



38           **SECTION 1. BE IT ENACTED BY THE MAYOR AND COMMISSIONERS OF**  
39 **THE TOWN OF PERRYVILLE** that new Sections 6-1 through 6-3 are hereby added to the  
40 Code of the Town of Perryville, to be under the new Chapter 6 – Mayor and Commissioners  
41 Code of Conduct, to follow immediately after Section 5-2 of Chapter 5 - Code Enforcement, and  
42 to read as follows:

43           **Chapter 6 – MAYOR AND COMMISSIONERS CODE OF CONDUCT**

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45 **§ 6-1. CODE OF CONDUCT FOR MAYOR AND COMMISSIONERS - PURPOSE**

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47           (A) THE PURPOSE OF THIS CHAPTER IS TO DEFINE THE ROLE OF MAYOR  
48 AND COMMISSIONERS IN THE GOVERNANCE OF THE TOWN OF PERRYVILLE AND  
49 TO ADVANCE THE TOWN'S GOALS OF PROVIDING EFFICIENT AND HIGH-QUALITY  
50 SERVICES TO ITS RESIDENTS AND PROVIDING A SAFE AND PRODUCTIVE WORK  
51 ENVIRONMENT FOR ITS EMPLOYEES.

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53           (B) THIS CHAPTER IMPLEMENTS THE PROVISIONS OF SECTION C3-10 OF  
54 THE CHARTER OF THE TOWN OF PERRYVILLE BY PROVIDING FOR THE  
55 ENFORCEMENT OF THAT SECTION AND ESTABLISHING POLICIES, RULES,  
56 EXPLANATIONS AND INTERPRETIVE GUIDANCE FOR IMPLEMENTING THAT  
57 SECTION.

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59           (C) THIS CHAPTER DOES NOT PROVIDE A RULE OF CONDUCT FOR ALL  
60 SITUATIONS. HOWEVER, THE MAYOR AND COMMISSIONERS SHALL MANAGE  
61 THEIR BEHAVIOR IN A MANNER CONSISTENT WITH THE POLICIES, RULES AND  
62 GUIDANCE THAT FOLLOW IN § 6-2.

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64 **§ 6-2. POLICIES AND RULES.**

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66           POLICIES GOVERNING THE CONDUCT OF THE MAYOR AND  
67 COMMISSIONERS ARE LISTED IN THIS SECTION. FOLLOWING EACH POLICY IS A  
68 SET OF RULES THAT GIVE SPECIFIC APPLICATION TO THE POLICY. IN ITALICS  
69 FOLLOWING EACH RULE IS AN EXPLANATION OF THE RULE AND GUIDANCE FOR  
70 INTERPRETING AND APPLYING THE RULE.

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72           (A) (1) POLICY A. THE MAYOR AND COMMISSIONERS SHALL DEAL WITH  
73 THE ADMINISTRATIVE SERVICE SOLELY THROUGH THE TOWN ADMINISTRATOR  
74 EXCEPT AS OTHERWISE MAY BE PROVIDED BY ORDINANCE.

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76                   (2) RULES AND GUIDANCE:

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78                   A. THE MAYOR AND COMMISSIONERS SHALL NOT DIRECT,  
79 ORDER OR MAKE DEMANDS ON ANY TOWN EMPLOYEE, OTHER THAN INQUIRIES  
80 THAT CAN BE ANSWERED ROUTINELY AND WITHOUT RESEARCH.

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82 (I) TOWN STAFF ARE ORGANIZED IN A HIERARCHICAL  
83 STRUCTURE, AND TOWN EMPLOYEES WORK UNDER THE DIRECTION AND CONTROL  
84 OF SEVERAL LAYERS OF MANAGEMENT CULMINATING WITH THE TOWN  
85 ADMINISTRATOR. THE MAYOR AND INDIVIDUAL COMMISSIONERS ARE NOT PART OF  
86 THAT MANAGEMENT STRUCTURE AND HAVE NO AUTHORITY TO DIRECT EMPLOYEES.  
87 WHEN AN OFFICIAL ATTEMPTS TO GIVE AN EMPLOYEE DIRECTION, THE EMPLOYEE  
88 IS PUT IN AN AWKWARD POSITION AND THE MANAGEMENT STRUCTURE IS  
89 UNDERMINED. IN SOME CASES, SUCH ACTIONS HAVE THE POTENTIAL FOR  
90 LIABILITY. THE MAYOR AND COMMISSIONERS ARE NOT AUTHORIZED DIRECTLY TO  
91 GIVE WORK ASSIGNMENTS TO EMPLOYEES, INCLUDING DEPARTMENT HEADS.  
92 EMPLOYEES ARE INSTRUCTED NOT TO TAKE DIRECTIONS OR WORK ASSIGNMENTS  
93 FROM OFFICIALS AND TO REPORT ANY SUCH ATTEMPTS TO THEIR DEPARTMENT  
94 HEAD. AN OFFICIAL MAY ASK A ROUTINE QUESTION OF STAFF; BEYOND THAT,  
95 CONCERNS ABOUT WORK ASSIGNMENT SHOULD BE ADDRESSED TO THE TOWN  
96 ADMINISTRATOR

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98 B. THE MAYOR OR COMMISSIONERS SHALL NOT ATTEMPT TO  
99 REORGANIZE AN EMPLOYEE'S PRIORITIES OR INFLUENCE HOW TOWN STAFF  
100 PERFORM THEIR ASSIGNED FUNCTIONS OR DUTIES.

101  
102 (I) TOWN EMPLOYEES ARE DIRECTED IN THEIR EVERYDAY  
103 TASKS BY THEIR IMMEDIATE SUPERVISOR IN ACCORDANCE WITH APPROVED WORK  
104 PLANS. INTERFERENCE WITH AN EMPLOYEE'S WORK ROUTINE, PRIORITIES OR  
105 DECISION-MAKING PROCESSES BY THE MAYOR OR A COMMISSIONER CREATES  
106 CONFUSION AND STRESS AND PLACES THE EMPLOYEE IN THE DIFFICULT POSITION  
107 OF EITHER DISREGARDING HIS OR HER ASSIGNED WORK OR APPEARING TO  
108 DISRESPECT THE OFFICIAL'S WISHES. ALL REQUESTS FOR WORK OR RESEARCH BY  
109 SHOULD BE DIRECTED TO THE TOWN ADMINISTRATOR. FROM TIME TO TIME AN  
110 OFFICIAL MAY BELIEVE THAT A PROBLEM MUST BE LOOKED INTO IMMEDIATELY  
111 AND IS TEMPTED TO DIRECT AN EMPLOYEE TO DROP EVERYTHING AND FOCUS ON  
112 THAT PROBLEM. THIS IS UNACCEPTABLE AND THE MAYOR OR COMMISSIONER MUST,  
113 HOWEVER, COMMUNICATE THE CONCERN TO THE TOWN ADMINISTRATOR.

114  
115 C. NEITHER THE MAYOR NOR A COMMISSIONER SHALL  
116 RETALIATE OR THREATEN TO RETALIATE AGAINST AN EMPLOYEE AS A RESULT  
117 OF DISAGREEMENTS OVER POLICY RECOMMENDATIONS.

118  
119 (I) IT IS CRITICAL TO THE SUCCESS OF THE TOWN THAT ITS  
120 EMPLOYEES ENJOY A WORKPLACE FREE OF THE FEAR OF RETALIATION. THE TOWN  
121 TAKES GREAT PRIDE IN ITS CREATIVITY AND ITS RECEPTIVITY TO NEW AND  
122 DIFFERENT IDEAS. AN OPEN AND NONJUDGMENTAL ATMOSPHERE FOSTERS  
123 CREATIVITY WHERE CANDOR IS NOT PENALIZED. TOWN EMPLOYEES ARE HIRED TO  
124 OFFER THEIR PROFESSIONAL JUDGMENTS AND OPINIONS. THE MAYOR AND  
125 COMMISSIONERS ARE CERTAINLY FREE TO DISAGREE WITH THOSE JUDGMENTS  
126 AND, INDEED, THOSE OFFICIALS ULTIMATELY MAY HAVE THE FINAL WORD. BUT  
127 THOSE DISAGREEMENTS MUST NOT EXTEND TO THREATS OR GENERATE FEAR OF

128 REPRISAL. THE MAYOR AND COMMISSIONERS ENJOY SUBSTANTIAL INFLUENCE  
129 WITHIN TOWN HALL, AND THIS AUTHORITY MUST NOT BE EXERCISED IN A MANNER  
130 THAT INTIMIDATES STAFF AND DEGRADES MORALE WITH RESULTING DAMAGE TO  
131 THE FABRIC OF THE ORGANIZATION.

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133 D. NEITHER THE MAYOR NOR A COMMISSIONER SHALL  
134 THREATEN A TOWN EMPLOYEE WITH DISCIPLINARY ACTION.

135  
136 (I) IF THE MAYOR OR A COMMISSIONER IS CONCERNED  
137 ABOUT THE PERFORMANCE OF A TOWN EMPLOYEE, THAT CONCERN SHOULD BE  
138 EXPRESSED PRIVATELY TO THE TOWN ADMINISTRATOR. SUCH CRITICISMS CAN THEN  
139 BE ADDRESSED IN ACCORDANCE WITH THE TOWN'S PERSONNEL RULES, IN A  
140 MANNER THAT PROTECTS THE EMPLOYEE'S RIGHTS AND PROTECTS THE TOWN'S  
141 AUTHORITY PROPERLY TO DISCIPLINE ITS EMPLOYEES. IT IS NEVER ACCEPTABLE  
142 FOR AN OFFICIAL DIRECTLY TO THREATEN DISCIPLINARY ACTION OF ANY KIND,  
143 AND RARELY, IF EVER, IS IT APPROPRIATE TO CRITICIZE PUBLICLY AN EMPLOYEE.  
144 OFFICIALS SHOULD CERTAINLY HAVE HIGH EXPECTATIONS OF EMPLOYEES' WORK  
145 PERFORMANCE; BUT THERE IS NO ROOM IN THE TOWN ORGANIZATION FOR PUBLIC  
146 HUMILIATION OF ANY PERSON.

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148 (B) (1) POLICY B. THE MAYOR AND COMMISSIONERS SHALL ACT  
149 COLLECTIVELY IN A PROPERLY NOTICED AND CONSTITUTED MEETING AND  
150 HAVE NO AUTHORITY TO MAKE DECISIONS OR TAKE ACTIONS ON BEHALF OF  
151 THE BODY UNLESS EXPRESSLY AUTHORIZED TO DO SO.

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153 (2) RULES AND GUIDANCE:

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155 A. NEITHER THE MAYOR NOR ANY COMMISSIONER SHALL MAKE  
156 REPRESENTATIONS OR PROMISES TO ANY THIRD PARTY REGARDING THE  
157 FUTURE ACTIONS OF THE TOWN OR OF THE MAYOR AND COMMISSIONERS  
158 UNLESS THE MAYOR AND COMMISSIONERS HAS DULY AUTHORIZED SUCH  
159 REPRESENTATION OR PROMISE.

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161 (I) WHEN OFFICIALS ENGAGE IN CONVERSATIONS WITH  
162 RESIDENTS, APPLICANTS, DEVELOPERS, LOBBYISTS AND OFFICIALS OF OTHER  
163 GOVERNMENTAL AGENCIES, THEY SHOULD BE CAUTIOUS NOT TO MAKE  
164 REPRESENTATIONS OR PROMISES THAT THEY CANNOT LEGALLY MAKE OR KEEP.  
165 FUTURE ACTIONS OF THE MAYOR AND COMMISSIONERS CANNOT BE PROMISED OR  
166 PREDICTED WITH CERTAINTY. INDIVIDUAL OFFICIALS DO NOT HAVE AUTHORITY TO  
167 MAKE COMMITMENTS ON BEHALF OF THE TOWN UNLESS EXPRESSLY AUTHORIZED  
168 TO DO SO BY THE MAYOR AND COMMISSIONERS.

169  
170 B. WHEN MAKING PUBLIC UTTERANCES, THE MAYOR AND  
171 COMMISSIONERS SHALL MAKE IT CLEAR WHETHER THEY ARE AUTHORIZED TO  
172 SPEAK ON BEHALF OF THE MAYOR AND COMMISSIONERS OR WHETHER THEY  
173 ARE PRESENTING THEIR OWN VIEWS.

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(I) THE MAYOR AND COMMISSIONERS OCCASIONALLY SPEAK BEFORE OTHER PUBLIC BODIES AND NEIGHBORHOOD GROUPS OR TO THE PRESS. WHEN DOING SO, THEY SHOULD ALWAYS MAKE IT CLEAR WHETHER THEY ARE PRESENTING THEIR OWN VIEWS OR WHETHER THEY HAVE BEEN AUTHORIZED BY THE MAYOR AND COMMISSIONERS TO PRESENT A PARTICULAR VIEW. THE MAYOR AND EACH COMMISSIONER SHOULD BE CLEAR IN ALL ORAL AND WRITTEN UTTERANCES AND COMMUNICATIONS WHETHER THEY ARE USING THEIR TITLE FOR IDENTIFICATION PURPOSES OR BECAUSE THEY ARE SPEAKING IN AN OFFICIAL CAPACITY.

C. NEITHER THE MAYOR NOR ANY COMMISSIONER SHALL INTERFERE WITH HOW THE TOWN ADMINISTRATOR PERFORMS HIS OR HER DUTIES.

(I) THE TOWN ADMINISTRATOR CANNOT FUNCTION EFFECTIVELY IF HE OR SHE RECEIVES INCONSISTENT DIRECTION FROM THE MAYOR OR INDIVIDUAL COMMISSIONERS OR IS NOT GIVEN THE SUPPORT AND INDEPENDENCE NECESSARY TO ADMINISTER THE TOWN. QUESTIONS AND REGARDING THE PRIORITIES OF THE TOWN GOVERNMENT SHALL BE BROUGHT TO THE ATTENTION OF THE MAYOR AND COMMISSIONERS.

D. NEITHER THE MAYOR NOR ANY COMMISSIONER SHALL INTERFERE WITH THE IMPLEMENTATION BY TOWN STAFF OF APPROVED PROJECTS AND PROGRAMS.

(I) THE TOWN ADMINISTRATOR IS CHARGED WITH THE IMPLEMENTATION OF APPROVED PROJECTS OR PROGRAMS. THE MAYOR AND COMMISSIONERS MUST AVOID INTERFERING WITH OR DIRECTING THE TOWN ADMINISTRATOR'S METHOD OF CARRYING OUT THE MAYOR AND COMMISSIONERS' DECISIONS, EVEN IF THE PROJECT OR PROGRAM WAS CONCEIVED AND INITIATED BY THE MAYOR OR AN INDIVIDUAL COMMISSIONER. ONCE A PROJECT OR PROGRAM RECEIVES MAYOR AND COMMISSIONERS APPROVAL, IT IS AN OFFICIAL ACTIVITY OF THE TOWN, NOT OF ANY INDIVIDUAL OFFICIAL. THE MAYOR AND COMMISSIONERS DO NOT HAVE AUTHORITY AND SHOULD REFRAIN FROM GIVING DIRECTIONS OR INSTRUCTIONS TO THE TOWN'S CONTRACTORS OR CONSULTANTS WORKING ON TOWN PROJECTS OR PROGRAMS.

(C) (1) POLICY C. TOWN RESOURCES SHALL BE USED SOLELY FOR PROPER GOVERNMENTAL PURPOSES AND ONLY WITH PROPER AUTHORIZATION.

(2) RULES AND GUIDANCE:

A. THE MAYOR AND COMMISSIONERS MAY USE TOWN LETTERHEAD ONLY FOR OFFICIAL CITY BUSINESS.

220 (I) TOWN LETTERHEAD MUST BE USED WITH CARE TO AVOID  
221 MISUNDERSTANDINGS. LETTERHEAD MAY BE USED TO COMMUNICATE OFFICIAL  
222 TOWN POLICY OR ACTIONS. IT IS ALSO ROUTINELY USED BY OFFICIALS TO RESPOND  
223 TO INQUIRIES OR COMMUNICATE THEIR INDIVIDUAL OPINIONS, IN WHICH EVENT  
224 THE AUTHOR SHOULD BE CLEAR ABOUT WHOSE VIEW IS BEING PRESENTED.  
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226 B. NEITHER THE MAYOR AND NOR ANY COMMISSIONER SHALL  
227 ASK OR DIRECT TOWN EMPLOYEES TO SPEND TIME ON NON-TOWN BUSINESS.  
228 FURTHER, TOWN EMPLOYEES SHOULD NOT BE SOLICITED TO ENGAGE IN  
229 POLITICAL ACTIVITY ON BEHALF OF THE MAYOR OR A COMMISSIONER.  
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231 (I) IT IS IMPROPER TO ASK OR REQUIRE A TOWN EMPLOYEE  
232 TO ENGAGE IN NON-TOWN-RELATED ACTIVITIES. NON-TOWN ACTIVITIES INCLUDE,  
233 AMONG OTHER THINGS, ELECTION CAMPAIGN RELATED ACTIVITIES AND PERSONAL  
234 ERRANDS. FURTHER, TOWN EMPLOYEES SHOULD NOT BE SOLICITED TO ENGAGE IN  
235 POLITICAL ACTIVITY ON BEHALF OF THE MAYOR OR A COMMISSIONER.  
236

237 C. NEITHER THE MAYOR NOR A COMMISSIONER SHALL USE OR  
238 DISCLOSE INFORMATION OBTAINED THROUGH TOWN SERVICE FOR IMPROPER  
239 OR ILLEGAL PURPOSES.  
240

241 (I) OFFICIALS OFTEN ACQUIRE INFORMATION IN  
242 PERFORMING THEIR DUTIES THAT IS NOT GENERALLY AVAILABLE TO THE PUBLIC,  
243 INCLUDING INFORMATION RECEIVED IN CLOSED SESSIONS. SOMETIMES THIS  
244 INFORMATION IS CONFIDENTIAL OR HIGHLY SENSITIVE. INFORMATION THAT IS NOT  
245 GENERALLY AVAILABLE TO THE PUBLIC MUST REMAIN CONFIDENTIAL AND BE USED  
246 ONLY FOR THE PURPOSES FOR WHICH IT WAS DIVULGED. IN PARTICULAR, THIS  
247 INFORMATION CAN NEVER BE USED FOR PERSONAL GAIN.  
248

249 (D) (1) POLICY D. WHEN REPRESENTING THE TOWN, THE MAYOR AND  
250 COMMISSIONERS SHALL CONDUCT THEMSELVES IN A DIGNIFIED MANNER AND  
251 IN ACCORDANCE WITH ALL LEGAL REQUIREMENTS.  
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253 (2) RULES AND GUIDANCE:  
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255 A. WHEN REPRESENTING THE TOWN, THE MAYOR AND  
256 COMMISSIONERS SHALL BEHAVE RESPONSIBLY AND IN A MANNER THAT  
257 PROJECTS A POSITIVE IMAGE FOR THE TOWN. THE MAYOR AND  
258 COMMISSIONERS SHALL ~~WEAR BUSINESS CASUAL ATTIRE WHEN ATTENDING~~  
259 OFFICIAL TOWN MEETINGS USE THEIR BEST JUDGMENT TO APPEAR AS  
260 PROFESSIONAL AS POSSIBLE DURING TOWN MEETINGS. FURTHERMORE,  
261 NEITHER THE MAYOR NOR A COMMISSIONER SHALL ATTEND A TOWN MEETING  
262 OR EVENT WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS (EXCEPT FOR  
263 MEDICATIONS TAKEN IN PRESCRIBED DOSES).  
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265 (I) WHENEVER THE MAYOR OR COMMISSIONER IS

266 REPRESENTING THE TOWN, IN OR OUT OF TOWN, THE OFFICIAL IS "ON DUTY" AND  
267 SHOULD BEHAVE IN A MANNER THAT WILL REFLECT WELL ON THE TOWN. WHEN  
268 OUT OF TOWN OR AT SOCIAL EVENTS THERE IS A TEMPTATION TO BEHAVE MORE  
269 INFORMALLY THAN ONE MIGHT IN TOWN HALL, WHICH CAN LEAD TO AWKWARD OR  
270 EMBARRASSING SITUATIONS AND IN EXTREME CASES TO IMPROPER OR ILLEGAL  
271 BEHAVIOR. WHEN AT GOVERNMENT, CIVIC OR POLITICAL FUNCTIONS, THE MAYOR  
272 AND COMMISSIONERS SHOULD AVOID DRINKING ALCOHOL TO EXCESS.

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274 B. THE MAYOR AND COMMISSIONERS SHALL EXERCISE BEST  
275 EFFORTS TO AVOID THE APPEARANCE OF IMPROPRIETY IN THE PERFORMANCE  
276 OF THEIR OFFICIAL DUTIES. ~~FURTHERMORE, NEITHER THE MAYOR NOR ANY~~  
277 ~~COMMISSIONER MAY ENGAGE IN A SEXUAL, ROMANTIC, SOCIAL, OR SIMILAR~~  
278 ~~TYPE OF PERSONAL RELATIONSHIP WITH ANY TOWN EMPLOYEE OR WITH ANY~~  
279 ~~CONTRACTOR OR VENDOR THAT DOES BUSINESS WITH THE TOWN. THE MAYOR~~  
280 ~~AND COMMISSIONERS SHALL DISCLOSE ON THE ANNUAL DISCLOSURE FORM~~  
281 ~~SUBMITTED PURSUANT TO CHAPTER 8 OF THIS CODE ANY RELATIONSHIPS~~  
282 ~~(FAMILIAL, SEXUAL, OR ROMANTIC) WITH ANY TOWN EMPLOYEE OR WITH ANY~~  
283 ~~CONTRACTOR OR VENDOR THAT DOES BUSINESS WITH THE TOWN.~~  
284 ADDITIONALLY, THE MAYOR OR ANY COMMISSIONER WHO IS INVOLVED IN ANY  
285 SUCH RELATIONSHIP SHALL PROMPTLY AND CONCURRENTLY DISCLOSE THAT  
286 RELATIONSHIP, IN WRITING, TO THE MAYOR AND COMMISSIONERS.

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288 (I) *THE PUBLIC'S CONFIDENCE IN THE INTEGRITY AND*  
289 *FAIRNESS OF TOWN GOVERNMENT OFTEN HINGES ON THE BEHAVIOR OF THE*  
290 *MAYOR AND COMMISSIONERS. REAL OR PERCEIVED ETHICAL LAPSES BY THE MAYOR*  
291 *AND COMMISSIONERS UNDERMINE THE EFFECTIVENESS OF THE TOWN AND CAST A*  
292 *SHADOW ON THE DECISIONS OF ITS OFFICIALS. OFTEN, ETHICAL CONSIDERATIONS*  
293 *EXTEND BEYOND THE LEGAL REQUIREMENTS OF CONFLICT.*

294  
295 C. WHILE IN SESSION, THE MAYOR AND COMMISSIONERS MUST  
296 PRESERVE ORDER AND DECORUM, AND NEITHER THE MAYOR NOR A  
297 COMMISSIONER SHALL, BY CONVERSATION OR OTHERWISE, DELAY OR  
298 INTERRUPT THE PROCEEDINGS OR THE PEACE OF THE MAYOR AND  
299 COMMISSIONERS, DISTURB ANY MEMBER WHILE SPEAKING, OR REFUSE TO  
300 OBEY THE ORDERS OF THE MAYOR AND COMMISSIONERS OR ITS PRESIDING  
301 OFFICER.

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303 **SECTION 2. AND BE IT FURTHER ENACTED BY THE MAYOR AND**  
304 **COMMISSIONERS OF THE TOWN OF PERRYVILLE** that new Section 8-5(F)(11) is  
305 hereby added to the Code of the Town of Perryville, to be under Chapter 8 – Financial  
306 Disclosure and Ethics, to follow immediately after Section 8-5(F)(10), and to read as follows:

307  
308 **Chapter 8 – FINANCIAL DISCLOSURE AND ETHICS**  
309  
310 **§ 8-5. Financial Disclosure – Elected Officials and Candidates to the Town Elected**  
311 **Officials.**

