

# 2021

## South Hadley Electric Light Department Board of Commissioners

### Code of Conduct

**ENABLING AUTHORITY** – MGL Chapter 268A, Section 23 (e)

A municipality may have a Code of Conduct, provided it is consistent with State law and that the Board of Commissioners, as the governing authority for the South Hadley Electric Light Department, vote to adopt such policy.

**MGL Chapter 268A, §23 (e):** Nothing in this section shall preclude any ... head of such agency from establishing and enforcing additional standards of conduct.

#### Statement of Purpose

This Code of Conduct sets forth a standard of conduct for the South Hadley Electric Light Department Board of Commissioners under the laws of the Commonwealth of Massachusetts. As an elected public official, a Board of Commissioners member has taken an oath to adhere to all federal laws, the laws of the Commonwealth of Massachusetts and the bylaws of the Town of South Hadley.

This Code of Conduct outlines five general areas of a member's responsibility:

- (1) community responsibility;
- (2) responsibility to Electric Light Department;
- (3) relationship to fellow members of the Board of Commissioners, Town personnel, and other persons appearing before the Board of Commissioners;
- (4) relationship to Electric Light Department staff; and
- (5) Social media.

**1. Community Responsibility:** A member in his/her relations with the community and rate payers should:

- A. Realize that his/her primary responsibility is to all South Hadley rate payers and citizens.
- B. Recognize that his/her function is policy-making and not administrative or executive.
- C. Remember that he/she is one of a team and must abide by, and carry out, all Board of Commissioners decisions once they are made.
- D. Be well informed concerning the duties of a Board of Commissioners member on both a local and state level, and on Electric Light Department issues in South Hadley.
- E. Remember that he/she represents the rate payers and community at all times.
- F. Accept the office of Board of Commissioners member as a means of unselfish public service with no intent to "play politics" in any sense of the word, or to benefit personally from his/her Board of Commissioners activities.

**2. Responsibility To Electric Light Department:** A member in his/her relations with the Electric Light Department should:

- A. Endeavor to establish through the Board sound, clearly defined policies with which to govern and support the Administration.
- B. Recognize and support the Administrative chain of command and refuse to act on complaints as an individual referring those complaints to the Chairman of the Board or General Manager.
- C. In accordance with Massachusetts General Law Chapter 164, recognize that the General Manager has full responsibility for discharging his/her professional duties as the Chief Executive Officer and hold him/her responsible for acceptable results.
- D. Refer all complaints to the General Manager for solution and only pursue satisfactory results through the frameworks of the Board of Commissioners structure if such solutions fail.

**3. Relationship To Fellow Members of The Board of Commissioners, Town Personnel, and Other Persons Appearing Before The Board of Commissioners:** A member in his/her relations with fellow Board of Commissioners members, Town Personnel, and other persons appearing before the Board of Commissioners shall:

- A. Accept differences of opinion as building blocks of our democratic process.
- B. Always treat other Board members, the General Manager, Electric Light Department administrators and employees, and all elected Town officials and employees with personal respect and act in a civil manner towards them.
- C. Concentrate all dialogue on the issue and refrain from personal criticism.
- D. Recognize that Board action at official meetings is binding and that he/she alone cannot bind the Board of Commissioners outside such meetings.
- E. Realize that statements or promises should not be made regarding how he/she will vote on matters that will come before the Board of Commissioners and do not make any independent commitments nor take any independent actions that may compromise the Board as a whole.
- F. Uphold the confidentiality of executive sessions and documents presented during same, and respect the privileged communications that exists in executive sessions.
- G. Make decisions only after all facts on an issue have been presented and discussed by the Board of Commissioners.
- H. Cooperate with the Chair of the Board in the conduct of meetings.
- I. Treat persons who appear before the Board with respect, and dignity and in a manner free from discrimination, abuse and harassment.
- J. Act in a civil and professional manner at all Board meetings.
- K. Speak in a civil manner and not harass or bully rate payers, citizens, other Board members, the General Manager, Electric Light Department administrators and employees, or elected Town officials and employees.
- L. Avoid disrespectful body motions or actions.
- M. Refrain from communicating the position of the Board of Commissioners to such entities as media, state officials and residents unless the full Board has previously agreed on both the position and the language of a statement conveying the position.

- N. When presenting individual opinions and positions Board members shall explicitly state that they do not represent the Board or the South Hadley Electric Light Department nor will they allow the inference that they do.

**4. Relationship to Electric Light Department Staff:** A member in his/her relations with Electric Light Department staff, should:

- A. Treat all staff as professionals, with clear, honest communication that respects the abilities, experiences and dignity of the individual.
- B. Questions of staff and/or requests for additional background information should be directed only to the General Manager through the Chairman of the Board and not directly by any member of the Board.
- C. Never publicly criticize an individual employee. Concerns about staff performance should only be made to the General Manager through communications from the Chairman.
- D. Limit requests for staff support, and insure that all requests go through the General Manager's office through the Chairman.

**5. Social Media Policy:** Members are encouraged to engage in frank, open and constructive conversation. But frankness does not mean lack of civility or lack of respect. We request that a member in his/her social media relations:

- A. Avoid "friending" or following members of the Board to avoid potential open meeting law violations.
- B. Understand that the intent of public posts will be examined to determine if there are any open meeting law violations.
- C. Take responsibility for the comments they post or allow to be posted, enforce civility, and not post or allow to be posted unacceptable content. Unacceptable content is defined as anything included, or linked to, that:
  - is being used to abuse, harass, stalk, or threaten others.
  - is libelous, knowingly false, or misrepresents another person.
  - violates an obligation of confidentiality.
  - violates the privacy of others.
- D. Take action when someone is unfairly attacking another on your post, or publishing comments or postings that are offensive.
- E. Members may express only their personal opinions and should never represent themselves as a spokesperson for the Board unless designated to do so.
- F. Members are prohibited from using social media to engage in any activity that constitutes a conflict of interest.

**6. Enforcement of Code of Conduct.**

- A. The Board of Commissioners shall enforce the Code of Conduct.
- B. Any Commissioner violating the Code of Conduct may be removed from Committee assignments and from Board assignments by the *Chair*, and may be subject to public censure by the Board of Commissioners.

- C. During a meeting the Chair may, after an initial warning and subsequent violation, remove a member from a meeting who acts in an inappropriate manner, is unruly or disorderly. In a virtual meeting environment, the Chair may mute or remove the member after an initial warning and subsequent violation.
- D. The Board may, by a majority vote, make a decision not to indemnify a Board member who repeatedly violates this policy.
- E. **Censure.** A formal, **public** reprimand for an infraction or violation. From time to time deliberative bodies are forced to take action against members whose actions or behavior runs counter to the group's acceptable standards for individual behavior. In the United States, governmental censure is done when a body's members wish to publicly reprimand an elected member and it is a formal statement of disapproval of actions and certain behavior.

\*IN THE ABENCE OF THE CHAIRMAN, THE VICE CHAIR SHALL ACT AS THE CHAIRMAN

APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS MAY 27, 2021

