

# Ethics Ordinance Drafting Worksheet™



*The following questions are designed to help city officials articulate their goals and preferences. This tool is intended to assist in amending an existing code of ethics or in crafting new ethics rules and procedures.*

1. **Impetus:** What happened? What recent actions prompted this exercise?

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2. **Enactment:** Which is the appropriate means of adopting the ethics program?

**Resolution:** A policy statement by the city council.

**Ordinance:** A legislative act by the city council establishing rules.

**Charter:** Approval of language by the voters through an election.

3. **Aspirations:** Can you identify the lofty, big picture goals the ethics program is meant to achieve? \_\_\_\_\_

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4. **Values:** Can you articulate the values, virtues, and principles that are paramount to the city, and serve as the philosophical basis for having an ethics program?

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5. **Prohibitions:** Will the ethics program restrict or forbid certain acts or behaviors?

(a)  **Repeat State Law:** The program will mirror any aspects of state law.

(b)  **Exceed State Law:** The program supplements state law (is stricter, broader).

6. **Mandates:** Does the ethics program require certain actions?
- (a) \_\_\_\_\_ **Disclosures:** Will the program require the filing of certain reports?  
 (b) \_\_\_\_\_ **Repeat State Law:** The program will mirror any aspects of state law.  
 (c) \_\_\_\_\_ **Exceed State Law:** The program supplements state law (is stricter, broader).
7. **Applicability:** To whom will the ethics program apply?
- (a) \_\_\_\_\_ Mayor and Council (d) \_\_\_\_\_ Volunteers  
 (b) \_\_\_\_\_ Staff (e) \_\_\_\_\_ Vendors  
 (c) \_\_\_\_\_ Boards & Commissions (f) \_\_\_\_\_ Lobbyists / Salespeople
8. **Penalties:** What form of punishment (if any) will result from ethics violations?
- (a) \_\_\_\_\_ **Admonishment:** To reprimand or censure.  
 (b) \_\_\_\_\_ **Discharge:** To sever employment, relieve of a volunteer position or terminate a professional services agreement (subject to any contract.  
 (c) \_\_\_\_\_ **Ineligibility:** Preclude future appointments, engagement, contracts.  
 (d) \_\_\_\_\_ **Other:** \_\_\_\_\_
9. **Oversight:** Will anyone be charged with monitoring conduct and acting upon allegations of ethics infractions?
- (a) \_\_\_\_\_ City Staff (d) \_\_\_\_\_ Terms of Office  
 (b) \_\_\_\_\_ Board or Commission (e) \_\_\_\_\_ Selection Process  
 (c) \_\_\_\_\_ Size and Composition
10. **Range of Transparency:** To what degree will the ethics program balance a need to avoid defamation and protect confidentiality, but allow the citizenry to be informed?
- (a) **Open Meetings Act:** Gatherings, discussions, decisions and actions: \_\_\_\_\_  
 (b) **Public Information Act:** All data: \_\_\_\_\_  
 (c) **Records Retention Act:** All data: \_\_\_\_\_
11. **Role of City Attorney:** What role will the city's primary legal advisor play?
- (a) \_\_\_\_\_ Advisory (e) \_\_\_\_\_ Adjudicatory  
 (b) \_\_\_\_\_ Investigatory (f) \_\_\_\_\_ Recusal  
 (c) \_\_\_\_\_ Educational (g) \_\_\_\_\_ Role of Outside Counsel  
 (d) \_\_\_\_\_ Pre-Screening
12. **Role of City Staff:** What role will senior staff play?
- (a) City Secretary: \_\_\_\_\_  
 (b) City Manager: \_\_\_\_\_  
 (c) City Auditor: \_\_\_\_\_  
 (d) Other: \_\_\_\_\_
13. **Procedural Rules:**
- (a) Level of Formality: \_\_\_\_\_ (h) *Ex Parte* Communications: \_\_\_\_\_  
 (b) Forms: \_\_\_\_\_ (i) Hearing: \_\_\_\_\_  
 (c) Complaints: \_\_\_\_\_ (j) Determination: \_\_\_\_\_  
 (d) Where file: \_\_\_\_\_ (k) Waiver: \_\_\_\_\_  
 (e) Notice: \_\_\_\_\_ (l) Reconsideration: \_\_\_\_\_  
 (f) Pre-Screen: \_\_\_\_\_ (m) Appeal: \_\_\_\_\_  
 (g) Fact-Finding: \_\_\_\_\_ (n) Timeline: \_\_\_\_\_

**14. Evidentiary Rules:** How will the city handle evidence?

- (a) Submission of Evidence: \_\_\_\_\_
- (b) Authentication of Evidence: \_\_\_\_\_
- (c) Examination: \_\_\_\_\_
- (d) Cross-Examination: \_\_\_\_\_

**15. Leadership:** Will there be active support of the ethics program from the top?

- (a) \_\_\_\_\_ **Mayor:** Will the mayor champion it?
- (b) \_\_\_\_\_ **Council:** Will the governing body allocate the resources to support it?
- (c) \_\_\_\_\_ **City Manager:** Is the chief administrative officer likely to embrace the program, encourage and reward others, and role-model behavior?

**16. Instruction:** Continuing education is vital to success. Will there be ethics training?

- (a) Mandatory or Voluntary: \_\_\_\_\_
- (b) Instructor(s): \_\_\_\_\_
- (c) Frequency (upon election, hiring or appointment; refresher): \_\_\_\_\_
- (d) Curriculum (local rules, state law, other): \_\_\_\_\_

**17. Administration:** Will the city evaluate its routine, day-to-day procedures to ensure objectivity and fairness? Are there means of achieving *Procedural Justice*?

- (a) \_\_\_\_\_ Purchasing
- (b) \_\_\_\_\_ Permitting
- (c) \_\_\_\_\_ Code Enforcement
- (d) \_\_\_\_\_ Human Resources
- (e) \_\_\_\_\_ Parks & Rec
- (f) \_\_\_\_\_ Budget & Finance
- (g) \_\_\_\_\_ Police
- (h) \_\_\_\_\_ Other: \_\_\_\_\_

**18. Transparency:** Can you improve how the city approaches Open Government, generally, on an organization-wide basis?

- (a) Open Meetings: \_\_\_\_\_
- (b) Open Records: \_\_\_\_\_
- (c) Records Retention: \_\_\_\_\_

*This document is provided as a planning tool for structuring a conversation about enacting or revising an ethics program for a municipality. It is intended as educational material, only, and does not constitute legal advice. Answers to the questions listed above should be discussed with the city's legal advisor.*

