



Town of Erie Town Council, Boards, Commissions & Committees Code of Conduct and Ethics

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Section 1. Introduction

Article 2 of the Erie Home Rule Charter provides detailed information on the roles and responsibilities of the Town Council. For purposes of this Policy, the term "Councilmember" includes the Mayor and Mayor Pro Tem.

The Policy defines the way Councilmembers should seek to treat one another, Town staff, constituents, and others they encounter while representing the Town. It more clearly defines the behavior, manners, and courtesies that are suitable for various occasions. It also provides clarifications designed to make public meetings and the process of governance run more smoothly.

The Town Council has adopted a separate Rules of Order document which covers how meetings are handled.

The constant and consistent theme through all this Policy is "respect." Councilmembers may experience stress in making decisions that impact the lives of residents, business owners or visitors. At times, the impact of the entire community must be weighed against the impact of only a few. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that may help guide Councilmembers to do the right thing in even the most difficult situations.

Section 2. Roles & Responsibilities

1. Mayor. The Mayor:

- a. Is recognized as head of the Town Government for all legal and ceremonial purposes.
- b. Presides over meetings of the Town Council.
- c. Has the same speaking and voting rights as any other member.

- d. Executes and authenticates legal instruments requiring signature.
- e. Leads the Town Council into an effective, cohesive, working team.

2. Mayor Pro Tem. The Mayor Pro Tem:

- a. Is elected by the Town Council at the first meeting following the election.
- b. Performs the duties of the Mayor if the Mayor is unable to perform such duties.

3. All Councilmembers. All Councilmembers should:

- a. Fully participate in Town Council meetings and other public fora while demonstrating respect, kindness, consideration, and courtesy to others.
- b. Prepare in advance of meetings and be familiar with issues on the agenda.
- c. Represent the Town at ceremonial functions.
- d. Be respectful of other people's time.
- e. Stay focused and act efficiently during public meetings.
- f. Serve as a model of leadership and civility to the community.
- g. Inspire public confidence in Town government.
- h. Demonstrate honesty and integrity in every action and statement.
- i. Participate in scheduled activities.

Section 3. Policies & Protocol Related to Conduct

1. Correspondence. Councilmembers do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Town Council meetings. Town staff will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor or the appropriate Town staff. Anonymous letters will not be accepted nor acknowledged by either the Town Council or staff. If correspondence is addressed only to one Councilmember, that correspondence will be shared with the rest of the Town Council.

2. Endorsement of candidates. Councilmembers retain their personal right to endorse candidates for all Town Council seats or other elected offices. However, Councilmembers should refrain from mentioning endorsements during Town Council meetings or other official Town meetings or functions.

3. Intergovernmental relations. The Town Council values intergovernmental relations with neighboring communities and other entities. As a result, Councilmembers should make a concerted effort to attend scheduled meetings with other entities to promote intergovernmental relations.

4. Travel expenses.

- a. The purpose of this regulation is to establish the policies and procedures for Councilmembers who travel on official Town business either in-state or out-of-state. Such travel shall include attendance at conferences, seminars, and training sessions on behalf of the Town. The Town shall pay reasonable expenses for registration fees, lodging, meals, transportation, and all allowable miscellaneous expenses.
- b. Travel at a vendor's expense is prohibited for Councilmembers as the possibility exists for the trip to be misconstrued as a gratuity, or that favoritism will be shown to a particular vendor in future award of contracts.
- c. The expense of attending Town-related functions shall be limited to individual Councilmember attendance only and shall be evaluated in terms of alternative methods and consequences of failing to attend. If others attend such functions with a Councilmember, such as a family member, their expense shall be the responsibility of the Councilmember.
- d. Councilmembers shall follow the same rules and regulations required of Town employees for travel expenses.

Section 4. Conduct with One Another

1. Generally. The Town Council is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as the Town Council may "agree to disagree" on contentious issues.

2. In public meetings.

- a. Practice civility, professionalism, 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 a free democracy in action. This, however, does not allow Councilmembers to make false, belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments to other Councilmembers, advisory board members, Town staff, or the public. No shouting or physical actions that could be construed as threatening will be tolerated. Councilmembers should conduct themselves in a professional manner at all times, including dress.
- b. Honor the role of the Chair in maintaining order. The Chair shall keep the comments of Councilmembers on track during public meetings.
 - i. Councilmembers 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.

- ii. The Chair has the responsibility to run an efficient public meeting and has the discretion to modify the process for a meeting to run smoothly and stay on schedule.
- c. Show respect for different points of view. Refrain from arguing or debating with the public and each other during a meeting. Practice civility and decorum in discussions and debate. Difficult questions, challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action.
 - i. Hold each other accountable for professional decorum.
 - ii. Do not interrupt or speak over others.
- d. Avoid personal comments that could offend other Councilmembers. If a Councilmember is personally offended by the remarks of another Councilmember, the offended Councilmember should make note of the actual words used and call for a "point of personal privilege" that challenges the other Councilmember to justify or apologize for the language used. The Chair will maintain control of this discussion.
- e. Strive to understand various perspectives and opinions while encouraging cooperation and collaboration. Demonstrate effective problem-solving approaches. Members 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.
- f. Be prepared, punctual and on topic.
 - i. Be punctual; respect that all members have made a commitment to attend meetings and partake in discussions.
 - ii. Prepare and review meeting materials in advance and be familiar with issues on the agenda.
 - iii. Keep discussions on the current topic to allow sufficient time to fully discuss the issues on the agenda.

3. In private encounters.

- a. Continue respectful behavior in private. The same level of respect and consideration of differing points of view that are appropriate for public discussions should be maintained in private conversations.
- b. Be aware that written notes, voicemail messages, and e-mail may be distributed wide and far. Written notes, texts, voicemail messages, social media posts, and e-mails should be treated as potentially "public" communication.

- c. Even private conversations can have a public presence. Elected officials are always on display. People around them that they may not know monitor their actions, mannerisms, and language. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

Section 5. Conduct with Town Staff

1. Generally. Governance of a Town relies on the cooperative efforts of elected officials who set policy, and Town staff who implement and administer the Town Council's policies. Therefore, Councilmembers should make every effort to be cooperative and show mutual respect for the contributions made by each individual for the good of the community. Good relationships between the Town Council and Town staff at all levels are in the best interest of serving the community.

2. Treat all staff as professionals.

Clear, honest communication that respects the abilities, professional and educational experience, and dignity of each individual is expected. Understand that disrespectful behavior towards staff is not acceptable and will be addressed by the Town Manager. The Town follows all employment legal guidelines for maintaining a workplace that is safe and free from harassment in all forms.

3. Contact with Town staff.

- a. The Charter specifies that the Town Council shall deal with the administrative service solely and directly through the Town Manager, and the Town Council shall not direct or interfere with the work of any employee under the Town Manager.
- b. Requests for follow-up or directions to staff should be made only through the Town Manager. When in doubt about what staff contact is appropriate, Councilmembers should ask the Town Manager for direction. Materials supplied to a Councilmember in response to a request will be made available to all members of the Town Council so that all have equal access to information.

4. Do not disrupt Town staff from their jobs. Councilmembers should not disrupt Town staff while they are in meetings, on the phone, or engrossed in performing their job functions to have their individual needs met.

5. Never publicly criticize an individual employee.

- a. Councilmembers should never express concerns about the performance of a Town employee in public to the employee directly, or to the employee's manager.
- b. Comments about staff performance should only be made to the Town Manager through private correspondence or conversation.

- c. Complaints about the Town Manager should be made to the Mayor.

6. Do not get involved in administrative functions. Councilmembers should not attempt to influence Town staff on the making of appointments, the awarding of contracts, selecting of consultants, processing of development applications, granting of Town licenses and permits, or conducting the professional responsibilities associated with their positions.

7. Do not solicit political support from Town staff.

- a. Do not solicit any type of political support (asking for financial contributions, display of posters or lawn signs, name on a support list, other campaign-related assistance, etc.) from Town staff.
- b. Town staff have the constitutional right to support political candidates of their own choosing, but all such activities must be done when the employee is on their own time, away from the workplace, and not in uniform.

8. Understand the attorney-client relationship. This relationship is between the Town attorney and the Town, acting by and through the Town Council, not with individual Councilmembers.

9. Check with Town staff on correspondence before taking action. Before sending correspondence, Councilmembers should check with Town staff to see if an official Town response has already been sent or is in progress.

10. Do not attend meetings with Town staff unless requested by Town staff. Even if the Councilmember does not say anything, the Councilmember's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

11. Limit requests for staff support. Requests for staff support – even in high priority or emergency situations – should be made to the Town Manager who is responsible for allocating Town resources to maintain a professional, well-run Town government.

Section 6. Conduct with the Public

1. In public meetings.

- a. *Make the public feel welcome.* Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice, or disrespect should be evident on the part of individual Councilmembers toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony. To convey respect and appreciation for the public, all members should consider the following:
 - i. Speaking in front of the Town Council can be a difficult experience for some people. Some issues the Town Council undertakes may affect

people's daily lives and homes. Some decisions are emotional. The way the Town Council treats people during public hearings can either help them relax, or push their emotions to a higher level of intensity.

- ii. While questions of clarification may be asked, the member's primary role during public testimony is to listen.
- iii. The Chair will follow the pre-established time allocation for each speaker and seek to apply the allocation equally to every speaker in a fair and impartial manner. If there is a need to shorten the allotted time for speakers, the Chair will announce those limits prior to the start of the agenda item.
- iv. No speaker will be turned away. The Town Council may control the time, place, and manner of public comments, but not the content of those comments. If a Councilmember finds the comments of the speaker offensive, they may leave the room for that comment period.

b. *Practice active listening.*

- i. Demonstrate active listening and interest in each speaker's presentation and avoid any pessimistic body language. If Councilmembers appear to be texting or emailing during a meeting it may raise questions of whether the member is distracted, and whether inappropriate sidebar conversations are happening between members.
- ii. It is acceptable 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.
- iii. Be mindful of facial expressions, especially those that could be interpreted as "smirking", disbelief, anger, or boredom.

c. *Maintain an open mind.* Members of the public deserve an opportunity to influence the thinking of Councilmembers.

d. *Ask for clarification, but avoid debate and argument.*

- i. Do not interrupt a speaker during a presentation.
- ii. A member may respectfully ask the Chair for a point of order if a speaker is off topic or exhibiting behavior or language the member finds disturbing.
- iii. Questions by Councilmembers to members of the public testifying should seek to clarify or expand information.
- iv. It is never appropriate to challenge or belittle the speaker.

- v. Councilmembers' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.
- e. *No personal attacks.* There should be no personal attacks of any kind under any circumstances. Councilmembers should be aware that their body language and tone of voice, as well as their words, can appear to be intimidating or aggressive.

2. In unofficial settings.

- a. Make no promises on behalf of the Town Council or the Town.
 - i. Councilmembers will frequently be asked to explain a Town Council action, or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of Town policy, and to refer the constituent to Town staff for further information. It is inappropriate to overtly or implicitly promise Town Council action, or to promise that Town staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).
 - ii. Councilmembers may be asked to meet one-on-one with potential developers or business leaders. This is permitted so long as the individual or their business does not have an application pending with the Town for some form of development review or approval. In such meetings remember you cannot individually bind or represent the Town; only a majority vote of the Town Council can do so.
- b. Make no personal comments about other Councilmembers. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Councilmembers, their opinions, or actions.
- c. Remember that Erie is a community at heart. The community is constantly observing Councilmembers every day they serve in office. Their behaviors and comments serve as models for proper deportment in the Town. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Councilmembers, 24 hours per day, 7 days per week. It is a serious and continuous responsibility.
- d. Apply these principles to your use of social media. Social media posts and comments instantly become a permanent record of your comments as a Councilmember. It is very difficult to separate your private persona from your role as an elected official. Be mindful of your interactions on social media.
- e. Responsiveness.
 - i. Councilmembers should make it a priority to respond to questions from the public in a timely manner or direct them to Town staff to answer their questions.

- ii. Generally, Councilmembers should respond to inquiries from the public within 48 hours or put an "out of office" reply on their devices to let the public know that they are not available and who they should contact instead.

Section 7. Conduct with Other Public Agencies

1. Be clear when representing the Town's interests or personal interests.

- a. If a Councilmember appears before another governmental agency or organization to give a statement on an issue, the Councilmember must clearly state: (1) if their statement reflects personal opinion or is the official stance of the Town; and (2) whether this is the majority or minority opinion of the Town Council. An official stance of the Town may only be formally established by a majority vote of the Town Council or if it is clearly reflected in the Town Council's adopted Legislative Agenda. Even if the Councilmember is representing their own personal opinions, remember that this still may reflect upon the Town as an organization.
- b. If the Councilmember is representing the Town, the Councilmember must support and advocate the official Town position on an issue, not a personal viewpoint.
- c. If the Councilmember represents another organization whose position is different from the Town's, the Councilmember should withdraw from voting on the issue if it significantly impacts or is detrimental to the Town's interest. Councilmembers should be clear about which organizations they represent and inform the Town Manager, Mayor, and Town Council of their involvement in other organizations.

2. Correspondence also should be equally clear about representation.

- a. Town letterhead may be used when the Councilmember is representing the Town and the Town's official position. A copy of official correspondence should be given to the Town Clerk to be filed as part of the permanent public record. Town letterhead should not be used for correspondence of Councilmembers representing a personal point of view, or a dissenting point of view from an official Town Council position.
- b. Town email may be used by a Councilmember for official correspondence. Any personal or campaign correspondence should be maintained on a separate email address.

Section 8. Conduct with Members of Other Boards and Commissions

- 1. Generally.** The Town has established several boards and commissions as a means of gathering more community input. Citizens who serve on boards and commissions become more involved in government and serve as advisors to the Town

Council. They are a valuable resource to the Town's leadership and should be treated with appreciation and respect.

2. If attending a board or commission meeting, be careful to only express personal opinions, policies or positions formally approved by the Town Council.

- a. Councilmembers should be sensitive to the way their participation could be viewed as unfairly affecting the process. A Councilmember's mere presence at a hearing can influence the process.
- b. Any public comments by a Councilmember at a board or commission meeting should be clearly made as an individual opinion and not a representation of the feelings of the entire Town Council.
- c. For quasi-judicial matters, Councilmembers should not attend a Planning Commission meeting.

3. Limit contact with board and commission members to questions of clarification. Councilmembers should contact staff to clarify a position taken by the board or commission.

4. Remember that boards and commissions serve the community, not individual Councilmembers.

- a. The Town Council appoints individuals to serve on boards and commissions, and it is the responsibility of those members to follow policy established by the Town Council.
- b. Board and commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten board and commission members with removal if they disagree about an issue.
- c. Appointment and re-appointment to a board or commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties.
- d. A board or commission appointment should not be used as a political "reward."

5. Be respectful of diverse opinions.

- a. A core role of the Town's boards and commissions is to represent many points of view in the community, and to provide the Town Council with advice based on a full spectrum of concerns and perspectives.
- b. Councilmembers must be fair and respectful of all residents serving on boards and commissions.

6. Keep political support away from public fora.

- a. Board and commission members may offer political support to a Town Councilmember, but not in a public forum while conducting official duties.
- b. Councilmembers may support board and commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

Section 9. Conduct with the Media

1. The best advice for dealing with the media is to never go "off the record." Most members of the media represent the highest levels of journalistic integrity and ethics and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

2. The Communications Department is the official spokesperson for any official Town position.

- a. If the media contacts an individual Councilmember, the Councilmember should be clear about whether their comments represent the official Town position or a personal viewpoint.
- b. An official stance of the Town can only be formally established by a majority vote of the Town Council.

3. Choose words carefully and cautiously. Comments taken out of context can cause problems. Be especially cautious about humor, sarcasm, or word play. It is never appropriate to use slurs or swear words when talking with the media.

Section 10. Complaints

1. Violations of the Code of Ethics and Conduct.

- a. A Councilmember who believes they have been the victim of a violation of the Code of Conduct and Ethics or believes they have witnessed such violation should file a complaint with the Town Clerk.
- b. The subject of the complaint will be notified of the complaint.
- c. The complaint will be processed pursuant to the Code of Conduct and Ethics, which may include an investigation and an administrative hearing, if warranted.

Section 11. Principles of Proper Conduct

1. Proper conduct is:

- a. Keeping promises;
- b. Being dependable;
- c. Building a solid reputation;
- d. Participating and being available;
- e. Demonstrating patience;
- f. Showing empathy;
- g. Holding onto ethical principles under stress;
- h. Listening attentively;
- i. Studying thoroughly;
- j. Keeping integrity intact;
- k. Overcoming discouragement;
- l. Going above and beyond, time and time again; and
- m. Modeling a professional manner.

2. Proper conduct is not:

- a. Showing antagonism or hostility;
- b. Deliberately lying or being misleading;
- c. Speaking recklessly;
- d. Spreading rumors;
- e. Stirring up bad feelings, and divisiveness; and
- f. Acting in a self-righteous manner.

3. It all comes down to respect. Respect for one another as individuals, respect for the validity of different opinions, respect for the democratic process, and respect for the community the Town Council serves is consistent with the pledge in the Town's Home Rule Charter to, "uphold the principles of democracy, equity, and justice, and to foster a community that is inclusive, diverse, and welcoming to all".

Section 12. Checklist for Monitoring Conduct

1. Will my decision, statement or action violate the trust, rights, or good will of others?
2. What are my internal motives and the spirit behind my actions?
3. If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
4. How would people whose integrity and character I respect evaluate my conduct?
5. Even if my conduct is not illegal or unethical, is it done at someone else's expense? Will it destroy their trust in me? Will it harm their reputation?
6. Is my conduct fair? Just? Morally right?
7. If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
8. Does my conduct give others reason to trust or distrust me?
9. Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
10. Do I exhibit the same conduct in my private life as I do in my public life?
11. Can I take legitimate pride in the way I conduct myself and the example I set?
12. Do I listen and understand the views of others?
13. Do I question and confront different points of view in a constructive manner?
14. Do I work to resolve differences and come to mutual agreement?
15. Do I support others and show respect for their ideas?
16. Will my conduct cause public embarrassment to someone else?

Section 13. Glossary of Terms

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| 1. Attitude | The manner in which one shows one's dispositions, opinions, and feelings. |
| 2. Behavior | External appearance or action; manner of behaving; carriage of oneself. |
| 3. Civility | Politeness, consideration, courtesy. |
| 4. Conduct | The way one acts; personal behavior. |
| 5. Courtesy | Politeness connected with kindness. |
| 6. Decorum | Suitable; proper; good taste in behavior. |
| 7. Manners | A way of acting; a style, method, or form; the way in which things are done. |
| 8. Point of order | An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration. |
| 9. Point of personal privilege | A challenge to a speaker to defend or apologize for comments that a fellow Councilmember considers offensive. |
| 10. Propriety | Conforming to acceptable standards of behavior. |
| 11. Protocol | The courtesies that are established as proper and correct. |
| 12. Respect | The act of noticing with attention; holding in esteem; courteous regard. |