



PROTOCOLS AND STANDARDS OF CONDUCT

Adopted 02/02/2016

Amended 02/07/2017

Amended 05/15/2018

Amended 02/01/2022

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I. Purpose and Intent

The Charter of the City of Littleton provides the founding document for all issues concerning protocols and standards of conduct as a primary reference, and the City of Littleton is committed to maintaining high ethical standards. The city operates in a representative democracy to serve the citizens of Littleton and ensure the community's needs are met.

Public servants have a special responsibility to carry out their duties with integrity. In order to preserve the confidence and trust of the public, the Protocol and Standards of Conduct provides uniform rules to guide the conduct of the city's council and board and commission members, hereinafter referred to as boards.

Non-substantive changes to this document may be made and then distributed to council.

II. Meeting Protocols

- A. Public input and observation are an important part of the democratic process. Council/boards should make the public feel welcome and should refrain from showing any sign of partiality, prejudice or disrespect toward an individual participating in or attending a public forum. Members of city council/boards should be fair and impartial in listening to public testimony. City council will accept any written comments if they include the name and address of the sender. Comments to be included in the city council's packets will be sent to the city clerk no later than 3 p.m. on the Thursday before the Tuesday meeting. If there are issues that need to be addressed after packets are provided, any correspondence received by the city clerk by 5 p.m. on the Monday before a Tuesday public hearing will be disseminated to city council via email and will be collated; any documents received after 5 p.m., until noon Tuesday will also be sent via email. Any documents received on the day of the Tuesday will be copied and provided to city council at the Tuesday night meeting.
- B. The Mayor or Chair serves as the presiding officer over the meeting. In the event of the absence or unavailability of the Mayor or Chair, the Mayor Pro Tem or vice chair serves as the presiding officer. Council expects civility among and between council, boards, and

members of the public while in meetings. Any person who makes offensive, insulting, threatening, insolent, slanderous or obscene remarks or becomes disruptive, boisterous or who makes threats against any person or against public order and security while in the council chamber shall be removed at the direction of the presiding officer from the meeting, unless permission to remain is granted by the majority vote of the council members present.

- C. Council/boards should show respect for each other at all times. Disagreement and debate are constructive and expected. An effective council/board is composed of members who are able to agree to disagree without personalizing issues.
- D. Members of the council/boards and the public are expected to refrain from sidebar conversations to the greatest extent possible so as not to detract from the speaker who has the floor.
- E. Because scheduled meetings are the intended forum for public debate and dialog, council expects all council/board members to keep an open mind without prejudgment, to work collaboratively to identify promising options, to openly discuss and evaluate options, and to listen to the concerns of other council/boards prior to making a decision. Additionally, it should be understood that acknowledgement of individual opinions and ideas, especially those that differ from one's own, is what allows the best discussion and decision for the community.
- F. Council/boards are expected to attend meetings having reviewed all the materials and to be prepared to ask questions, make comments, and discuss all issues.
- G. To attain efficiency, council/boards should simply state, "I agree" rather than restating a point.
- H. Council/boards should ask the mayor/chair to intervene if discussion becomes repetitive.
- I. Council/boards should consider the best interests of the city and the ramifications to all the citizens and businesses while considering issues.
- J. Council/boards should refrain from undermining the council/board as a whole or undermining an individual member. Members should feel comfortable communicating the reasoning for their voting decision. However, after the decision has been made, the member should support the body and move forward.
- K. It is improper during roll call for any council/board members to state or attempt to state the vote or sentiments of any absent council/board member.
- L. Any council/board member who is unable to attend a scheduled meeting shall notify the mayor/chair or city manager at least 24 hours in advance of said meeting, if possible.
- M. Council/boards agree to bring non-substantive changes to items on the agenda to

staff outside of a public meeting and retain substantive items for public discussion with council/board.

- N. The city council is responsible for making policy. The city staff is responsible for implementing policy. Council members and staff should understand the difference between creating policy and implementing policy and be respectful and supportive of each role. In the development of policy recommendations to the city council, alternatives should be evaluated and addressed by staff.
- O. The city council desires to have all city council, planning commission, historical preservation board, board of adjustment, board of appeals, and licensing authority regular, special, and study session meetings televised and recorded. When creating any working groups or committees, the city council shall determine whether the purpose of the committee warrants its meetings being recorded and televised.

III. Confidential Information

Council members in their role will be provided information that is confidential. This may include information confidential as a matter of law or privileged information provided by the city attorney. Disclosure of the information to outside parties is a violation of the confidential attorney-client or legal privilege. The privilege is owned by the city council as a whole. Only the city council acting at an open meeting can waive this privilege. It is a breach of these protocols and a violation of their duty for any individual council member to provide confidential information to an outside third party. This protocol shall not be construed as prohibiting the city manager and city attorney from distributing confidential information to other city management staff to the extent reasonably necessary to implement council direction or fulfill their responsibilities to the organization. Any other person receiving such information is also subject to the privilege and may not waive the privilege

IV. Making Public Statements

- A. When giving a written or oral personal public opinion concerning issues facing or involving the city, all council, board or commission members shall refrain from making statements on behalf of the city or the body upon which he or she serves, unless such person has explicitly been authorized by the respective body. When acting as, or perceived as acting as, a representative of the official body he or she represents, an individual must always uphold the approved council, board or commission point of view.
- B. It is recognized that social media is a communication tool used by council members to communicate their views to the public. It is appropriate for council members to use social media to explain their position, in the same manner that any other form of media would be used. However, council members should refrain from using social media to undermine the body by criticizing other council members and or staff for their positions or votes on matters before the council. Council members represent the city and their social media pages in their capacity as a council member reflect upon the city.
- C. Criticism of staff shall be done through the City Manager, not in the public or social media.

- D. Any comments made by a council/board member at a meeting of another board should be assumed to be the council/board member's personal views or opinions and not the official position of the council/board unless stated otherwise.
- E. Council reports are intended to communicate to other council members about meetings and information that are of value and beneficial to the body as a whole.

V. Council/Boards and City Employee Communications

- A. To foster open communication and the public policy-decision making process, it is the desire of council to ensure an evenness of communication between council/boards and staff as well as between council/board members. This means all council/board members expect to receive information that is relevant to the council/board's policymaking authority and deliberations as well as to the education and knowledge of individual members.
- B. Council through the City Manager designates staff to serve as support for boards and commissions. It is expected that board and commission member shall work with the designated staff in fulfilling the mission of the board or commission.
- C. All city council and board and commission members shall use city email for email communication on any city issues.
- D. Council/boards should seek direction from the city manager if there is any doubt regarding the appropriate level of contact with city employees.
- E. Council/boards should make reasonable attempts to notify the appropriate city staff members in advance of public meetings about key questions and discussion points that they would like addressed during the public meeting.
- F. For routine questions or requests (e.g., code complaints, questions regarding agenda items), council/boards should contact the city manager's office or the appropriate city department director with information about the request. These requests can be made at any time rather than waiting for a formal referral at a council/board meeting. It is the responsibility of staff to ensure an evenness of information when questions are asked of staff that relate to an issue that might come before the council/board and disseminate information accordingly. Legal questions should be initiated through the deputy city attorney whenever possible and appropriate.
- G. Requests for additional information or reports that staff determines would take a significant amount of staff time/resources shall be referred to the city manager for review and possible consideration by the council/boards as a whole and agreed upon as something that merits an investment of city resources.
- H. Critical comments about specific city employees' performance should only be made to the city council appointees that include the city manager, the city attorney and the

municipal judge through correspondence or conversation outside the public setting.

- I. All boards shall be given sufficient and reasonable advance notice of a council meeting for which the board either will be the subject of an agenda item or is being requested to participate in the council meeting agenda, allowing for scheduling and preparation.

VI. Involvement in Administrative Functions

- A. Members of council/boards shall refrain from influencing the recommendations made by staff or the information provided by staff to the council/board as a whole.
- B. Members of council/boards should have the same information for decision-making purposes. The council/boards may expect staff to provide each member with identical information on items scheduled for deliberation, even when requested by only one member.

VII. Council Conduct with Boards and Commissions

- A. The city council has established several boards and commissions as a means of gathering more community input. Citizens who serve on most boards or commissions are advisors to the city council. They are a valuable resource to the city's leadership and should be treated with appreciation and respect. Council members should refrain from having any *ex parte* communications with boards concerning issues and/or applications before any quasi-judicial body.
- B. Since the attendance of three or more council members constitutes a legal council meeting, council members should advise the city clerk at least 24 hours in advance of their planned attendance or at another function where discussion of city business is anticipated so that appropriate and timely public notification can be prepared and posted.

VIII. Council Meetings with Boards and Commissions

- A. To elevate the communication between individual boards and council and to even the flow of information, the council may meet with the council-appointed boards at a study session at least yearly, or on an as-needed basis as requested by the board/commission or the city council.
- B. To facilitate positive relations between the boards and the council, the mayor may appoint a council liaison to the fine arts board, next generation advisory committee, and transportation mobility board. The council may, at its sole discretion, choose to appoint liaisons to other boards and commissions as it deems appropriate. The role of the liaison shall be to convey current and relevant information on council activities to the individual board or commission.

IX. Council/Board and Commission Conduct with the Public

- A. Council/boards should be cordial, welcoming, and respectful to the public in all situations.
- B. Council/boards should be welcoming and respectful to speakers without exception.
- C. If necessary, public comments received during a public meeting will be followed up by staff at a later time or as directed by the council/board. It is not anticipated nor expected for staff to respond during that meeting unless specifically requested by the council/board.
- D. Questions from the council/board to speakers should seek to clarify or expand information. Members should avoid challenging or criticizing speakers. If a speaker is off the topic or exhibits behavior or language that is disruptive or disrespectful, the mayor or chair should interrupt, focus the speaker, and reestablish the order and decorum of the meeting.

X. Personal Expectations

- A. Responsibility.
 - 1. I understand that the community expects me to serve with dignity and respect and be an agent of the democratic process.
 - 2. I avoid actions that might cause the public to question my independent judgment.
 - 3. I do not use my office or the resources of the city for personal or political gain.
 - 4. I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the city and its citizens.
- B. Fairness.
 - 1. I promote consistency, equity and non-discrimination in public agency decision-making.
 - 2. I make decisions based on the merits of an issue, including research and facts.
 - 3. I encourage diverse public engagement in decision-making processes and support the right of the public to have access to public information concerning the conduct of the city's business.
- C. Respect.
 - 1. I treat my fellow city officials, staff, commission members and the public with patience, courtesy, civility, and respect, even when we disagree on what is best for the community and its citizens.
- D. Integrity.
 - 1. I am honest with all elected officials, staff, commission members, boards, and the public.
 - 2. I am prepared to make decisions for the best interest of the public whether those

decisions are popular or not.

3. I take responsibility for my actions even when it is uncomfortable to do so.

XI. Accountability of Council/Board Members

The purpose of this section is to outline the actions that could result in discipline of a council or board member and to provide guidance to council in holding each other accountable for their actions as an elected official.

- A. Actions that could give rise to discipline of a council/board member include, but are not limited to, the following:

1. Violations of the Council Protocols;
 - i. Repeat violations may be considered aggravating factors in determining further discipline
2. Misconduct during a meeting;
3. Violations of the city's quasi-judicial protocols;
4. Knowing disclosure of confidential information, including disclosure of attorney-client privileged information without the consent and release of such privilege of Council as a whole (disclosure of this type of information is considered a breach of the member's fiduciary duty);
5. Violations of the Code of Ethics (Title 1, Chapter 12 of the Littleton City Code);
6. Acts that show disrespect towards the public, fellow members, or staff;
7. Acts that bring the city into disrepute; and
8. Acting outside the authority of council, such as knowingly becoming involved in administrative functions of the city that are the responsibility of the city manager.

- B. Levels of accountability may include any of the following:

1. Informal reprimand
 - i. An informal reprimand will consist of either the mayor or the mayor pro tem (or the presiding officer of the board) contacting the member either via email or phone or in person to issue a reprimand.
 - ii. An informal reprimand may consist of remedial or educational training on the subject of the violation with the intent to avoid or prevent future violations.
2. Formal reprimand
 - i. A formal reprimand is a vote by the council or board or commission member that a member's conduct is below the standard required of members of the body. The mayor or the mayor pro tem may request such a vote.
 - ii. A formal reprimand may also include removal from any appointed authority, board, or commission position or council liaison role.
3. Public censure
 - i. Public censure is by resolution in which the council finds that based on a member's conduct IT IS NO LONGER APPROPRIATE THAT they CONTINUE TO hold office. 1. A censure by resolution shall include findings of fact to support the council's findings.

ii. The mayor or the mayor pro tem may request such a resolution.

4. Removal

Boards and Commission members serve at the pleasure of council and are subject to removal by council for violating Council Protocols and Standards of Conduct.