

RESOLUTION NO. 2017-04
Durham Township
Bucks County, Pennsylvania

**A RESOLUTION OF DURHAM TOWNSHIP ESTABLISHING A CODE
OF ETHICS AND CONDUCT APPLICABLE TO ALL ELECTED AND
APPOINTED OFFICIALS OF THE TOWNSHIP**

WHEREAS, the Township of Durham is a second-class township organized and operating under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Durham Township Board of Supervisors holds public meetings to conduct the business of the Township; and

WHEREAS, various Boards, Committees, and Commissions of the Township hold public meetings to conduct the business of the Township; and

WHEREAS, the Township is obligated to provide the members of the public a reasonable opportunity at each public meeting to comment on matters of concern and on official actions or deliberation on matters which are or may be before these various Boards, Committees, and Commissions of the Township pursuant to the Sunshine Act (Title 65 Pa.C.S.A. §701 *et seq.*); and

WHEREAS, the Board of Supervisors may adopt by official action rules and regulations necessary for the conduct of its meetings and the maintenance of order pursuant to the Sunshine Act (Title 65 Pa.C.S.A. §701 *et seq.*); and

WHEREAS, the Durham Township Board of Supervisors expects all elected and appointed officials of the Township to conduct themselves in an ethical, forthright, professional, and courteous manner when dealing with Township business, other officials, other governmental entities, the Township Staff, and the public; and

WHEREAS, the Board of Supervisors may adopt by official action certain rules and regulations concerning the conduct of the elected and appointed officials of Durham Township pursuant to the Sunshine Act (Title 65 Pa.C.S.A. §701 *et seq.*); the Second Class Township Code (Title 53 P.S. §65101 *et seq.*); and the Public Official and Employee Ethics Act (Title 65 Pa.C.S.A. §1101 *et seq.*)

NOW THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Durham Township, Bucks County, Commonwealth of Pennsylvania, that the Durham Township Code of Ethics and Conduct is hereby established as follows:

DURHAM TOWNSHIP CODE OF ETHICS AND CONDUCT

PURPOSE

Durham Township Board of Supervisors adopts this Code of Ethics and Conduct to assure that all elected and appointed officials who are members of all Township Boards, Committees and Commissions; Township Staff; and/or Township Consultants (“Officials”), while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of Durham Township’s government.

A. ETHICS

The citizens and businesses of Durham are entitled to have fair, ethical, and accountable local government. To this end, the public should have full confidence that their Officials:

- Comply with both the letter and the spirit of the laws and policies affecting the operations of government
- Are independent, impartial, and fair in their judgement and actions;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility.

Therefore, all Officials shall conduct themselves in accordance with the following ethical standards:

1. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, Officials will work for the common good of the people of Durham and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions coming before them.
2. **Comply with both the spirit and the letter of the Law and Durham Township Policy.** Officials shall comply with the statutes, laws, ordinances, codes, rules and regulations of the Federal Government, the Commonwealth of Pennsylvania, County of Bucks, and the Township of Durham in the performance of their public duties.
3. **Conduct of Members.** The professional and personal conduct of Officials while exercising their office must be above reproach and avoid even the appearance of impropriety. Officials shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members of Township Boards, Committees, and Commissions; the staff; Township Consultants; or the public.

4. **Respect for Process.** Officials shall perform their duties in accordance with the processes and rules of order established by the Board of Supervisors.
5. **Conduct at Public Meetings.** Officials shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand.
6. **Confidential Information.** Officials must maintain the confidentiality of all written materials and verbal information provided to Officials which is confidential or privileged. Officials shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.
7. **Advocacy.** Officials shall represent the official policies or positions of the Board of Supervisors to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Officials shall explicitly state they do not represent their body or Durham Township, nor will they allow the inference that they do. While Officials have the right to endorse candidates for all Supervisor seats or other elected offices; it is inappropriate to mention or display endorsements during any official Township meeting.
8. **Policy Role of Members.** Officials shall respect and adhere to the supervisor-administrator structure of Durham Township government. In this structure, the Board of Supervisors determines the policies of the Township with advice and information provided by Staff, Consultants, Township boards and commissions, and the public. Officials shall not interfere with the administrative functions of the Township nor the professional duties of Township Staff and Consultants; nor shall they impair the ability of staff to implement Board of Supervisor policy decisions.
9. **Independence of Boards, Committees and Commissions.** Because of the value of the independent advice of Township boards and commissions to the public decision-making process, Supervisors shall refrain from using their position to unduly influence the deliberations or outcomes of the proceedings of such boards and commissions.
10. **Positive Work Place Environment.** Officials shall support the maintenance of a positive and constructive work place environment for Township Staff and Consultants, and for citizens and businesses dealing with the Township. Officials shall recognize their special role in dealings with Township Staff and shall in no way create the perception of or attempt to undertake inappropriate direction to Township Staff or Consultants.

B. CONDUCT GUIDELINES

The Conduct Guidelines are designed to describe the manner in which Officials should treat one another, Township Staff, constituents, and others they come into contact with while representing Durham Township.

1. Officials' Conduct with Each Other at Public Meetings

Officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve the public good in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue.

(a) Honor the role of the Chair in maintaining order

It is the responsibility of the Chair of any Township Board, Committee, or Commission to keep the comments of Officials on track during public meetings. Officials should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

(b) Practice civility and decorum in discussions and debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate undertaken within a free democratic government in action. Free debate does not require nor justify, however, Officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.

(c) Demonstrate effective problem-solving approaches

Officials have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

2. Officials' Conduct with the Public in Public Meetings

(a) Be welcoming to speakers and treat them with care and gentleness.

While questions of clarification may be asked, the Official's primary role during public testimony is to listen.

(b) Be fair and equitable in allocating public hearing time to individual speakers.

The Chair will determine and announce limits on speakers at the start of the public hearing process. It is the general policy of the Township to limit speakers to three minutes a piece to ensure everyone at the meeting has the opportunity to speak and

no one speaker or group of speakers monopolizes the time set aside for public comment.

(c) Practice active listening

It is disconcerting to speakers to have Officials not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Officials shall try to be conscious of facial expressions, and avoid those that could be interpreted as “smirking,” disbelief, anger or boredom.

(d) Maintain an open mind

Members of the public deserve an opportunity to impact the thinking of elected and appointed officials.

(e) Ask for clarification, but avoid debate and argument with the public

Only the Chair – not individual members – of a Township Board, Committee, or Commission can interrupt a speaker during a presentation. However, a member can ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

3. General Rules of Conduct for Officials and the Public at Public Meetings

(a) An agenda shall be prepared in advance of all public meetings which shall be posted on the Township’s website at least 24 hours prior to the commencement of the scheduled public meeting.

(b) All appointments or requests to be placed on the agenda of a Township public meeting shall be made at least one (1) week before the scheduled public meeting. No appointments or individuals shall be placed on the agenda outside of this time period without specific direction from the Chair of the Township Board, Committee, or Commission holding this meeting.

(c) Draft meeting minutes will not be posted on the Township’s website prior to the meeting at which they are scheduled for approval; however, draft meeting minutes will be available at the meeting at which they are scheduled for approval.

(d) There will be placed at the end of the agenda for each public meeting a time for members of the public to comment on matters of concern, official actions or deliberation which are or may be before the Board of Supervisors or other Township Boards, Committees, or Commissions. Such time on the agenda shall be titled "Public Comment". The following guidelines are established for this portion of the meeting:

- (1) Members of the public shall comment only after being recognized by the Chair conducting the meeting;
 - (2) Members of the public shall announce their name and address prior to addressing the Board, Committee, or Commission;
 - (3) The Chair may rule out-of-order scandalous, impertinent, and redundant comments, or comments the discernible purpose or effect of which is to disrupt the proceedings of the meeting;
 - (4) The Chair may allocate available time among individuals wishing to comment;
 - (5) The total time allocated for the "public comment" period at each meeting shall be sixty (60) minutes but may be extended at the Chair's discretion;
 - (6) The time allocated for "public comment" to each members of the public shall be three (3) minutes but may be extended at the discretion of the Chair;
 - (7) No member of the public may yield his or her comment time to other speakers who wish to comment; and
 - (8) In the event that there is insufficient time for public comment, the Township Board, Committee, or Commission holding this meeting, at its discretion, may continue the Public Comment to its next regular meeting or to a special meeting occurring in advance of the next regular meeting.
- (e) At the discretion of the Chair conducting the meeting, members of the public may comment on issues being discussed during the meeting other than during "Public Comment".
- (f) When a group of persons wishes to address a Township Board, Committee, or Commission on the same subject matter, the Chair may request that a spokesperson be chosen by the group to address the Township body so as to avoid unnecessary repetition.
- (g) Members of the public may use audio or stenographic recorders to record all or any portion of the meeting. Said recorder shall be operated from the area set aside for the general public seating and may not be placed on the Township table at the front of the room without prior consent of the Chair conducting the meeting.
- (h) Video recorders may be used to record all or any portion of a public meeting. The operator of the recorder shall remain seated in the area set aside for the general public or stand in the rear of the room behind the general public seating area so as not to interfere in any way with the activities of the Township Board, Committee, or

Commission conducting the meeting nor with the ability of the general public to observe and participate in the meeting.

- (i) No person shall obstruct, in any way, any entrance or exit to the public meeting room.
- (j) Any member of the public proposing to operate recording equipment at a public meeting shall make a general announcement, prior to the operation of the recording equipment, which will include the name and address of the person recording the meeting and that the meeting shall be so recorded.
- (k) To facilitate the business of the Township and to maintain order, there shall be no foul or vulgar language used or gestures made during any public meeting.
- (l) All comments at a public meeting should be substantive and not include any defamatory content and/or personal attacks on the integrity of others whether or not they are present.
- (m) At all times, each attendee shall respect the point of view of others. No comment disagreeing with another's point of view shall involve a personal attack on the character of others with a different point of view.
- (n) Unless the Chair has pre-approved a public comment or verbal notice for the benefit of the community, all comments shall be directed to the Township Board, Committee, or Commission holding the meeting and not to the audience.
- (o) The use of cell phones by members of the public during any Township meeting shall be prohibited. All cell phones shall either be turned-off or silenced while the meeting is being conducted.
- (p) Any conduct disruptive of the public meeting and interfering with the business of the Township, such as talking when not recognized by the Chair; talking beyond the allotted time; raising comments violative of this Code; raising non-Township related matters; and/or the use of a cell phone, shall not be tolerated.
- (q) If the conduct and order of the public meeting can no longer be maintained, the Chair may recess the meeting in order to calm the situation and restore order so the business of the Township may be conducted when the meeting resumes.

4. **Officials' Conduct with Township Staff and Consultants**

Governance of a Township relies on the cooperative efforts of elected officials (Supervisors), who set policy, appointed officials who advise the elected, and Township Staff who implement and administer the Board of Supervisors' policies. Therefore,

every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

(a) Treat all Staff and Consultants as professionals

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards Staff or Consultants is not acceptable.

(b) Do not disrupt Township Staff from their jobs

Officials should not disrupt Township Staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.

(c) Never publicly criticize an individual employee

Officials should never express concerns about the performance of a Township employee in public, to the employee directly, or to the employee's manager. Comments about staff performance from Officials should only be made to the Township Administrator/Manager through private correspondence or conversation.

(d) Do not get involved in administrative functions

Officials acting in their individual capacity must not attempt to influence Township Staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, granting Township licenses and permits, or any other discretionary administrative function.

C. SANCTIONS

1. Acknowledgement of Code of Ethics and Conduct

Supervisors who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct shall be ineligible for intergovernmental assignments or Subcommittees. Township Board, Committee and Commission members who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct are not eligible to hold office.

2. Behavior and Conduct

The Durham Township Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Durham Township Board of Supervisors, Committees and Commissions. Members themselves have the primary responsibility to assure that the ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The Chairs of these Boards, Committees, and Commissions 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.

(a) Supervisors:

Supervisors who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Board of Supervisors, lose seniority or committee assignments, or lose other discretionary privileges afforded by the Board.

(b) Board, Committee and Commission Members:

The Board of Supervisors may impose sanctions on Board, Committee, and Commission members whose conduct does not comply with the Township's policies, up to and including removal from office. Any form of discipline imposed by the Board of Supervisors shall be determined by a majority vote of the full Board at a public meeting and such action shall be preceded by a public presentation to the Board with supporting documentation.

3. Compliance with Other Laws

All discipline and disciplinary procedures shall comply with the applicable laws, ordinances, codes, rules and regulations of the Commonwealth of Pennsylvania and Durham Township.

D. IMPLEMENTATION

This Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for Officials expected by the Durham Township Board of Supervisors. It therefore becomes most effective when Officials are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be included in the regular orientations for candidates/applicants for Township Supervisor; Township Administrator/Manager; Township Secretary/Treasurer; Township Consultants; and any Township Board, Committee, and Commission. Officials entering office shall sign a statement similar to the example provided below, acknowledging they have read and understand this Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be periodically reviewed by the Board of Supervisors and updated as necessary.

EXAMPLE:

I affirm that I have read and understand the Durham Township Code of Ethics and Conduct for Elected and Appointed Officials.

Signature _____ Date _____

RESOLUTION NO. 2017-04
Durham Township
Code of Ethics and Conduct

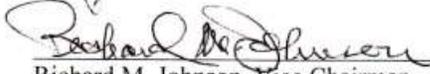
DULY ADOPTED by the Board of Supervisors of Durham Township, Bucks County, Pennsylvania, in the lawful session duly assembled this 11 day of July, A.D. 2017.

ATTEST:


Dani McClanahan,
Township Administrator

DURHAM TOWNSHIP
BOARD OF SUPERVISORS


Bartley E. Millett, Chairman


Richard M. Johnson, Vice Chairman

Kathy Gentner, Member