



***Town of Summerville***  
***Special Called Council Meeting***  
**Wednesday, January 29, 2020 – 4:30pm**  
**Summerville Municipal Complex – 200 South Main Street**

**AGENDA**

- 1. Call to Order**
- 2. Resolution** to amend the Town of Summerville organizational chart
- 3. Resolution** to amend the Code of Conduct and Ethics for Elected and Appointed Officials
- 4. Executive Session:** Personnel matter
  - a. Personnel matter related to Town Administrator position
- 5. Other Business**
  - a. Action to be taken by Council in relation to Executive Session
- 6. Adjourn**

# A Resolution

WHEREAS, Summerville Town Council, by Resolution, may amend the Organizational Chart to represent the various supervisory relationships of key employees; and

WHEREAS, Summerville Town Council desires reflect on the organizational chart the role of Director of Parks and Recreation, which was previously called the Parks and Recreation Manager, and other supervisory relationships.

NOW, THEREFORE, BE IT RESOLVED, that the Organizational Chart attached hereto is designated as the official Organizational Chart of the Town of Summerville, to remain in full force and effect until changed by Resolution of Town Council, and

BE IT FURTHER, RESOLVED, that all previous Organizational Charts for the Town are hereby rescinded

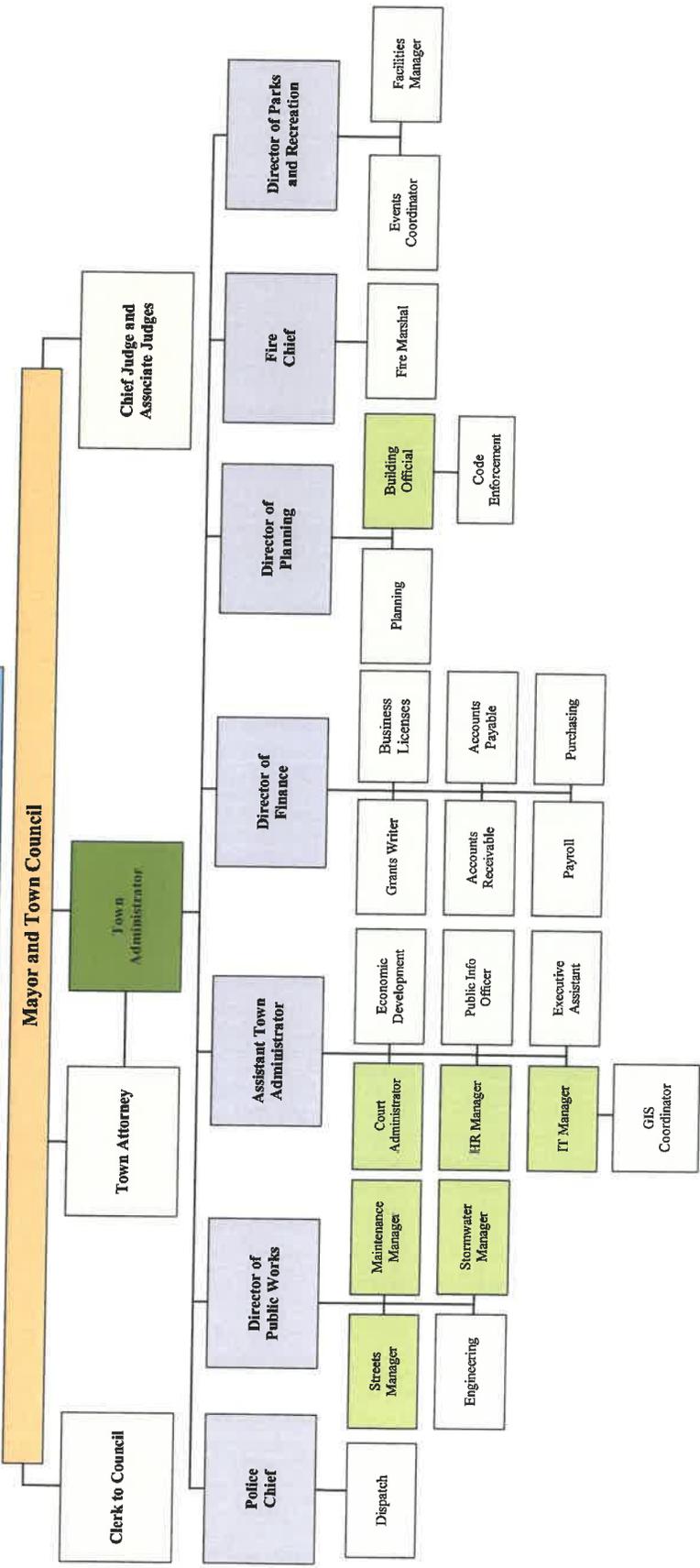
DONE AT SUMMERVILLE, SC this \_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
Ricky Waring, Mayor

ATTEST:

\_\_\_\_\_  
Beth Messervy, Town Clerk

# Town of Summerville Organizational Chart



Division Director Level

Department Head Level

**RESOLUTION**

**A RESOLUTION TO AMEND THE POLICY FOR A CODE OF ETHICS AND CONDUCT  
FOR ELECTED AND APPOINTED OFFICIALS FOR THE TOWN OF SUMMERVILLE**

**WHEREAS**, the council established a Code of Ethics and Conduct standard for both elected and appointed officials on June 8, 2017; and,

**WHEREAS**, the council now desires to amend the Code of Ethics and Conduct standard:

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Town Council, in Town Council assembled, that:

All elected and appointed officials shall follow the amended Code of Ethics and Conduct for elected and appointed officials as attached.

**Resolved this 29<sup>th</sup> day of January, 2020**

Approved:

\_\_\_\_\_  
Richard G. Waring, IV, Mayor

Attest:

\_\_\_\_\_  
Beth Messervy, Town Clerk

**TOWN OF SUMMERVILLE**  
**CODE OF ETHICS AND CONDUCT**  
**FOR**  
**ELECTED AND APPOINTED OFFICIALS**

AS AMENDED by RESOLUTION of TOWN COUNCIL

January 29, 2020

**PURPOSE**

The Town of Summerville adopts this Code of Ethics and Conduct to ensure that all elected and appointed officials conduct themselves in the exercise of their offices in a manner that will instill public confidence and trust in the fair operation and integrity of the Town's "Council" form of government.

**CODE OF ETHICS**

The citizens of the Town of Summerville are entitled to have fair, ethical and accountable local government. To this end, the public should have full confidence that their elected and appointed officials:

- Comply with the laws and policies affecting the operations of government;
- Are independent, impartial, and fair in their judgment and actions;
- Use their public office for the public good; and
- Conduct public deliberations and processes openly in an atmosphere of respect and civility.

Therefore, the Mayor and other members of the Town Council, and members of all Boards, Commissions and Committees of the Town (collectively, "Members") shall conduct themselves in accordance with the following ethical standards:

1. **Act as Community Stewards.** Recognizing that community stewardship must be their primary concern, Members will work for the common good of all of the people of the Town and not for any special or personal interests, and they will ensure fair and equal treatment of all persons, claims and transactions coming before them.
2. **Comply with the Law and Town Policy.** Members shall comply with the laws of the nation, the State of South Carolina and the Town of Summerville in the performance of their public duties.

3. **Conduct of Members.** The professional and personal conduct of Members while exercising their office must be beyond reproach and avoid the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards, Committees and Commissions, or Town staff.
4. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by Town Council.
5. **Conduct at Public Meetings.** Members 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. **Adjudicative Decisions Based on Merit.** Members of those Boards or Commissions of the Town which make adjudicative or quasi-judicial decisions shall base their decisions on the merits and substances of the matter on hand, rather than on unrelated considerations. Where such Members are called upon to determine and apply facts peculiar to an individual matter, they shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented at the hearing and the law. For such adjudicative matters pending before a Board or Commission, Members shall refrain from receiving information outside of an open public meeting or the agenda materials, except on advice of Corporation Counsel.
7. **Conflicts of Interest.** In order to ensure their independence and impartiality on behalf of the common good and compliance with conflict of interest laws, the Mayor and other members of Town Council and members of the Boards, Commissions, and Committees of the Town shall use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Members shall not use their official positions to influence government decisions in which they have a material financial interest. A member who has a potential conflict of interest regarding a particular decision shall disclose the matter to Corporation Counsel and reasonably cooperate with Corporation Counsel to analyze the potential conflict. If the existence of a conflict of interest is determined, the Member shall provide a written explanation of the conflict to Corporation Counsel and the Town Clerk, and shall refrain from participating in any deliberations or decision making regarding the matter. In providing assistance to Members, Corporation Counsel represents the Town and not individual Members.

8. **Confidential Information.** Members must maintain the confidentiality of all written materials or verbal information provided to Members which are confidential or privileged, including but not limited to confidential or privileged materials and information relating to personnel or pending contractual matters, and pending or threatened litigation. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their private, financial, political, or other personal interests.
9. **Use of Public Resources.** Members shall not use public resources which are not available to the public in general (e.g., Town staff time, equipment, supplies or facilities) for private gain or for political or other personal purposes not otherwise authorized by law.
10. **Representation of Private Interests.** In keeping with their role as Community Stewards, the Mayor and other members of Town Council shall not appear on behalf of private interests of third parties before the Council or any Board, Commission, or Committee of the Town. Members of Boards, Commissions, and Committees of the Town shall not appear before their own bodies or before Town Council on behalf of the interests of the private interests of third parties on matters related to the area of service of their bodies.
11. **Policy or Political Advocacy.** Members shall represent the official policies or positions of the Town Council, Board, Commission or Committee to the best of their ability when designated as delegates for this purpose. *When presenting their individual opinions and positions, Members shall explicitly state they do not represent their body or the Town of Summerville, nor will they allow the inference that they do.* Members have the right to endorse candidates for Mayor and other Council seats or any other elected office, however it is inappropriate to mention or display endorsements during Council meetings, or Board, Commission or Committee meetings of the Town, or to engage in electoral campaign activity or advocacy on Town property or with the use or aid of any Town resources.
12. **Role of Individual Members in Council Form of Government.** Members shall respect and adhere to the Council form of government as prescribed by state law and Town ordinances. In this structure, Council *as a whole* determines the policies of the Town and administers these policies with the assistance of a Town Administrator. ~~Neither the Mayor nor any other individual member of Town Council shall interfere with the functions and professional duties of the Town Administrator or of other Town staff, nor shall they act in any manner to impair the ability of staff to implement Council decisions.~~

13. **Independence of Boards, Commissions and Committees.** Because of the value of independent advice of Boards, Commissions, and Committees to the public policy process, the Mayor and other members of Council shall refrain from using their position to influence the deliberations or outcomes of Board, Commission and Committee proceedings.
14. **Positive Work Place Environment.** The Mayor and other members of Town Council and the members of the Boards, Commissions, and Committees of the Town shall support the maintenance of a positive and constructive workplace environment for Town employees and for citizens dealing with the Town. ~~Members shall recognize their special role in dealings with Town employees to in no way create the perception of inappropriate direction to staff.~~

## **CODE OF CONDUCT**

This Code of Conduct is designed to describe the manner in which elected officials and appointed officials should treat one another, Town staff, constituents, and others they come into contact with while representing the Town of Summerville:

### **1. Members' Conduct with Each Other in Public Meetings**

#### **(a) The Role of Chair in Maintaining Order**

It is the responsibility of the Chair to keep the comments of Members on track during public meetings. Members 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.

#### **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 by a free democracy in action. Free debate does not justify, however, public officials making belligerent, personal, impertinent, slanderous, threatening, abusing or disparaging comments toward each other.

#### **(b) Personal Comments Offensive to Other Members**

If a Member is personally offended by the remarks of another Member, the offended Member should make notes of the actual words used and call for "a point of personal privilege" that challenges the other member to justify or apologize for the language used.

### **(c) Effective Problem-Solving as Community Stewards**

Members have a public stage and have the responsibility as Community Stewards to demonstrate how individuals with disparate points of view can find common ground and seek a compromise that benefits the Town as a whole.

## **2. Members' Conduct with the Public in Public Meetings**

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 Members toward an individual participating in a public meeting. Every effort should be made to be fair and impartial in listening to public comments or testimony.

### **(a) Be Welcoming and Respectful to Speakers.**

While questions of clarification may be asked by the Chair, the Members' role during public comment or testimony is to listen.

### **(b) Be Fair and Equitable in Allocating Public Time to Individual Speakers.**

### **(c) Listen Actively.**

### **(d) Maintain an Open Mind.**

### **(e) Ask for Clarification, but Avoid Debate and Argument with the Public.**

Only the Chair – not individual members – may interrupt a speaker during a presentation. However, a Member may ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior or language the Member finds offensive or disturbing.

## **3. Members' Conduct with Town Staff.**

Governance of the Town of Summerville relies on the cooperative efforts of elected officials who set and administer policy as a whole, appointed officials who advise the elected, and Town staff who implement the Town's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual as stewards of the community.

### **(a) Treat all Staff as Professionals.**

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

**(b) Do not disrupt Town Staff from their Jobs.**

Members should not disrupt Town staff ~~while they are in meetings, on the telephone, or actively engaged in performing their job functions~~ in order to have their individual needs met. Do not attend Town staff meetings unless requested by staff or designated by Council as a whole to attend. ~~— even if a Member does not say anything, his or her presence implies support, shows partiality, may intimidate staff, or hamper staff's ability to do their jobs objectively.~~

**(c) Never Publicly Criticize Performance of an Individual Employee.**

Members should never express concerns about the performance of a Town employee in public, ~~to the employee directly, or to the employee's manager.~~ Comments about staff performance should only be made to Town Administrator or Town Attorney through private correspondence or conversation or in an executive session of Town Council. Nothing herein should be construed to prevent a member of Town Council from asking clarifying questions of Town employees in regard to public matters in a public or private meeting.

**(d) Never Become Individually Involved in Administrative Functions.**

Members should never act individually or in a group comprised of less than the whole of their respective body to attempt to influence Town staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of Town licenses or permits. Rather, any involvement in such administrative functions must be made by the Council (or Board, Commission or Committee) as a whole.

**4. Councilmembers' Conduct with Boards, Commissions and Committees**

The Town of Summerville has established several Boards, Commissions and Committees as a means of gathering more community input. Citizens who serve on Boards, Commissions and Committees 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.

**(a) Limit Contact with Board, Commission and Committee members to Questions of Clarification.**

It is inappropriate for a Mayor or other member of Town Council to contact a Board, Commission or Committee member to lobby on behalf of or against individuals, groups or entities with matters before the Board, Commission or

Committee. It is acceptable for Councilmembers to contact Board, Commission, or Committee members in order to clarify a position taken by the Board, Commission or Committee.

**(b) Respect that Boards, Commissions and Committees serve the Community, not individual Councilmembers.**

Town Council appoints individuals to serve on Boards, Commissions, and Committees, and it is the responsibility of Boards, Commissions, and Committees to follow policy established by the Council as a whole. Board, Commission and Committee members do not report to the Mayor or to any other individual Councilmember. Neither the Mayor nor any other individual Councilmember should feel they have the power or right to threaten Board, Commission or Committee members with removal if they disagree about an issue. Appointment and re-appointment to a Board, Commission or Committee should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board, Commission or Committee appointment should not be used as a political "reward."

**(c) Respect for Diverse Opinions.**

A primary role of Boards, Commissions, and Committees is to represent many points of view in the community and to provide Town Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Boards, Commissions and Committees, but must be fair and respectful of all citizens serving on Boards, Commissions and Committees.

## **SANCTIONS**

- (a) **Acknowledgement of Code of Ethics and Conduct.** Councilmembers 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 service on any of the Council's standing committees. Board, Commission or Committee members who do not sign an acknowledgment that they have read and understand the Code of Ethics and Conduct are not eligible to hold office.
- (b) **Behavior and Conduct.** The Town of Summerville Code of Ethics and Conduct for Elected and Appointed Officials expresses standards of conduct expected for the Mayor and other members of Town Council and members of the Boards, Commissions and Committees of the Town. Members themselves have the primary responsibility to assure that

- (c) ethical standards are understood and met, and the public can continue to have full confidence in the integrity of government. The Chairs of the Boards, Commissions and Committees have the additional responsibility to intervene when actions of respective members appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

**Mayor and Town Council:**

In the event that the Mayor or any other member of Town Council intentionally or repeatedly fails to follow proper conduct, the Member may be reprimanded or formally censured by the Council or may lose Chair or committee assignments (~~both within the Town and with regard to assignment with intergovernmental agencies~~). Such action may only be taken by vote of a majority of the Council at a properly-noticed public meeting.

**Boards, Commissions and Committees:**

When deemed warranted, a majority of Council may call for an investigation of Board, Commission or Committee member conduct which appears to have intentionally or repeatedly violated the Code of Ethics and Conduct. Also, should the Town Administrator or Corporation Counsel believe such an investigation is warranted, they shall confer with the Council in this regard. Once an investigation is authorized by Council, the Town Administrator and Corporation Counsel shall investigate the allegations and report their findings in a written report to Council with supporting documentation. Town Council may impose sanctions on Board, Commission and Committee members whose conduct fails to comply with the Code of Ethics and Conduct - up to and including written reprimand, required counseling, censure, removal as Chair, or removal from office. Removal from office of a Board, Commission or Committee member must be by unanimous vote of all members of Council at a properly-noticed public meeting. Lesser sanctions may be imposed by a majority vote of at least a quorum of the Council at a properly-noticed public meeting.

**IMPLEMENTATION**

The Town of Summerville Code of Ethics and Conduct for Elected and Appointed Officials is intended to be self-enforcing and is an expression of the standard of conduct for Members expressed by the Town. It therefore is most effective when Members are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be including in the filing materials for candidates for Mayor and other Town Council positions, the application materials for all Boards, Commissions and Committees of the Town, and in the orientation materials for all newly elected or appointed officials. Upon adoption by resolution of Town Council, all current

Members and new Members entering office shall sign the statement below acknowledging they have read and understand the Code of Ethics and Conduct.

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***I affirm that I have read and understand the Town of Summerville Code of Ethics and Conduct for Elected and Appointed Officials.***

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Signature

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Date

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**SANCTIONS**

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***I affirm that I have read and understand the Town of Summerville Code of Ethics and Conduct for Elected and Appointed Officials.***

---

Signature

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Date

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