

TITLE 1

GENERAL ADMINISTRATION

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. CODE OF ETHICS.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN¹

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.

1-101. Time and place of regular meetings. The Board of Mayor and Aldermen shall hold regular meetings at 6:00 P.M. on the third Tuesday of each month as advertised. The meeting will normally be held in the board room located in city hall. (Ord. # 90-21, Nov. 1990, modified, as amended by Ord. #15-01, Feb. 2015)

1-102. Order of business. At each meeting of the Board of Mayor and Aldermen, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

- (1) Call to order by the mayor.
- (2) Pledge of allegiance.
- (3) Approval and/or correction of minutes of the previous meeting.
- (4) Legislative items.
- (5) Administrative items.
- (6) Consent agenda.
- (7) City managers report.
- (8) Adjournment.

(1981 code, § 1-102, modified)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the Board of Mayor and Aldermen at its

¹Charter reference

See article IV, Board of Mayor and Alderman, for qualifications for office, composition, proceedings, salaries, removal of Mayor and Alderman from office, etc...

meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1981 code, § 1-103, modified)

CHAPTER 2

CODE OF ETHICS

SECTION

- 1-201. Applicability.
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- 1-208. Acceptance of gratuities.
- 1-209. Small gifts, giveaways and meals.
- 1-210. Use of information.
- 1-211. Use of municipal time, facilities, etc.
- 1-212. Use of position or authority.
- 1-213. Outside employment or rendering of services.
- 1-214. Ethics complaints.
- 1-215. Violations.

1-201. Applicability. 1. This chapter is the code of ethics for personnel of the City of Springfield. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities.

2. When an official or employee has doubt as to the applicability of a provision of this chapter to a particular situation, he/she should apply to the business conduct and ethics committee for an advisory opinion and be guided by that opinion. The public official or employee shall have the opportunity to present his/her interpretation of the facts at issue before such advisory decision is made. (as added by Ord. #07-03, April 2007)

1-202. Purpose. It is essential to the proper government and administration of the City of Springfield that public officials and employees be, and also give the appearance of being, independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure and that no public office shall be used for personal gain. The public, public officials and city employees should have confidence in the integrity of their government. It is the policy of the City of Springfield to meet its legal responsibilities and to conduct its business in accordance with high ethical standards. In recognition of these goals, this code

of ethics is hereby established for all officials and employees. (as added by Ord. #07-03, April 2007)

1-203. Responsibilities of officials and employees. 1. Officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the laws of the nation, state and city and to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal consideration, recognizing that the public interest must be their primary concern. Their conduct in both official and private affairs shall be above reproach.

2. All officials and employees of the City of Springfield shall be loyal to the objectives expressed by the electorate and the programs developed to attain those objectives. Officials and employees shall adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

3. Officials and employees shall not exceed their authority or breach the law or ask others to do so, and they shall work in full cooperation with other officials and employees, unless prohibited from doing so by law or by officially recognized confidentiality of their work. (as added by Ord. #07-03, April 2007)

1-204. Definition of personal interest. 1. For purposes of §§ 1-205 and 1-206 "personal interest" means:

a. Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interest; or

b. Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

c. Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), step parent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

2. The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

3. In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #07-03, April 2007)

1-205. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, at the beginning of the agenda item discussion and before the vote, so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's

vote on the measure. In addition, the official shall recuse himself from voting on and discussing the measure. (as added by Ord. #07-03, April 2007)

1-206. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the city recorder. In addition, the official or employee shall, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #07-03, April 2007)

1-207. Annual filing of disclosure questionnaire and conflict of interest statement. Members of the board of mayor and aldermen, city manager, city attorney, city judge, planning commission members, municipal board of appeals members, beer board members, department heads, and certain key employees specified by the board of mayor and aldermen shall be required to annually complete and file with the business conduct and ethics committee a City of Springfield "disclosure questionnaire and conflict of interest statement" in accordance with the deadline established by the business conduct and ethics committee. The date for filing disclosure questionnaire is prior to the regular July meeting or before the person takes his/her position. (as added by Ord. #07-03, April 2007)

1-208. Acceptance of gratuities, etc. An official or employee shall not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the City of Springfield:

1. For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

2. That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #07-03, April 2007)

1-209. Small gifts, giveaways and meals. The board of mayor and aldermen shall establish a policy with regard to the acceptance of small gifts, giveaways, and meals by officials and employees. (as added by Ord. #07-03, April 2007)

1-210. Use of information. 1. An official or employee shall not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

2. An official or employee shall not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #07-03, April 2007)

1-211. Use of municipal time, facilities, etc. 1. An official or employee shall not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

2. An official or employee shall not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the City of Springfield. (as added by Ord. #07-03, April 2007)

1-212. Use of position or authority. 1. An official or employee shall not make or attempt to make private purchases, for cash or otherwise, in the name of the City of Springfield.

2. An official or employee shall not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the City of Springfield.

3. An official or employee shall not appear on behalf of private interests before any agency of the city. However, a member of the board of mayor and aldermen may appear before city agencies in the course of his duties as a representative of the electorate or in the performance of public or civic obligations. Nothing in this section shall preclude officials and employees from appearing in behalf of their own personal routine interests within established policies and procedures of the City of Springfield. By way of example, applications for building permits, utility services, site plan approvals, and reservation of city facilities are considered routine.

4. An official or employee shall not accept a retainer or compensation that is contingent upon a specific action by a city agency.

5. An official or employee shall not have any interest in any contract made by him in his official capacity or by any public committee, board, commission or department of which he is a member, agent, or employee. (as added by Ord. #07-03, April 2007)

1-213. Outside employment or rendering of services. No public official or employee shall engage in or accept outside or private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance his official duties or conflicts with any provision of the City of Springfield's charter or any ordinance or policy. (as added by Ord. #07-03, April 2007)

1-214. Ethics complaints. 1. The business conduct and ethics committee consisting of the vice mayor, city attorney, and one department head appointed by the board of mayor and aldermen at the beginning of each fiscal year, or as often as necessary, shall investigate all ethics complaints against officials and employees. Upon the written request of an official or employee potentially affected by a provision of this chapter, the business conduct and ethics committee shall render a written advisory ethics opinion based upon this chapter and other applicable law.

2. a. Except as otherwise provided in this subsection, the business conduct and ethics committee shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or shall undertake an investigation on its own initiative when it acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in its judgment, constitutes a violation of this code of ethics.

b. The business conduct and ethics committee shall request the board of mayor and aldermen to temporarily appoint or hire another attorney or individual to take the place of any member of the committee having a conflict of interest in a particular matter. The board of mayor and aldermen may also, upon the request of the business conduct and ethics committee, retain the professional services of individuals or firms in order to assist the committee in the investigation of an ethics complaint.

c. When a complaint of a violation of any provision of this chapter is lodged against a member of the board of mayor and aldermen, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the business conduct and ethics committee.

3. The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

4. When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation the violation shall be dealt with as a violation of the personnel provisions rather than as a violation of this code of ethics. (as added by Ord. #07-03, April 2007)

1-215. Violations. An elected official, employee, or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to suspension, removal from office or employment, or other disciplinary action and punishment as provided by the City of Springfield charter or other applicable law, and in addition is subject to censure by the board of mayor and aldermen. Violation of any provisions of this chapter should raise conscientious questions

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for the board of mayor and aldermen or other official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the city. (as added by Ord. #07-03, April 2007)