

RESOLUTION

A RESOLUTION TO ADOPT A CODE OF ETHICS AND CONDUCT FOR THE MEMBERS OF THE LEXINGTON CITY COUNCIL AND FOR THE MEMBERS OF ALL BOARDS, COMMITTEES AND COMMISSIONS APPOINTED BY THE COUNCIL

WHEREAS, the citizens and businesses of Lexington, Virginia are entitled to have fair, ethical and accountable local government which has earned the public's full confidence; and

WHEREAS, in keeping with Lexington's commitment to excellence, all public officials, both elected and appointed, must comply with both the letter and spirit of the laws and policies affecting the operation of government; and

WHEREAS, all public officials, both elected and appointed, are required to be impartial and fair in their judgment and actions and ensure that public office is used for the public good; and

WHEREAS, the Lexington City Council has determined that the adoption of a Code of Ethics and Conduct for its members and the members of all Council-appointed boards, committees and commissions will assist in achieving these ends; now, therefore, be it

RESOLVED by the Lexington City Council this 3rd day of December, 2015, that the following Code of Ethics and Conduct is hereby adopted:

**LEXINGTON CITY COUNCIL
CODE OF ETHICS**

Preamble

The citizens and businesses of Lexington, Virginia, are entitled to have a fair, ethical and accountable local government, which has earned the public's full confidence for integrity. In keeping with the City of Lexington's Commitment to Excellence, the effective functioning of democratic government therefore 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; that public officials be independent, impartial and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Lexington City Council has adopted this Code of Ethics for members of the Council and for the members of the City's boards, commissions and committees 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, members will work for the common good of the people of Lexington 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 Lexington City Council, boards, commissions, and committees.

2. Comply with the Law

Members shall comply with the laws of the nation, the Commonwealth of Virginia and the City of Lexington in the performance of their public duties. These laws include, but are not limited to: the United States and Virginia constitutions; Virginia Conflict of Interests Act; and the Code of the City of Lexington; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

3. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the Lexington City Council and boards, committees, and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Lexington City Council by City staff.

4. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

5. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Lexington City Council or boards, committees and commissions, which they may have received from sources outside of the public decision-making process.

6. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship that may give the appearance of a conflict of interest or where they have a conflict of interest under Section 2.2-3101 of the 1950 Code of Virginia, as amended.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts as required by Section 2.2-3115(A). Upon a determination that a member has a conflict of interest such member shall disclose the interest that causes the disqualification by identifying the interest, in writing, as required by Section 2.2-3112, they shall abstain from participating in deliberations and decision-making where conflicts may exist and, to avoid any appearance of impropriety such member shall remove him or herself from the Council table until all activity associated with the matter has been completed. Any disqualified member may not attend the portion of a closed meeting at which the transaction is discussed and may not discuss the matter with anyone in the government who is involved in the transaction.

7. Gifts and Favors

Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are 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. Further, Members shall provide a record of all gifts, favors or benefits which might give rise to the appearance of compromised judgment.

8. Confidential Information

Members, City employees and officials shall not use or disclose confidential information acquired by or available to them in the course of their service to or employment by the city for personal gain or for any reason not related to city business. Members, employees and officials shall uphold the public's right to know not only the decisions taken, but also the deliberations which shape public policies. Any employee or official, who is aware of a breach of confidentiality, is expected to bring forth that information to the appropriate officials in a timely manner.

9. Implementation

As an expression of the standards for members, the Lexington Code of Ethics and 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, ethical standards and a copy of the most recent VML publication addressing the Virginia Conflict of Interests Act, which sets out the applicable Virginia Code sections, shall be included in the regular orientations for candidates for the Lexington City Council, applicants to boards, committees and commissions, and newly elected, reelected and appointed officials as required by Section 2.2-3100.1 of the Code of Virginia. Members entering office shall sign a statement affirming they have read and understood the Lexington Code of Ethics and the Virginia Conflict of Interests Act. In addition, the Lexington City Council, boards, committees and commissions, shall review the Code of Ethics at the organizational meeting following newly elected officials taking office and the Lexington City Council shall consider recommendations from boards, committees and commissions and update it as it deems appropriate.

10. Compliance and Enforcement

The Lexington Code of Ethics and Conduct expresses standards for the Lexington City Council, boards, committees and commissions. Members themselves have the primary responsibility to assure that ethical standards and code of conduct are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards, committees and commissions and the Mayor of the Lexington City Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

The Lexington City Council may impose sanctions on members who do not comply with the City's ethical standards and code of conduct, such as reprimand, formal censure, loss of seniority or committee assignment, or budget restriction, which may be in addition to any criminal penalties that may be imposed under Section 2.2-3120 of the Code of Virginia. Where allowed by law, the Lexington City Council also may remove members of Council-appointed boards, committees and commissions from office or a Judge may order forfeiture of the seat on Council under Section 2.2-3122.

A violation of this Code of Ethics and Conduct shall not be considered a basis for challenging the validity of a Lexington City Council, board, and committee or commission decision. However, nothing contained herein shall negate any provision of Article 7 of the Virginia Conflicts of Interest Act.

LEXINGTON CITY COUNCIL CODE OF CONDUCT

1. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Lexington City Council, boards, commissions, and committees, the staff or public.

2. Conduct of Public Meetings

Members 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; or otherwise interfering with the orderly conduct of meetings.

3. 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 Lexington City Council or any board, committee, commission or proceeding of the City, nor shall members of boards, committees or commissions appear before their own bodies or before the Lexington City Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

4. Advocacy

Members shall represent the official policies or positions of the Lexington City Council, boards, commissions or committees to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or Lexington, nor will they allow the inference that they do.

5. Use of Public Resources

Members shall not use public resources that are not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

6. Policy Role of Members

The Lexington City Council determines the policies of the City with the advice, information and analysis provided by the public, boards, commissions, and committees, and City staff. The Lexington City Council delegates authority for the administration of the City to the City Manager.

Members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

7. Independence of Boards and Commissions

Because of the value of the independent advice of boards, committees and commissions to the public decision-making process, members of the Lexington City Council shall refrain from using their positions to unduly influence the deliberations or outcomes of board, committee or commission proceedings.

8. Positive Work Place Environment

Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees and in no way create the perception of inappropriate direction to staff.

Code of Ethics and Conduct Lexington City Council, Boards, Committees and Commissions

MEMBER STATEMENT

As a member of the Lexington City Council, or of a Lexington board, committee or commission, I agree to uphold the Code of Ethics and Conduct for elected and appointed officials adopted by the City and conduct myself by the following model of excellence. I will:

- a. Recognize the worth of individual members and appreciate their individual talents, perspectives and contributions;
- b. Help create an atmosphere of respect and civility where individual members, City staff and the public are free to express their ideas and work to their full potential;
- c. Conduct my personal and public affairs with honesty, integrity, fairness and respect for others;
- d. Respect the dignity and privacy of individuals and organizations;
- e. Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit:
 - Avoid and discourage conduct which is divisive or harmful to the best interests of Lexington;
 - Treat all people with whom I interact in the manner I wish to be treated.

I affirm that I have read and understand the Lexington Code of Ethics and Conduct and the Virginia Conflict of Interests Act.

Signature: _____

Name (printed): _____

Office: _____

Date: _____