARTY REGARDING THE FUTURE ACTIONS OF THE TOWN OR OF THE MAYOR AND COMMISSIONERS UNLESS THE MAYOR AND COMMISSIONERS HAS DULY AUTHORIZED SUCH REPRESENTATION OR PROMISE.

(i) WHEN OFFICIALS ENGAGE IN CONVERSATIONS WITH RESIDENTS, APPLICANTS, DEVELOPERS, LOBBYISTS AND OFFICIALS OF OTHER GOVERNMENTAL AGENCIES, THEY SHOULD BE CAUTIOUS NOT TO MAKE REPRESENTATIONS OR PROMISES THAT THEY CANNOT LEGALLY MAKE OR KEEP. FUTURE ACTIONS OF THE MAYOR AND COMMISSIONERS CANNOT BE PROMISED OR PREDICTED WITH CERTAINTY. INDIVIDUAL OFFICIALS DO NOT HAVE AUTHORITY TO MAKE COMMITMENTS ON BEHALF OF THE TOWN UNLESS EXPRESSLY AUTHORIZED TO DO SO BY THE MAYOR AND COMMISSIONERS.

B. WHEN MAKING PUBLIC UTTERANCES, THE MAYOR AND COMMISSIONERS SHALL MAKE IT CLEAR WHETHER THEY ARE AUTHORIZED TO SPEAK ON BEHALF OF THE MAYOR AND COMMISSIONERS OR WHETHER THEY ARE PRESENTING THEIR OWN VIEWS.
(I) THE MAYOR AND COMMISSIONERS OCCASIONALLY SPEAK BEFORE OTHER PUBLIC BODIES AND NEIGHBORHOOD GROUPS OR TO THE PRESS. WHEN DOING SO, THEY SHOULD ALWAYS MAKE IT CLEAR WHETHER THEY ARE PRESENTING THEIR OWN VIEWS OR WHETHER THEY HAVE BEEN AUTHORIZED BY THE MAYOR AND COMMISSIONERS TO PRESENT A PARTICULAR VIEW. THE MAYOR AND EACH COMMISSIONER SHOULD BE CLEAR IN ALL ORAL AND WRITTEN UTTERANCES AND COMMUNICATIONS WHETHER THEY ARE USING THEIR TITLE FOR IDENTIFICATION PURPOSES OR BECAUSE THEY ARE SPEAKING IN AN OFFICIAL CAPACITY.

C. NEITHER THE MAYOR NOR ANY COMMISSIONER SHALL INTERFERE WITH HOW THE TOWN ADMINISTRATOR PERFORMS HIS OR HER DUTIES.

(I) THE TOWN ADMINISTRATOR CANNOT FUNCTION EFFECTIVELY IF HE OR SHE RECEIVES INCONSISTENT DIRECTION FROM THE MAYOR OR INDIVIDUAL COMMISSIONERS OR IS NOT GIVEN THE SUPPORT AND INDEPENDENCE NECESSARY TO ADMINISTER THE TOWN. QUESTIONS AND REGARDING THE PRIORITIES OF THE TOWN GOVERNMENT SHALL BE BROUGHT TO THE ATTENTION OF THE MAYOR AND COMMISSIONERS.

D. NEITHER THE MAYOR NOR ANY COMMISSIONER SHALL INTERFERE WITH THE IMPLEMENTATION BY TOWN STAFF OF APPROVED PROJECTS AND PROGRAMS.

(I) THE TOWN ADMINISTRATOR IS CHARGED WITH THE IMPLEMENTATION OF APPROVED PROJECTS OR PROGRAMS. THE MAYOR AND COMMISSIONERS MUST AVOID INTERFERING WITH OR DIRECTING THE TOWN ADMINISTRATOR’S METHOD OF CARRYING OUT THE MAYOR AND COMMISSIONERS’ DECISIONS, EVEN IF THE PROJECT OR PROGRAM WAS CONCEIVED AND INITIATED BY THE MAYOR OR AN INDIVIDUAL COMMISSIONER. ONCE A PROJECT OR PROGRAM RECEIVES MAYOR AND COMMISSIONERS APPROVAL, IT IS AN OFFICIAL ACTIVITY OF THE TOWN, NOT OF ANY INDIVIDUAL OFFICIAL. THE MAYOR AND COMMISSIONERS DO NOT HAVE AUTHORITY AND SHOULD REFRAIN FROM GIVING DIRECTIONS OR INSTRUCTIONS TO THE TOWN’S CONTRACTORS OR CONSULTANTS WORKING ON TOWN PROJECTS OR PROGRAMS.

(C) (1) POLICY C. TOWN RESOURCES SHALL BE USED SOLELY FOR PROPER GOVERNMENTAL PURPOSES AND ONLY WITH PROPER AUTHORIZATION.

(2) RULES AND GUIDANCE:

A. THE MAYOR AND COMMISSIONERS MAY USE TOWN LETTERHEAD ONLY FOR OFFICIAL CITY BUSINESS.
(I) TOWN LETTERHEAD MUST BE USED WITH CARE TO AVOID MISTAKES. LETTERHEAD MAY BE USED TO COMMUNICATE OFFICIAL TOWN POLICY OR ACTIONS. IT IS ALSO ROUTINELY USED BY OFFICIALS TO RESPOND TO INQUIRIES OR COMMUNICATE THEIR INDIVIDUAL OPINIONS, IN WHICH EVENT THE AUTHOR SHOULD BE CLEAR ABOUT WHOSE VIEW IS BEING PRESENTED.

B. NEITHER THE MAYOR NOR ANY COMMISSIONER SHALL ASK OR DIRECT TOWN EMPLOYEES TO SPEND TIME ON NON-TOWN BUSINESS. FURTHER, TOWN EMPLOYEES SHOULD NOT BE SOLICITED TO ENGAGE IN POLITICAL ACTIVITY ON BEHALF OF THE MAYOR OR A COMMISSIONER.

(I) IT IS IMPROPER TO ASK OR REQUIRE A TOWN EMPLOYEE TO ENGAGE IN NON-TOWN-RELATED ACTIVITIES. NON-TOWN ACTIVITIES INCLUDE, AMONG OTHER THINGS, ELECTION CAMPAIGN RELATED ACTIVITIES AND PERSONAL ERRANDS. FURTHER, TOWN EMPLOYEES SHOULD NOT BE SOLICITED TO ENGAGE IN POLITICAL ACTIVITY ON BEHALF OF THE MAYOR OR A COMMISSIONER.

C. NEITHER THE MAYOR NOR A COMMISSIONER SHALL USE OR DISCLOSE INFORMATION OBTAINED THROUGH TOWN SERVICE FOR IMPROPER OR ILLEGAL PURPOSES.

(I) OFFICIALS OFTEN ACQUIRE INFORMATION IN PERFORMING THEIR DUTIES THAT IS NOT GENERALLY AVAILABLE TO THE PUBLIC. INCLUDING INFORMATION RECEIVED IN CLOSED SESSIONS. SOMETIMES THIS INFORMATION IS CONFIDENTIAL OR HIGHLY SENSITIVE. INFORMATION THAT IS NOT GENERALLY AVAILABLE TO THE PUBLIC MUST REMAIN CONFIDENTIAL AND BE USED ONLY FOR THE PURPOSES FOR WHICH IT WAS DIVULGED. IN PARTICULAR, THIS INFORMATION CAN NEVER BE USED FOR PERSONAL GAIN.

(D) (I) POLICY D. WHEN REPRESENTING THE TOWN, THE MAYOR AND COMMISSIONERS SHALL CONDUCT THEMSELVES IN A DIGNIFIED MANNER AND IN ACCORDANCE WITH ALL LEGAL REQUIREMENTS.

(2) RULES AND GUIDANCE:

A. WHEN REPRESENTING THE TOWN, THE MAYOR AND COMMISSIONERS SHALL BEHAVE RESPONSIBLY AND IN A MANNER THAT PROJECTS A POSITIVE IMAGE FOR THE TOWN. THE MAYOR AND COMMISSIONERS SHALL WEAR BUSINESS CASUAL ATTIRE WHEN ATTENDING OFFICIAL TOWN MEETINGS USE THEIR BEST JUDGMENT TO APPEAR AS PROFESSIONAL AS POSSIBLE DURING TOWN MEETINGS. FURTHERMORE, NEITHER THE MAYOR NOR A COMMISSIONER SHALL ATTEND A TOWN MEETING OR EVENT WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS (EXCEPT FOR MEDICATIONS TAKEN IN PRESCRIBED DOSES).

(I) WHENEVER THE MAYOR OR COMMISSIONER IS
REPRESENTING THE TOWN, IN OR OUT OF TOWN, THE OFFICIAL IS "ON DUTY" AND SHOULD BEHAVE IN A MANNER THAT WILL REFLECT WELL ON THE TOWN. WHEN OUT OF TOWN OR AT SOCIAL EVENTS THERE IS A TEMPTATION TO BEHAVE MORE INFORMALLY THAN ONE MIGHT IN TOWN HALL, WHICH CAN LEAD TOawkward OR EMBARRASSING SITUATIONS AND IN EXTREME CASES TO IMPROPER OR ILLEGAL BEHAVIOR. WHEN AT GOVERNMENT, CIVIC OR POLITICAL FUNCTIONS, THE MAYOR AND COMMISSIONERS SHOULD AVOID DRINKING ALCOHOL TO EXCESS.

B. THE MAYOR AND COMMISSIONERS SHALL EXERCISE BEST EFFORTS TO AVOID THE APPEARANCE OF IMPROPRIETY IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES. FURTHERMORE, NEITHER THE MAYOR NOR ANY COMMISSIONER MAY ENGAGE IN A SEXUAL, ROMANTIC, SOCIAL, OR SIMILAR TYPE OF PERSONAL RELATIONSHIP WITH ANY TOWN EMPLOYEE OR WITH ANY CONTRACTOR OR VENDOR THAT DOES BUSINESS WITH THE TOWN. THE MAYOR AND COMMISSIONERS SHALL DISCLOSE ON THE ANNUAL DISCLOSURE FORM SUBMITTED PURSUANT TO CHAPTER 8 OF THIS CODE ANY RELATIONSHIPS (FAMILIAL, SEXUAL, OR ROMANTIC) WITH ANY TOWN EMPLOYEE OR WITH ANY CONTRACTOR OR VENDOR THAT DOES BUSINESS WITH THE TOWN. ADDITIONALLY, THE MAYOR OR ANY COMMISSIONER WHO IS INVOLVED IN ANY SUCH RELATIONSHIP SHALL PROMPTLY AND CONCURRENTLY DISCLOSE THAT RELATIONSHIP, IN WRITING, TO THE MAYOR AND COMMISSIONERS.


C. WHILE IN SESSION, THE MAYOR AND COMMISSIONERS MUST PRESERVE ORDER AND DECORUM, AND NEITHER THE MAYOR NOR A COMMISSIONER SHALL, BY CONVERSATION OR OTHERWISE, DELAY OR INTERRUPT THE PROCEEDINGS OR THE PEACE OF THE MAYOR AND COMMISSIONERS, DISTURB ANY MEMBER WHILE SPEAKING, OR REFUSE TO OBEY THE ORDERS OF THE MAYOR AND COMMISSIONERS OR ITS PRESIDING OFFICER.

SECTION 2. AND BE IT FURTHER ENACTED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE that new Section 8-5(F)(11) is hereby added to the Code of the Town of Perryville, to be under Chapter 8 – Financial Disclosure and Ethics, to follow immediately after Section 8-5(F)(10), and to read as follows:

Chapter 8 – FINANCIAL DISCLOSURE AND ETHICS

(F) Contents of statement.

(11) RELATIONSHIPS. A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A SCHEDULE THAT DISCLOSES ANY RELATIONSHIPS (FAMILIAL, SEXUAL, OR ROMANTIC) AT ANY TIME DURING THE REPORTING PERIOD BETWEEN THE MAYOR OR ANY COMMISSIONER AND ANY TOWN EMPLOYEE OR CONTRACTOR OR VENDOR THAT DOES BUSINESS WITH THE TOWN.

SECTION 23. AND BE IT FURTHER ENACTED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE that if any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Mayor and Commissioners that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

SECTION 34. AND BE IT FURTHER ENACTED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE that this Ordinance shall become effective from the date that Charter Amendment Resolution No. 2022-01 becomes effective, and if Charter Amendment Resolution No. 2022-01 is not adopted or does not take effect, this Ordinance shall be rescinded without further action of the Mayor and Commissioners twenty (20) days following approval by the Mayor and Commissioners.

ADOPTED this 7th day of February, 2023.

MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE

By:  
Matt Roath, Mayor

ATTEST:

Jackie Sample, Town Clerk

Date: 2/7/2023