

**ORDINANCE NO. 2024-\_\_**

**AN ORDINANCE OF THE TOWN OF VIRGIN, UTAH, PROVIDING THAT THE VIRGIN MUNICIPAL CODE (VMC) BE AMENDED BY ADDING A NEW CHAPTER TO BE NUMBERED CHAPTER 3.08 PROVIDING FOR THE ADOPTION OF A CODE OF CONDUCT CONTAINING STANDARDS OF CONDUCT AND RULES OF DECORUM AND CIVILITY FOR TOWN OFFICIALS, TOWN EMPLOYEES, TOWN CONTRACTORS, AND MEMBERS OF THE PUBLIC.**

**RECITALS**

**WHEREAS**, across the nation many groups have adopted policies, rules and codes of conduct to enhance decorum and civility at public meetings and in interactions between members of the public, elected officials, appointed officials, and employees/contractors of state and local governments, including the United States Conference of Mayors, the Institute of Local Government, and the City of St. George;

**WHEREAS**, in keeping with this national trend, many cities have approved policies to promote civility at local public meetings and in the municipal workplace;

**WHEREAS**, the Virgin Town Council, the Virgin Planning & Zoning Commission, and various committees and boards of the Town often convene public meetings to address controversial issues that engender passionate and often conflicting opinions;

**WHEREAS**, an atmosphere of impropriety, incivility, and disrespect at these public meetings can stifle participation and debate, threaten the quality of decisions, and undermine the local democratic process; and

**WHEREAS**, adopting a Code of Conduct (containing Standards of Conduct and Rules of Decorum and Civility) applicable to all public meetings and in all interactions in the workplace will also help ensure that civic engagement and local democracy continue to flourish in Virgin Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VIRGIN, UTAH:**

*Section 1.* That Title 3 of the Virgin Municipal Code of the Town of Virgin, Utah, be amended by adding a new Chapter 3.08 so that such chapter shall read as follows:

**“3.08.010 PURPOSE**

The purpose of these Standards of Conduct and Rules of Decorum is to promote mutual respect, civility, and orderly conduct among elected/appointed officials of Virgin Town (“Town”), the employees, and independent contractors of the Town, and members of the public. This policy is

not intended to deprive any person of his or her right to freedom of expression, but to promote, to the extent possible and reasonable, open dialogue and positive communications while discouraging intimidating, demeaning, volatile, hostile or aggressive actions. The Town expects all of its elected/appointed officials (collectively “Town Officials”) and all of its employees/independent contractors (collectively “Town Employees/Contractors”) to comply with this policy, and also seeks cooperation from members of the public.

### **3.08.020 STANDARDS OF CONDUCT FOR TOWN OFFICIALS AND TOWN EMPLOYEES /CONTRACTORS**

The Town holds numerous public meetings, such as meetings of the Town Council, meetings of the Town Planning & Zoning Commission and other boards and committees (collectively "Public Meetings"). Likewise, the Town has several employees/independent contractors who work daily to provide all of the municipal services the Town offers to its residents. In order to safeguard participatory democracy within the Town and the provision of quality municipal services, all elected and appointed officials of the Town (collectively "Town Officials") and all employees and independent contractors of the Town (collectively “Town Employees/Contractors”) are expected to adhere to the following “Town Standards of Conduct”:

- A. Treat everyone courteously.
- B. Listen to others respectfully.
- C. Exercise self-control.
- D. Give open-minded consideration to all viewpoints.
- E. Focus on the issues and avoid personalizing debate.
- F. Embrace respectful disagreement and dissent as democratic rights that are inherent components of an inclusive public process and tools for forging sound decisions and allow all members of the public to speak without intimidation or interruption.
- G. Provide fair and equal treatment for all persons and/or matters coming before the Town.
- H. Provide a comfortable work environment for employees and independent contractors of the Town.

### **3.08.030 RULES OF DECORUM & CIVILITY FOR TOWN OFFICIALS AND TOWN EMPLOYEES/CONTRACTORS.**

In furtherance of the foregoing Town Standards of Conduct, the following “Town Rules of Decorum and Civility” for Town Officials and Town Employees/Contractors” set forth below shall be followed:

A. Town Officials and Town Employees/Contractors SHALL treat all members of the public, other Town Officials, and other Town Employees/Contractors with respect at all times and SHALL NOT make belligerent, personal, impertinent, slanderous, threatening, intimidating, abusive, profane, or disparaging comments towards members of the public, other Town Officials, and other Town Employees/Contractors.

1. This applies to not only Public Meetings but also in private settings where Town business is being discussed or conducted.

2. No shouting or physical actions that could be construed as threatening will be tolerated on the part of any Town Official or Town Employee/Contractor

B. The expressing of a final opinion or the making of statements which infer that one or more Town Officials or Town Employees/Contractors have already reached a decision prior to the complete review of an application or request (and the taking of all input from the public, if applicable) SHALL be avoided.

1. Such action creates doubt regarding a Town Official, a Town Employee/Contractor or a legislative/administrative body of the Town to conduct a fair and impartial review of an issue or request and the development of a proper decision regarding said issue or request.

C. The same level of respect and consideration of differing points of view that is deemed appropriate for Public Meetings SHALL be maintained by Town Officials and Town Employees/Contractors in private conversations or communications regarding matters of Town business.

1. This includes all emails, voicemail messages, text messages, comments on internet forums and posts on media.

D. The professional and personal conduct of Town Officials and Town Employees/Contractors SHALL be above reproach and avoid even the appearance of impropriety.

E. Town Officials and Town Employees/Contractors SHALL refrain from abusive conduct, personal charges or verbal attacks upon the character of members of the public or other Town Officials and other Town Employees/Contractors.

F. Town Officials and Town Employees/Contractors SHALL NOT authorize or encourage anyone else to engage in conduct prohibited by these Rules of Decorum and Civility, rather they SHOULD promote the use of, and adherence to, these Rules at all times.

G. Once a deciding vote or an administrative decision is made by the Town Council, other Town board or Town Employee/Contractor with authority, it is considered a decision of the Town and respect towards said decision SHALL Not be afforded by any other Town Officials and Town Employee/Contractor. Public and private criticism of a final Town decision SHALL be avoided.

H. Town Officials and Town Employees/Contractors SHALL NOT attribute improper motives to another Town Official or Town Employee/Contractor without a factual basis, and NEVER in a Public Meeting.

**3.08.040 STANDARDS OF CONDUCT FOR MEMBERS OF THE PUBLIC**

Members of the public are expected to adhere to the following standards of conduct at Public Meetings and in interactions outside of Public Meetings with Town Officials and Town Employees/Contractors (“Public Standards of Conduct”):

- A. Treat everyone courteously.
- B. Listen to Town Officials, Town Employees/Contractors, and other members of the public respectfully.
- C. Exercise self-control and avoid threats of violence and loud, insulting, demeaning, or offensive communications.
- D. Give open-minded consideration to all viewpoints.
- E. Focus on the issues and avoid personalizing debate; and
- F. Embrace respectful disagreement and dissent as democratic rights that are inherent components of an inclusive public process and tools for forging sound decisions and allow all members of the public to speak without intimidation or interruption.

**3.08.050 RULES OF DECORUM AND CIVILITY FOR MEMBERS OF THE PUBLIC.**

In furtherance of the foregoing Public Standards of Conduct, the “Public Rules of Decorum and Civility” set forth below shall be followed at all Public Meetings, while on Town owned property, and while communicating or interacting with Town Officials and Town Employees/Staff:

- A. Members of the public attending a Public Meeting SHALL NOT engage in disorderly or boisterous conduct, including, but not limited to, applause, whistling, stamping of feet, booing, or making any loud, threatening, profane, abusive, personal, impertinent, or slanderous utterance, that disturbs, disrupts, or otherwise impedes the orderly conduct of the meeting.

B. All remarks by members of the public at Public Meetings SHALL be addressed to the Mayor or the Chair of the Town body holding the meeting ("Presiding Officer") and not to any other member of the public or to any individual member of the Town body unless in response to a question from that member.

C. Signs, placards, banners, or other similar items SHALL NOT be permitted in the audience during a Public Meeting if the Presiding Officer determines that the presence of such item disturbs, disrupts, or otherwise impedes the orderly conduct of the meeting.

D. All members of the public attending a Public Meeting SHALL obey any lawful order of the Presiding Officer made to enforce these Rules of Decorum and Civility.

E. All members of the public attending a Public Meeting, present on Town owned property, or communicating/interacting with Town Officials and/or Town Employees/Contractors SHALL listen courteously and attentively and avoid interrupting Town Officials and/or Town Employees/Contractors while they are speaking or responding to public questions.

F. All members of the public attending a Public Meeting, present on Town owned property, or communicating/interacting with Town Officials and/or Town Employees/Contractors SHALL refrain from abusive conduct, personal charges or verbal attacks upon the character of Town Officials and Town Employees/Contractors.

### **3.08.060 ENFORCEMENT OF RULES OF DECORUM AND CIVILITY.**

A. The Presiding Officer SHALL be responsible for maintaining the decorum and civility at Public Meetings and enforcing these Rules of Decorum and Civility in a uniform and even-handed manner and should intervene, where necessary to ensure that said Rules are kept.

B. The Mayor or Town Employee/Contractor over a department of the Town ("Administrative Superior") SHALL be responsible for maintaining the decorum and civility of members of the public and Town Employees/Contractors while they are communicating/interacting with each other in day to day settings outside of Public Meetings.

C. Members of the Public, Town Officials and/or Town Employees/Contractors who intentionally and repeatedly do not adhere to these Rules MAY be reprimanded or formally censured from future communications or interactions or removed by the Presiding Officer, Mayor, majority vote of the Town Council, or an Administrative Superior (as the case may be) for repeated, overt, or intentional failure to adhere to these Rules.

1. The foregoing does not limit the power of the Town Council to remove any appointed or elected Town Official or member of a Town body with or without cause.

D. In the event that any member of the public, a Town Official or Town Employee/Contractor breaches these Rules of Decorum and Civility in a manner that disturbs, disrupts, or otherwise impedes the orderly conduct of a Public Meeting, the Presiding Officer SHALL order that person to cease the offending conduct.

E. If any member of the public, Town Official or Town Employee/Contractor continues to breach these Rules of Decorum and Civility in a manner that disturbs, disrupts, or otherwise impedes the orderly conduct of a Public Meeting following an order from the Presiding Officer to cease the offending conduct, the Presiding Officer MAY order the person to leave the Public Meeting and MAY engage the efforts of law enforcement as necessary to carry out the order.

F. If a member of the public, a Town Official or another Town Employee/Contractor acts abusively towards a Town Employee/Contractor outside of a Public Meeting but in the workplace, the Mayor or Administrative Superior, SHALL issue an oral warning before taking further action in response to the abuse and provide the offending person with a copy this policy.

1. This warning SHALL:

- a. identify both the offending behavior and the potential consequences that may occur if such behavior persists, and

- b. provide the offending person with an opportunity to improve his or her behavior before the Town takes more serious action, such as removal from the premises or termination/revocation of the offending persons employment, appointment or elected position.

G. A breach of these Rules of Decorum and Civility SHALL in no event be a basis for the invalidation of any action taken by the Town Council or any Town board, Town Employee or Contractor.

H. Should the Town be required to obtain a restraining order or injunction from a court of competent jurisdiction against a member of the public, a Town Official or a Town Employee/Contractor which restrains one or more of the aforementioned persons from violating these Rules of Decorum & Civility, the Town SHALL be entitled to the recovery of all reasonable attorney’s fees and costs in obtaining said injunction relief.”

*Section 2. Severability.* If any section, clause or portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

*Section 4. Conflicts/Repealer.* This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.

*Section 5. Effective Date.* This Ordinance shall become effective immediately upon adoption by the Virgin Town Council and execution by the Virgin Town Mayor.

ADOPTED AND APPROVED BY THE VIRGIN TOWN COUNCIL this \_\_\_\_\_ day of April, 2024 based upon the following vote:

MEMBER

April McKeon	AYE _____	NAE _____	ABSTAIN _____	ABSENT _____
Marci Holm	AYE _____	NAE _____	ABSTAIN _____	ABSENT _____
Paul Luwe	AYE _____	NAE _____	ABSTAIN _____	ABSENT _____
Mistie Baird	AYE _____	NAE _____	ABSTAIN _____	ABSENT _____
Jean Kruse (Mayor)	AYE _____	NAE _____	ABSTAIN _____	ABSENT _____

VIRGIN TOWN  
a Utah municipal corporation

Attest:

\_\_\_\_\_  
Jean Krause, Mayor

\_\_\_\_\_  
Krystal Percival, Town Recorder