

A Mayor & Council Meeting Workshop Meeting was held at Dunbar Community Building Room on Monday, October 7, 2024, beginning at 7:00 p.m. The following persons were in attendance Mayor John Shwed, President of Council Chris Calio, Robin Fisher-Cornish, George Lodato, Jonathan Kellam, and Donald Holden. Also, in attendance were Attorney Mike Smith, Recording Secretary Alexis Oliphant, and Town Manager Jamie Smith. It was noted that Councilman Carlos Oliveras was absent.

Town Manager Smith stated the purpose of tonight's workshop is to review the town's Code of Conduct with our new councilpersons and to provide a refresher for our current councilpersons. She advised Mr. Smith is in attendance tonight to review the Code of Conduct and to answer any questions Mayor & Council may have.

Mr. Smith provided handouts to Mayor & Council pertaining the towns Code of Conduct, Chapter 12 for their review. Throughout his presentation he reviewed the following subsections listed below:

12-3 Standards of Conduct for Officials and Employees

Mr. Smith stated every elected official and employee within the town must abide by the towns Code of Conduct. *Note his explanation to each bullet point is Italic font.*

- A. No official or employee shall participate on behalf of the town in the review or disposition of any matter pending before the town or before a committee or commission thereof in which he has a personal or private interest; provided, however, that the prohibition set forth herein shall not apply if the person who has official responsibility with respect to the matter requests any person who has a personal or private interest to respond to questions concerning any such matter.**

Mr. Smith advised Mayor & Council may elect a recusal if a matter becomes before you to his response to subsection 12-3, Letter A.

- B. No official or employee shall use his position to secure special privileges or exemptions for himself or others, whether for compensation, gratuity or without any compensation or gratuity.**

Mr. Smith advised Mayor & Council are not privileged in receiving special treatment to his response to subsection 12-3, Letter B.

- C. No official or employee shall solicit, demand, accept or agree to accept from another person anything of a pecuniary value for or because of any official action taken or to be taken or which could be taken or any legal duty, to be performed or which could be performed by such official or employee.**

Mr. Smith advised Mayor & Council are not permitted to bribe or accept something of monetary value to his response to subsection 12-3, Letter, C.

D. No Official or employee shall, beyond the scope of such position, and except in furtherance of his or her public duties and obligations, disclose confidential information obtained by reason of such public position, nor shall such official or employee use such information for personal gain or benefit.

Mr. Smith advised Mayor & Council that they must act within their official capacity, and they must pursue a complaint as a body not upon yourself. He advised Mayor & Council must follow the towns proper protocols when handling complaints to his response to subsection 12-3, Letter D.

E. No official or employee shall act, while performing his or her official duties or job functions, or on town property, in a violent, turbulent, quarrelsome, boisterous, indecent or disorderly manner, or use profane, vulgar, or obscene language or gestures, or do anything tending to disturb the good order, morals, peace and dignity of the Town Council or the proper function of the town's employees.

Mr. Smith advised Mayor & Council this is a conduct on becoming to his response to subsection 12-3, Letter E.

F. No official or employee shall represent to a third party that the Town Council has taken a position, or adopted a policy, concerning a matter of issue when it has not done so, or misrepresent a position or policy that has previously been adopted by the Town Council.

Mr. Smith advised Mayor & Council subsection 12-3, Letter D & Letter F go hand in hand. He stated that Mayor & Council must act within their official capacity, and they must pursue a complaint as a body not upon yourself.

12-6 Violations and penalties.

Mr. Smith advised stated if Mayor & Council are in violation of the Code of Conduct, they shall be fined not less than \$50.00 no more than \$500.00 or be imprisoned for a term of not more than 30 days, or both, and shall pay the costs of prosecution.

Mr. Smith inquired if Town Manager Smith could review the proper protocol of when a complaint is received by the town.

Town Manager Smith advised if a complaint is received by her, she will share the complaint with the proper Department Head for the complaint to be addressed. Examples of complaints she

provided were a sewer issue, which she would pass along to the Public Works Director and a grass issue, which she would pass along to the Code Director. After the complaint has been shared she would follow-up with the Department Heads to see if it has been resolved. She stated if the court or the police department receive a complaint, they will address it upon themselves and through the protocol in which they are legally required to follow.

Mr. Smith inquired if Mayor & Council receive a complaint how do they report it to the town. Town Manager Smith advised she would be the first contact for Mayor & Council to report a complaint to then would follow the protocol as previously mentioned.

Councilwoman Fisher-Cornish inquired if the proper protocols are in writing. Town Manager Smith advised she provides an Orientation Packet to newly elected/appointed Mayor & Council Officials that highlights the duties of the Mayor & Council.

Mr. Smith inquired how the complaint is documented. Town Manager Smith advised the complaint would be recorded by herself and addressed by the proper Department Heads. Town Manager Smith advised she will prepare a Complaint Form for documentation purposes.

Mr. Smith advised Mayor & Council as public officials they will receive complaints from residents and he recommends they hear the complaint and advised they will pass it on but not to comment or suggest any action to be taken.

Town Manager Smith inquired if the complaint is in an ongoing investigation that means information is not open to the public until the case has been closed. Once the case is closed information is then open to the public. Mr. Smith stated yes.

Town Manager Smith stated one concern councilpersons have are when citizens come and visit. Mr. Smith advised if Mayor & Council provide guidance, you're putting yourself and the town in a risky situation. He advised it's ok to listen and to receive the complaint, but it must be handled in the proper manner by going to the town and coming in front of the whole body.

A resident inquired if the town requires residents to file a complaint. Mr. Smith stated the town allows for vocal complaints due to people feeling like they may not get heard if they must file a complaint.

Councilwoman Fisher-Cornish inquired if the resident stated they filed a complaint and followed the proper protocols, but they feel like their complaint has not been addressed.

Mr. Smith advised Mayor & Council to trust the process and follow the procedures and do not act individually.

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Town Manager Smith advised she would follow the towns personnel policy for corrected action to determine if the complaint has been addressed properly.

With there no further business, the Mayor & Council Workshop Meeting adjourned.

Meeting Adjourned at 7:39 p.m.

Mayor

President of Council

Town Manager

Recording Secretary