

**TENTATIVE
CITY COUNCIL AGENDA
AUGUST 1, 2023
6:00 P.M.**

**CITY OFFICE BUILDING
214 N. LAFAYETTE, MARSHALL, MO 65340**

1. Roll Call
2. Adoption of Agenda
3. Approve or Correct Regular Session Minutes of July 18, 2023
4. Committee Reports
 1. Public Relations and Public Safety Committee
 2. Municipal Services and Personnel Committee
 3. Property, Finance, Budget and Audit Committee
 4. Community Development and Code Committee
 5. City Administrator's Report
 6. Mayor's Report
5. Introduction and Presentation by Dr. Joseph Parisi, President of Missouri Valley College
6. Set 2023-2024 Tax Levy Public Hearing for August 15, 2023
7. Ordinances
 1. Establish Code of Conduct for Elected Officials of the City of Marshall, Missouri – Second Reading
 2. Appropriation
8. Other Council Business
9. Executive Session Concerning Leasing, Purchase or Sale of Real Estate by a Public Governmental Body; Hiring, Firing, Discipline or Promoting of Particular Employees.
RSMo. 610.021 (2,3)

Posted 7/28/2023 3:00 p.m.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A CODE OF CONDUCT FOR ELECTED OFFICIALS OF THE CITY OF MARSHALL, MISSOURI.

WHEREAS, the City Council of the City of Marshall, Missouri, desires to establish certain standards of conduct for elected officials involved in the activities of the City and enact policies that further implement those standards of conduct.

BE IT ORDAINED by the Council of the City of Marshall, Missouri, as follows:

Section 1. The City Council of the City of Marshall, Missouri, hereby adopts the Elected Officials Code of Conduct as attached in Exhibit A, which is by this reference incorporated herein and made a part of this ordinance.

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall be in full force and effect after its passage by the Council and approval by the Mayor.

PASSED by the Council of the City of Marshall, Missouri, this ___ day of _____, 2023.

President

APPROVED by the Mayor this ___ day of _____, 2023.

Mayor

FILED this ___ day of _____, 2023.

City Clerk

**CITY OF MARSHALL, MISSOURI
ELECTED OFFICIALS CODE OF CONDUCT**

The purpose of this Code of Conduct ("code") is to define the role of elected officials ("officials") in the governance of the City of Marshall. This code consists of policies and rules intended to advance the City's goals of providing efficient and high-quality services to its residents and of providing a safe and productive work environment for its employees.

The City of Marshall is a duly incorporated Third Class Missouri municipality consisting of the Mayor, City Council, and City Administrator. The City Administrator is charged with implementing the policies set by the City Council and is charged with administering the day-to-day affairs of the City with the assistance of his/her staff. This code establishes rules that contribute to the success of this basic structure and to maintaining positive and effective working relationships between elected officials and employees.

This code addresses selective aspects of the governance of the City and supplements but does not supplant other laws and rules that prescribe the legal responsibilities of City elected officials. Those include, among others, the State of Missouri Constitution, various provisions of the Missouri Revised Statutes, federal laws prohibiting discrimination and harassment, and the provisions of the City's own Municipal Code. Elected officials should be familiar with these laws to ensure that they exercise their responsibilities properly.

It is not possible for a code of this kind to anticipate and provide a rule of conduct for all situations. Therefore, elected officials are expected to manage their behavior in a manner consistent with the rules that follow, respect the chain of command and behave within the bounds of their authority. It is also expected that officials will treat each other, City employees, and residents with courtesy and respect.

Policies governing the conduct of officials are listed below. Accompanying each policy is a set of rules that give specific application to the policy. In italics following each rule is an explanation of the rule and guidance for interpreting and applying the rule.

POLICY A: Elected Officials shall deal with City employees solely through the Mayor and/or City Administrator.

Rule (1): Officials shall not direct, order or make demands on any City employee, other than inquiries that can be answered routinely and without research.

City staff is organized in a hierarchical structure and City employees work under the direction and control of several layers of management culminating with the City Administrator. Individual elected officials are not part of that management structure and have no authority to direct employees. When an official attempts to give an employee direction, the employee is put in an awkward position and the management structure is undermined. In some cases, such actions have the potential for liability. Officials are not authorized directly to give work assignments to employees, including department heads. Employees are instructed not to take directions or work assignments from officials and to report any such attempts to their department head. An official may ask a routine

question of staff, but beyond that, concerns about work assignments should be addressed, in order and as circumstances require, to the City Administrator, the Mayor, or the City Council as a whole.

Rule (2): Officials shall not attempt to reorganize an employee's priorities or influence the manner by which City staff perform their assigned functions or duties.

City employees are directed in their everyday tasks by their immediate supervisor in accordance with approved work plans. Interference with an employee's work routine, priorities or decision-making processes by an official creates confusion and stress and places the employee in the difficult position of either disregarding his or her assigned work or appearing to disrespect the official's wishes. From time to time an official may believe that a problem must be looked into immediately, and the official may be tempted to direct an employee to drop everything and focus on that problem. Officials must, however, avoid taking such action and communicate their concerns, in order and as circumstances require, to the City Administrator, the Mayor, or the City Council as a whole.

Rule (3): Officials shall request information or special reports by respecting the chain of authority established by law for cities of the third class.

First, the official shall make his or her request to the City Administrator. If the City Administrator believes the request will adversely affect staff workload or is otherwise inappropriate or unnecessary, he/she may refer the official to the Mayor. If the Mayor believes the request will adversely affect staff workload or is otherwise inappropriate or unnecessary, he/she may refer the official to the City Council, which can grant or modify the request by a majority vote. Any request so granted shall be fulfilled through the City Administrator, and the City Administrator shall distribute the requested information or report to the Mayor and all the members of the City Council, and if the distributed information or report shall constitute open records under Missouri's Sunshine Law, he/she shall make said information or report available to the public.

If an elected official wants information independently of this process, the official shall submit a public records request to the Custodian of Records. Such request shall be responded to in accord with Missouri's Sunshine Law, including the payment of any applicable fees by the requesting council member. Elected officials are an oversight governing body for the City and from time to time may need additional information or reports to help make educated decisions and policies. It is imperative that officials work together in a transparent process when performing their duties. It is impractical and causes frustration and confusion for the staff if officials act independently of the Council and organizational structure. Maintaining a structured open process ensures that all officials have the same information and eliminates undue pressure on City staff. If an elected official desires public information outside of this process, the official's request must be treated like any other request for information under the Sunshine Law.

Rule (4): Officials shall not retaliate or threaten to retaliate against employees as a result of disagreements over policy recommendations or administrative decisions.

It is critical to the success of the City that its employees enjoy a workplace free of the fear of retaliation. The City takes great pride in its creativity and its receptivity to new

and different ideas; an open and nonjudgmental atmosphere fosters creativity where candor is not penalized. City employees are hired to offer their professional judgments and opinions. Elected officials are certainly free to disagree with those judgments; indeed, those officials ultimately have the final word through the employment process. But those disagreements must not extend to threats or generate fear of reprisal. Elected officials enjoy substantial influence within City Hall; this authority must not be exercised in a manner that intimidates staff and degrades morale with resulting damage to the fabric of the organization.

Rule (5): Elected officials shall treat City employees and other elected officials with professionalism and respect No official shall: (a) threaten a City employee with disciplinary action, (b) bully or harass another elected official or any City employee, (c) use offensive or derogatory language when referring to such person, (d) disparage the character of another elected official or an employee in connection with the performance of their official duties, (e) make a statement or otherwise impute that such person is incompetent, dishonest, or unethical in connection with the performance of their official duties. Notwithstanding the foregoing, nothing in this rule shall be interpreted to limit or restrict factual statements related to any disciplinary proceeding.

If an official is concerned about the performance of a City employee or another elected official, that concern should be expressed privately to the City Administrator, the Mayor, or the Council as a whole, as circumstances require. Such criticisms can then be investigated and addressed in accordance with the City's personnel rules or governing law in a manner that protects the individual's rights and the City's authority to properly discipline its own employees or council members. It is never acceptable for an official to directly threaten disciplinary action of any kind, and rarely, if ever, is it appropriate to publicly criticize an employee or another elected official. Officials should certainly have high expectations of the work performance of both the city's employees and their own colleagues; but there is no room in the City organization for the public humiliation of any person.

POLICY B: Elected officials shall act collectively in a properly noticed and constituted meeting; officials have no authority to make decisions or take actions on behalf of the body unless expressly authorized to do so.

Rule (1) Officials shall not make representations or promises to any third party regarding the future actions of the City or of the body of which they are a member, unless the appropriate body has duly authorized such representation or promise.

When elected officials engage in conversations with residents, applicants, developers, lobbyists, businesses, and officials of other governmental agencies, they should be cautious not to make representations or promises that they cannot legally make or keep. Future actions of a legislative body cannot be promised or predicted with certainty. Individual officials do not have authority to make commitments on behalf of the City, unless expressly authorized to do so by the body of which they are a member.

Rule (2) When speaking publicly, officials shall make it clear whether they are authorized to speak on behalf of the body of which they are a member or whether they are presenting their own views.

Officials occasionally speak before other public bodies, neighborhood groups or to the press. When doing so, they should always make it clear whether they are presenting their own point of view or whether they have been authorized by the body of which they are a member to present a particular view. They should be clear in all oral and written utterances whether they are using their title for identification purposes or because they are speaking in an official capacity.

Rule (3) Officials shall not interfere with the implementation by City staff of approved projects and programs.

The City Administrator cannot function effectively if he or she receives inconsistent direction from individual Council members or is not given the support and independence necessary to exercise general superintending control of the administration and management of the government business, officers and employees of the City. Questions and/or concerns regarding the priorities of the City government or the performance of the City Administrator shall be brought to the attention of the Mayor.

The City Administrator is charged with the implementation of approved projects or programs. The members of the City Council must avoid interfering with or directing the City Administrator's method of carrying out the Council's approved projects or programs, even if the project or program was conceived and initiated by an individual Council member. Once a project or program receives Council approval, it is an official activity of the City, not of any individual Council member. Officials do not have authority and should refrain from giving directions or instructions to City contractors or consultants working on City projects or programs.

POLICY C: City resources shall be used solely for proper governmental purposes and only with proper authorization.

Rule (1) City letterhead may be used by officials only for official City business.

City letterhead must be used with care to avoid misunderstandings. Letterhead may be used to communicate official City policy or actions. It is also routinely used by officials to respond to inquiries or communicate their individual opinions, in which event the author should be clear about whose view is being presented. City letterhead may be used by other City officials (board and commission members) only for transaction of official City business.

Rule (2): Officials shall not use or disclose information obtained while serving in their official capacity for improper or illegal purposes. Officials shall not willfully or knowingly disclose or use confidential or privileged information acquired by reason of their position without authorization by the Council or unless authorized or required by law to do so.

Officials often acquire information in performing their duties that is not generally available to the public, including information received in closed sessions. Sometimes this information is confidential or highly sensitive. Information that is

not generally available to the public must remain confidential and be used only for the purposes for which it was divulged. In particular, this information can never be used for personal gain.

POLICY D: When representing the City, elected officials shall conduct themselves in a dignified manner and in accordance with all legal requirements.

Rule (1): When representing the City on official business, elected officials shall behave responsibly and in a manner that will project a positive image of the City.

Whenever an official is representing the City, in or out of their jurisdiction, the official is "on duty" and should behave in a manner that will reflect well on the City. When out of town or at social events there is a temptation to behave more informally than one might in City Hall, which can lead to awkward or embarrassing situations and in extreme cases to improper or illegal behavior. When at government, civic, or political functions, officials should avoid drinking alcohol to excess or behaving in a manner which has the potential to have a negative impact on the image of the City.

Rule (2): Members of the City Council must preserve order and decorum in all sessions/meetings of the governing body. The members shall neither by conversation or otherwise delay or interrupt the proceedings or the peace of the meeting nor disturb any member while speaking or refuse to obey the orders of the City Council or its presiding officer.

CODE OF CONDUCT VIOLATIONS

In the case that an elected or appointed official has been accused of violating any policy or rule of conduct adopted by the City of Marshall, the disciplinary authority shall be the City Council. The City Council retains their respective ultimate authority in such matters and may determine to act as the disciplinary authority within the constraints of the Missouri Revised Statutes and the Code of Ordinances of the City of Marshall.

ORDINANCE NO. _____

AN ORDINANCE MAKING THE APPROPRIATION FOR THE PAYMENT OF ACCOUNTS OUT OF THE DIFFERENT CITY FUNDS.

BE IT ORDAINED by the Council of the City of Marshall, Missouri, as follows:

SECTION I. There is hereby appropriated out of the different funds as follows:

GENERAL FUND	\$ 404,015.24
SANITATION FUND	35,894.32
LIBRARY FUND	8,512.27
BAND FUND	1,981.30
PARK FUND	116,731.77
CITY OFFICE/REVITALIZATION	
STREET FUND	146,792.78
AIRPORT OPERATING FUND	5,056.59
TOURISM	1,805.00
MARTIN COMMUNITY CENTER	39,910.12
HAB CENTER FUND	46,754.54
PARK CAPITAL IMPROVEMENT	2,768.75
SOUTH ODELL SEWER	
ECONOMIC DEVELOPMENT	
WATER OPERATING FUND	
ELECTRIC OPERATING FUND	
SEWER REVENUE FUND	
INTERNET OPERATING FUND	
NATURAL GAS OPERATING FUND	
ELECTRIC CONSUMER DEPOSIT FUND	-
SEWER EQUIPMENT FUND	-
WATER SEGREGATED	-

SECTION II. The City Clerk is hereby instructed to make out warrants in favor of the respective parties set out in the hereto attached lists and when said warrants are properly signed to deliver them to the proper parties.

PASSED by the City Council of the City of Marshall, Missouri, this 1ST day of AUGUST, 2023.

President of the City Council

APPROVED by the Mayor of the City of Marshall, Missouri, this 1ST day of AUGUST, 2023.

Mayor

FILED this 1ST day of AUGUST, 2023.

City Clerk