



*(Approved by the ACWA Board of Directors on 7/31/2015)*

## **2.1.10 Code of Conduct**

### **2.1.10.1 Introduction**

The Board is committed to ensuring that Board members carry out their duties with integrity and respect, and to honorably represent its agency members and the public they serve. The following Code of Conduct establishes ethical standards for Board members' performance of the duties of office. (Code of Conduct originally adopted by the Board on November 22, 2013, as required pursuant to Article 4, Section 11 of the Bylaws, as amended May 9, 2012.)

### **2.1.10.2 Code of Conduct**

Board members agree to abide by the following:

1. Board members will treat all persons and transactions in a fair and respectful manner when participating in the Association's activities.
2. Board members will act in accordance with all applicable laws of the United States and the State of California in the performance of their official duties. Not doing so may constitute serious misconduct for the purpose of discipline under this Code of Conduct.
3. Board members will refrain from abusive conduct, and verbal attacks upon the character or motives of other Board members or member agencies, the Association and its staff, or the public. Board members will refrain from actions or behaviors that may be considered unlawful harassment or discrimination, as such behavior may constitute serious misconduct for the purpose of discipline under this Code of Conduct.
4. Board members will abide by the processes and rules of order as established by the Association Bylaws and this Code of Conduct.
5. When acting in their capacity as a Board member, Board members will accurately and honestly represent the official policies and positions of the Association and support and advocate such policies and measures (e.g., local, state, and federal) that serve the best interests of the Association, opposing those of a contrary nature.
6. The Board exercises authority only collectively as a Board. Individual Board members will not state that a matter is the Association's policy unless the matter has been previously approved by the Board.

7. Board members will not participate in or attempt to influence a Board decision that could have a reasonably-foreseeable impact on their personal or financial interest.
8. Board members will refrain from accepting gifts, favors, or promises of future benefits that might compromise their independent judgment or action as a Board member or give the appearance of being compromised in carrying out their duties as a Board member.
9. Board members will keep confidential Association information that has been provided to them in confidence. Board members will not disclose confidential information without proper authorization from the Board as a whole or use such information to advance their personal, or private, financial interests. Disclosure or misuse of confidential Association information may constitute serious misconduct for the purpose of discipline under this Code of Conduct.
10. Consistent with Article 3, Section 2(B) and Article 6, Section 2(A) of the Bylaws, individual Board members will refrain from (or the appearance of) directing the day-to-day operations of the Association's staff, except as may be authorized by the Executive Director to facilitate the performance of their duties as a Board member.
11. In accordance with the Bylaws, the Board may discipline or remove any Board member, including one who violates the rules of the Association or commits a violation determined to be serious misconduct pursuant to this Code of Conduct.

**Psychological Safety Summary**

Meeting Date: March 25, 2022	Item No.: VII.A.5.
Board Action Required: TBD	Chairperson: N/A
Fiscal/Budgetary Impact: NO	Prepared By: Dave Eggerton

**BACKGROUND**

On February 3, 2022, the Board held a workshop with organizational development expert Dr. Mitch Rosenberg on promoting a psychologically safe environment for the Board and staff in their work together for the benefit of the Association and its members. Dr. Rosenberg’s notes from the workshop are attached this report. As discussed at the workshop, Dr. Rosenberg recommended the Board distill the central themes captured in the comments of Board members to create 3 – 7 guiding principles in support of creating a psychologically safe environment for ACWA. Based on the attached notes from the workshop, the following draft “Principles of Engagement” are provided for the Board to discuss, change as desired, and adopt for the organization.

**DRAFT PRINCIPLES OF ENGAGEMENT**

The following principles will guide the manner by which the Board of Directors and staff of ACWA work together for the benefit of the Association and its members:

- Create an environment that welcomes the voice of each and every person to ask questions, raise concerns and share ideas;
- Actively listen to other views and perspectives to collectively broaden our understanding; and
- Dedicate the time and space to build interpersonal relationships and gain trust.

**Attachment: Dr. Rosenberg’s Summary Notes**

**RESOLUTION NO. 03-22-03**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY  
REGARDING DECORUM DURING BOARD OF  
DIRECTORS' MEETINGS AND ESTABLISHING  
RULES OF CONDUCT FOR DIRECTORS AND ALTERNATE DIRECTORS**

**WHEREAS**, the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority (the "Authority") desires to adopt a policy to ensure that its meetings are conducted in an orderly manner and to ensure that the Directors and Alternate Directors treat each other in a professional manner,

**NOW, THEREFORE, BE IT RESOLVED** that the Authority's Board of Directors hereby approves and adopts the following policy regarding decorum during Board of Directors' meetings and establishing rules of conduct for Directors, Alternate Directors and the public.

**1. Rules of Decorum for Board of Directors' Meetings.**

(a) Decorum. Meetings of the Authority's Board of Directors (the "Board"), which shall include all regular and special Board meetings, in open and closed sessions, and all Authority standing committee meetings, must be conducted in an orderly manner to ensure that the public has an opportunity to be heard and that the Board's deliberative process is not disrupted. The Board's Chair or Vice Chair, or, in their absence, another member so designated by the Board (any of which, as applicable, shall be referred to as the "Presiding Officer"), is responsible for maintaining the order and decorum of meetings.

(b) Rules of Decorum. While any meeting of the Board is in session the following rules of decorum must be observed:

(i) Persons Addressing the Board. Each person who addresses the Board must do so in an orderly manner and must not make personal, impertinent, slanderous, or profane remarks to any member of the Board, staff, or general public. Any person who makes such remarks, or who utters loud, threatening, personal, or abusive language, or who engages in any other disorderly conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any Board meeting will, at the discretion of the Presiding Officer or a majority of the Board, be barred from further audience before the Board during that meeting.

(ii) Members of the Audience. No person in the audience at a Board meeting may engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language, whistling or other acts that disturb, disrupt, or otherwise impede the orderly conduct of the Board meeting. Persons in the audience shall not interrupt ongoing discussions by the Board, Authority staff or other persons recognized and given the floor by the Presiding Officer, and shall avoid talking, making noises or other utterances while others are speaking. Any person who behaves in this manner may, at the discretion of the Presiding Officer or a majority of the Board be barred from further audience before the Board during that meeting.

(c) Addressing the Board. No person may address the Board without first being recognized by the Presiding Officer. The following procedures must be observed by persons addressing the Board:

(i) Each person shall follow the direction provided by the Presiding Officer and state the person's name and the organization, if any, the person represents.

(ii) Any subject that is deemed by the Presiding Officer to not be within the subject matter jurisdiction of the Board or the Authority may be precluded. Authority legal counsel shall have the authority to halt any comments determined to be outside the subject matter jurisdiction of the Board or Authority.

(iii) With regard to items that are listed on the agenda, the remarks of the speaker must be confined to the subject that is being discussed at the time such remarks are made. Members of the public are encouraged to hold any comments on specific agenda items until after the Board has concluded its initial discussion of the specific agenda item, and as otherwise directed by the Presiding Officer.

(iv) The remarks of each person shall generally be limited to three minutes, provided that time limit may be adjusted by the Presiding Officer in the Presiding Officer's discretion. Where a group of persons wishes to address the Board on the same subject, the group should endeavor to select one spokesperson to address the Board in order to expedite matters and avoid repetitious presentations. Speakers may not lend any portion of their speaking time to other persons or borrow additional time from other persons. Public comments shall be allowed during the "Public Comment" period and on any Action Items or Discussion Items, as directed by the Presiding Officer.

(v) All remarks to the Board must be addressed to the Presiding Officer and not to any single member of the Board unless in response to a question from that Director or Alternate Director.

(d) Rules of Decorum among Directors and Alternate Directors. The following rules apply to all Directors and Alternate Directors at meetings:

(i) By Directors and Alternate Directors. While the Board is in session, Directors and Alternate Directors must preserve order and decorum, and a Director or Alternate Director must not, by conversation or otherwise, delay or interrupt the proceedings of the Board, nor disturb any Director or Alternate Director while speaking, nor refuse to obey the orders of the Board or the Presiding Officer, except as otherwise provided in this section.

(ii) Getting the Floor—Improper References to be Avoided. Every Director or Alternate Director desiring to speak must address the Presiding Officer and, upon recognition by the Presiding Officer, must confine all remarks to the question under debate. Authority legal counsel shall have the authority to halt any comments that in counsel's opinion may constitute violations of the Brown Act.

(iii) Interruptions. Once recognized, a Director or Alternate Director must not be interrupted when speaking unless it is to call that Director or Alternate Director to order, or as otherwise provided in this section (d). If a Director or Alternate Director is called to order while speaking, that Director or Alternate Director must cease speaking until the question of order is determined and, if in order, the Director or Alternate Director will be permitted to proceed.

(iv) Appeals. Any ruling of the Presiding Officer may be appealed at the request of a Director by way of a motion to appeal the decision of the chair, which can be passed by a majority vote of the Board.

(e) Enforcement of Decorum. The rules of decorum set forth above will be enforced in the following manner:

(i) Warning: Removal. The Presiding Officer may request that a person who is breaching the rules of decorum be orderly and silent. After receiving a warning from the Presiding Officer, if a person persists in disturbing the meeting, the Presiding Officer may order that person to leave the Board meeting or may call for a recess of the meeting to allow the meeting room to be cleared and for the readmittance of only those individuals not responsible for the disturbance. If the person responsible for the disturbance does not leave, then the Presiding Officer may request assistance from a law enforcement officer to remove the person from the meeting.

(ii) Motion to Enforce. If the Presiding Officer fails to enforce the rules set forth above, any Director may move to require such enforcement, and an affirmative vote of a majority of the Board will require that action. If the Presiding Officer fails to carry out the will of a majority of the Board, the majority may designate another Director to act as Presiding Officer for the limited purpose of enforcing any rule of this section that it wishes enforced.

## 2. Board of Directors – Norms of Conduct and Communication.

(a) Personal Conduct. The work of the Authority is a team effort. All Directors and, as applicable, Alternate Directors should work together in the collaborative process, assisting each other and Authority management, staff and consultants in conducting the affairs of the Authority in the best interests of the Authority and its members. Directors and Alternate Directors shall thoroughly prepare themselves to discuss agenda items at Board meetings. Directors and Alternate Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the public present at Board meetings. Directors and Alternate Directors shall defer to the Presiding Officer for the conduct of Board meetings but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board. Directors and Alternate Directors should function as a part of the whole, with issues brought to the attention of the Board as a whole, rather than to individual Directors or Alternate Directors selectively. Directors and Alternate Directors are responsible for monitoring the Authority's progress in attaining its goals and objectives, while pursuing its mission.

(b) Compliance with Laws and Regulations. All Directors and Alternate Directors shall comply with all applicable laws and regulations applicable to their service as members of the Board, including, without limitation, the Political Reform Act and Fair Political Practices Commission regulations, Government Code Section 1090 and the Brown Act, including with respect to the confidentiality of closed session discussions and documents.

(c) Communication of Views and Positions. The Board of Directors is committed to providing excellence in leadership of the Authority. In order to ensure appropriate behavior between and among Directors and Alternate Directors, the following rules shall be observed:

(i) The dignity, style, values and opinions of each Director and Alternate Director shall be respected. Open and full discussion of all issues affecting the Authority shall take place. Responsiveness and attentive listening in communication are encouraged.

(ii) The needs of the Authority and its members should be the priority of the Board of Directors and Directors and Alternate Directors shall strive for fairness and honesty in all of their dealings with others.

(iii) Directors and Alternate Directors should emphasize the positive, avoid double talk, hidden agendas, gossip, backbiting and other negative forms of interaction. Directors and Alternate Directors should treat each other with respect, avoid personal attacks and avoid the use of profanity or other slurs directed at other Directors and Alternate Directors.

(iv) Directors and Alternate Directors should focus on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.

(v) Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions without being disagreeable. Once the Board of Directors takes action, Directors and Alternate Directors should commit to support such action and not create barriers to the implementation of the action.

(d) Board Discipline. In the exercise of its discretion to enforce the foregoing provisions of this Section 2, the Board of Directors, by the affirmative vote of a majority of its members, may censure any Director or Alternate Director for period of time deemed appropriate by the Board for any violation of this Section 2. The maximum penalty that may be imposed upon the censured director during the period of such censure shall be the following:

(i) The removal of the censured Director or Alternate Director from service on all Board committees, unless subsequently authorized by the Board of Directors.

(ii) The removal of the censured Director or Alternate Director from any office held by that Director or Alternate Director.

PASSED AND ADOPTED by the Board of Directors of the Los Vaqueros Reservoir  
Joint Powers Authority this 9<sup>th</sup> day of March, 2022 by the following vote:

AYES: Ramirez Holmes (Chair), Hansen (Vice Chair), Sethy, Borba, Coleman, Wehr, Ritchie, LeZotte

NOES:

ABSTAIN:

ABSENT:

*Angela Ramirez Holmes*

Angela Ramirez Holmes (Mar 16, 2022 19:48 PDT)

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Angela Ramirez Holmes, Chair

Attest:

*Ellen Wehr*

Ellen Wehr (Mar 17, 2022 09:48 PDT)

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Ellen Wehr, Secretary



**City of Alameda**  
**City Council Handbook & Code of Conduct**

Mayor Marilyn Ezzy Ashcraft  
Vice Mayor John Knox White  
Council Member Jim Oddie  
Council Member Tony Daysog  
Council Member Malia Vella

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## **Policy Purpose**

The City Council has adopted a Code of Ethics and Conduct for its members, as well as the City's boards and commissions, to ensure the integrity of local government and its effected, and fair operation.

### **A. ETHICS**

The residents and businesses of Alameda are entitled to have fair, ethical, and accountable local government which has earned the public's full confidence for integrity. In keeping with the City of Alameda Commitment to Excellence (see Appendix A), the effective function of democratic government therefore requires:

- public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- public officials be independent, impartial and fair in their judgment and actions;
- public office be used for the public good, not for personal gain; and
- public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

The Ethics section of the City's Code of Ethics and Conduct provides guidance on questions of right and wrong.

1. Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Alameda and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the City Council, boards and/or commissions.
2. Comply with both the spirit and the letter of the Law and City Policy. Members shall comply with the laws of the nation, the State of California and the City of Alameda in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the Alameda City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.
3. Conduct of Members. The professional and personal conduct of members must be above reproach and avoid even 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 and commissions, the staff, and/or public.
4. Respect for Process. Members shall perform their duties in accordance with the processes and rules of order established by the City Council and board and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

5. Conduct of 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. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.
6. Decisions Based on Merit. Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
7. Communication. Members shall publicly disclose substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process.
8. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.
9. Gifts and Favors. Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.
10. Confidential Information. Members shall respect the confidentiality of information concerning the property, personnel, and/or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, and/or other private interests.
11. Use of Public Resources. Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.
12. Representation of Private Interests. Members of Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission, or proceeding of the City, nor shall members of boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
13. Advocacy. Members shall represent the official policies or positions of the City Council, board or commission 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 City of Alameda, nor will they allow the inference that they do.

Councilmembers and board and commission members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, board/commission meetings, or other official City meetings.

14. Policy Role of Members. Members shall respect and adhere to the council-manager structure of City's government as outlined by the Alameda City Charter. In this structure, the City Council determines the policies of the City with the advice, information, and analysis provided by the public, boards and commissions, and City staff. Except as provided by the City Charter, members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.
15. Independence of boards and commissions. Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to influence the deliberations or outcomes of board and commission proceedings.
16. Positive Work Place Environment. Members shall support the maintenance of a positive and constructive work place environment for City employees and for residents and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

## **B. CONDUCT**

The Conduct section of the City's Code of Ethics and Conduct is designed to describe the manner in which Councilmembers and board and commission members should treat one another, City staff, constituents, and others they come into contact with in representing the City of Alameda.

The constant and consistent theme through all of the conduct guidelines is "respect." Councilmembers experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected and appointed officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Councilmembers and board and commission members to do the right thing in even the most difficult situations.

### **1. Elected and Appointed Officials' Conduct with One Another**

Elected and appointed bodies are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen public service as a way to enhance the community. In all cases, this common goal should be acknowledged even though individuals may "agree to disagree" on contentious issues.

#### **1(a). In Public Meetings**

*Use formal titles*

Elected and appointed officials should refer to one another formally during public meetings, such as Mayor, Vice Mayor, Chair, Commissioner or Councilmember followed by the individual's last name.

*Practice 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 a free democracy in action. This does not allow, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

*Honor the role of the 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.

*Avoid personal comments that could offend 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. The chair will maintain control of this discussion.

*Demonstrate effective problem-solving approaches*

Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

Outside of official board or commission meetings, individual board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or the board or commission to do so for a particular purpose. In private settings, board and commission members may communicate at any time and on any subject with individual members of the City Council, and may express to them individual viewpoints and opinions. In public, however, all members shall represent the official policies or positions of their board or commission, with the following exception. During a Council public hearing on any item addressed by the board or commission, any member may speak under standard time limits, but shall indicate whether their testimony represents an official position (majority opinion) or a minority opinion of the board/commission to which they belong. The chair shall represent the majority view of the board or commission, but may report on any minority views as well, including his or her own. When an official board or commission position differs from staff's recommendation on a particular policy issue, then at the Council's discretion additional time may be provided to the chair of the board or commission (or his/her designee) to explain the position of the board/commission or to rebut statements made by staff or the public. If new information is brought to light during a public hearing which was not shared previously with the board or commission, the Council may allow the board or commission chair to respond. If the Council deems the new information sufficient to warrant additional study, then by majority vote Council may remand the issue back to the board or commission for further study prior to taking other action itself.

Individual opinions and positions may be expressed by board and commission members regarding items that have not come before the particular board/commission to which they belong. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Alameda, nor will they allow the inference that they do.

Although a board or commission may disagree with the final decision the Council makes, the board or commission shall not act in any manner contrary to the established policy adopted by the Council.

### **1(b). In Private Encounters**

#### *Continue respectful behavior in private*

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

#### *Be aware of the insecurity of written notes, voicemail messages, and email*

Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note shared with others? How would you feel if this voicemail message were played on a speaker phone in a full office? What would happen if this email message were forwarded to others? Written notes, voicemail messages and email should be treated as potentially "public" communication.

#### *Even private conversations can have a public presence*

Elected and appointed officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

In private, board and commission members may communicate at any time and on any subject with the City Council, and may express to Council individual viewpoints and opinions.

## **2. Elected and Appointed Officials' Conduct with City Staff**

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

#### *Treat all staff as professionals*

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

#### *Member questions/inquiries to City staff*

1. General. Council and board/commission communications with City staff should be limited to normal City business hours unless the circumstances warrant otherwise.

2. Routine Requests for Information and Inquiries. Members may contact staff directly for information made readily available to the general public on a regular basis (e.g., “What are the library’s hours of operation?” or “How does one reserve a tee time at the golf course?”). Under these circumstances staff shall treat the member no differently than they would the general public, and the member shall not use their elected status to secure preferential treatment. The City Manager does not need to be advised of such contacts.
3. Non-Routine Requests for Readily Available Information. Members may also contact staff directly for easily retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion (e.g., “How many traffic lights are there in the City?” or “Under what circumstances does the City lower its flags to half-mast?”).
4. Non-Routine Requests Requiring Special Effort. Any member request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff to express an opinion (legal or otherwise) must be directed to the City Manager, or to the City Attorney, as appropriate (e.g., “How many Study Issues completed over the past five years have required 500 or more hours of staff time?”, or “What is the logic behind the City’s sign ordinances affecting businesses?”). The City Manager (or City Attorney as appropriate) shall be responsible for distributing such requests to his/her staff for follow-up. Responses to such requests shall be copied to all Councilmembers (if originating from a Councilmember), relevant board or commission members (if originating from a board or commission member), the City Manager, the City Attorney as appropriate and affected department directors.
5. Meeting Requests. Any member request for a meeting with staff must be directed to the City Manager or City Attorney, as appropriate.

*Do not disrupt City staff from their jobs*

Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City staff meetings unless requested by staff – even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, may intimidate staff, and hampers staff’s ability to do their job objectively.

*Never publicly criticize an individual employee*

Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee’s manager. Comments about staff performance should only be made to the City Manager, or City Attorney as appropriate, through private correspondence or conversation.

*Do not get involved in administrative functions*

Elected and appointed officials must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

*Check with City staff on correspondence before taking action*

Before sending correspondence, Councilmembers should check with City staff to see if an official City response has already been sent or is in progress.

*Limit requests for staff support*

Routine secretarial support will be provided to all Councilmembers. The Council Executive Assistant opens all mail for Councilmembers, unless a Councilmember requests other arrangements. Mail addressed to the Mayor is reviewed first by the City Manager who notes suggested action and/or follow-up items.

Requests for additional staff support – even in high priority or emergency situations – should be made to the City Manager, and/or City Attorney as appropriate, who are responsible for allocating City resources in order to maintain a professional, well-run City government.

*Do not solicit political support from staff*

Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private residents with constitutional rights, support political candidates but all such activities must be done away from the workplace.

**3. Elected and Appointed Officials' Conduct with the Public**

**3(a). 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 individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

*Be welcoming to speakers and treat them with care and gentleness. While questions of clarification may be asked, the official's primary role during public testimony is to listen.*

"I give many public presentations so standing up in front of a group and using a microphone is not new to me. But I found that speaking in front of Council was an entirely different experience. I was incredibly nervous and my voice was shaking. I think the reason was because the issue was so personal to me. The Council was going to take a vote that would affect my family's daily life and my home. I was feeling a lot of emotion. The way that Council treats people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity."

*Be fair and equitable in allocating public hearing time to individual speakers.*

The chair will determine and announce limits on speakers at the start of the public hearing process. Questions should not be asked for the express purpose of allowing one speaker to evade the time limit imposed on all others (e.g., "Was there something else you wanted to say?").

No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during any particular agenda item unless the chair requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the chair reopens the public hearing for a limited and specific purpose.

*Give the appearance of active listening*

It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger, or boredom.

*Maintain an open mind*

Members of the public deserve an opportunity to influence the thinking of elected and appointed officials. To express an opinion or pass judgment prior to the close of a public hearing casts doubt on a member's ability to conduct a fair review of the issue. This is particularly important when officials are serving in a quasi-judicial capacity.

*Ask for clarification, but avoid debate and argument with the public*

If speakers become flustered or defensive by questions, it is the responsibility of the chair to attempt to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by members to the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

*No personal attacks of any kind, under any circumstance*

Members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

*Follow parliamentary procedure in conducting public meetings*

The City Clerk serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. The chair, subject to the appeal of the full Council or board/commission makes final rulings on parliamentary procedure.

**3(b). In Unofficial Settings**

*Make no promises on behalf of the Council, board/commission or City*

Members will frequently be asked to explain a Council or board/commission action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council or board/commission action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).

*Make no personal comments about other members*

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other members, their opinions, and actions.

*Remember that despite its operational capacity, Alameda is a small town at heart*  
Members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Alameda. Honesty and

respect for the dignity of each individual should be reflected in every word and action taken by members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

#### **4. Council Conduct with Other Public Agencies**

*Be clear about representing the City or personal interests*

When representing the City, the Councilmember must support and advocate the official City position on an issue, not a personal viewpoint. Outside of official board or commission meetings, board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or the board or commission to do so for a particular purpose.

When representing another organization whose position is different from the City, the Councilmember should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Councilmembers should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

*Correspondence also should be equally clear about representation*

City letterhead may be used when the Councilmember is representing the City and the City's official position. A copy of official correspondence should be given to the Council Executive Assistant to be filed in the Council Office as part of the permanent public record.

City letterhead should not be used for non-City business nor for correspondence representing a dissenting point of view from an official Council position.

#### **5. Council Conduct with Boards and Commissions**

The City has established several boards and commissions as a means of gathering more community input. Residents who serve on boards and commissions are likely to become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

*If attending a board or commission meeting, be careful to only express personal opinions*

Councilmembers may attend any board or commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation - especially if it is on behalf of an individual, business, or developer - could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a board or commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

*Limit contact with board and commission members to questions of clarification*

It is inappropriate for a Councilmember to contact a board or commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact board or commission members in order to clarify a position taken by the board or commission.

*Remember that boards and commissions serve the community, not individual Councilmembers*

The City Council appoints individuals to serve on boards and commissions, and it is the responsibility of boards and commissions to follow policy established by the Council. But board and commission

members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten board and commission members with removal if they disagree about an issue. Appointment and re-appointment to a board or commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A board or commission appointment should not be used as a political "reward."

*Be respectful of diverse opinions*

A primary role of boards and commissions is to represent many points of view in the community and to provide the 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 and commissions, but must be fair and respectful of all residents serving on boards and commissions.

*Keep political support away from public forums*

Board and commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support board and commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

**6. Agenda Setting**

The agenda is the official guide for Council meetings. Prepared by staff, the agenda includes current legislative and policy issues that Council reviews and, on which the Council may take action. By law and subject to very limited exceptions, the Council cannot take action on items or issues which are not listed on the agenda.

The City Manager, City Clerk, and City Attorney may meet with the Mayor, and other members of the Council as necessary, to collaborate on the setting of the agenda. Unless otherwise specifically directed by the Council, the City Manager, City Clerk, and City Attorney shall have final authority to set the agenda for their respective area of administrative responsibility.

**7. Conduct with the Media**

Board and commission members are not authorized to represent the City outside of official board/commission meetings unless specifically authorized to do so.

Councilmembers are frequently contacted by the media for background and quotes.

*The best advice for dealing with the media is to never go "off the record"*

Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

*The Mayor is the official spokesperson for the City on City positions.*

The Mayor is the designated representative of the Council to present and speak on an official City position. If an individual Councilmember is contacted by the media, the Councilmember should be clear about whether their comments represent the official City position or a personal viewpoint.

*Choose words carefully and cautiously*

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

## **C. SANCTIONS**

### *Model of Excellence*

City Councilmembers, board and commission members, and Council appointees who do not sign the Model of Excellence (see Appendix A) shall be ineligible for intergovernmental assignments or Council subcommittees.

### *Ethics Training for Local Officials*

City Councilmembers, board and commission members, and Council appointees who are out of compliance with State- or City-mandated requirements for ethics training shall not represent the City on intergovernmental assignments or Council sub-committees, and may be subject to sanctions.

### *Public Disruption*

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting and/or removed from the Council Chambers.

### *Inappropriate Staff Behavior*

Councilmembers should refer to the City Manager, or City Attorney as appropriate, any City staff who do not follow proper conduct in their dealings with Councilmembers, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions. (Please refer to the section on Council Conduct with City Staff for more details on interaction with Staff.)

### *Councilmembers Behavior and Conduct – Compliance and Enforcement*

The Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the City Council, boards and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of boards and commissions and the Mayor and Councilmembers have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

Councilmembers should point out to the offending Councilmember infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Vice Mayor.

It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

### *Board and Commission Members Behavior and Conduct*

Counseling, verbal reprimands, and written warnings may be administered by the Mayor to board and commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the chair of the respective board or commission, the city clerk, the city attorney, the city manager, and the City Council. Written reprimands administered by the Mayor shall not be included in packets for public meetings and shall not be publicized except as required under the Public Records Act.

The City Council may impose sanctions on board and commission members whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline imposed by Council shall be determined by a majority vote of at least a quorum of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation. The Report to Council shall be distributed in accordance with normal procedures, including hard copies to numerous public facilities and posting online. Any Report to Council addressing alleged misconduct by a board or commission member shall be routed through the Office of the City Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Records Act.

When deemed warranted, the Mayor or majority of Council may call for an investigation of board or commission member conduct. Should the City Manager or City Attorney believe an investigation is warranted, they shall confer with the Council. The Council may ask the City Manager and/or the City Attorney to investigate the allegation and report the findings.

The results of any such investigation shall be provided to the full Council in the form of a Report to Council, and shall be placed on the agenda of a noticed public meeting as "Information Only". Any such report shall be made public and distributed in accordance with normal procedures (i.e., hard copies to numerous public locations and posted online). Any report to Council addressing the investigation of board and commission members shall be routed through the Office of the City Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Records Act.

It shall be the Council's responsibility to determine the next appropriate action. Any such action taken by Council (with the exception of "take no further action") shall be conducted at a noticed public hearing. These actions include, but are not limited to: discussing and counseling the individual on the violations; placing the matter on a future public hearing agenda to consider sanctions; forming a Council ad hoc subcommittee to review the allegation, the investigation, and its findings, as well as to recommend sanction options for Council consideration.

## **D. PRINCIPLES OF PROPER CONDUCT**

### **Proper conduct IS ...**

- Keeping promises
- Being dependable
- Building a solid reputation
- Participating and being available

- Demonstrating patience
- Showing empathy
- Holding onto ethical principles under stress
- Listening attentively
- Studying thoroughly
- Keeping integrity intact
- Overcoming discouragement
- Going above and beyond, time and time again
- Modeling a professional manner

**Proper conduct IS NOT ...**

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up bad feelings, divisiveness
- Acting in a self-righteous manner

**It all comes down to respect**

Respect for one another as individuals ... respect for the validity of different opinions ... respect for the democratic process ... respect for the community that we serve.

**E. CHECKLIST FOR MONITORING CONDUCT**

- Will my decision/statement/action violate the trust, rights or good will of others?
- What are my interior motives and the spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else’s painful expense? Will it destroy their trust in me? Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?
- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- Do I exhibit the same conduct in my private life as I do in my public life?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and understand the views of others?
- Do I question and confront different points of view in a constructive manner?
- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

**F. GLOSSARY OF TERMS**

**attitude**                      The manner in which one shows one’s dispositions, opinions, and feelings

<b>behavior</b>	External appearance or action; manner of behaving; carriage of oneself
<b>civility</b>	Politeness, consideration, courtesy
<b>conduct</b>	The way one acts; personal behavior
<b>courtesy</b>	Politeness connected with kindness
<b>decorum</b>	Suitable; proper; good taste in behavior
<b>manners</b>	A way of acting; a style, method, or form; the way in which things are done
<b>point of order</b>	An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration
<b>point of personal privilege</b>	A challenge to a speaker to defend or apologize for comments that a fellow member considers offensive
<b>propriety</b>	Conforming to acceptable standards of behavior
<b>protocol</b>	The courtesies that are established as proper and correct
<b>respect</b>	The act of noticing with attention; holding in esteem; courteous regard

**G. IMPLEMENTATION**

As an expression of the standards of conduct for members expected by the City, the Alameda Code of Ethics and Conduct is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, this document shall be included in the regular orientations for candidates for City Council, applicants to board and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of Alameda Code of Ethics and Conduct.

**MODEL OF EXCELLENCE**

**Alameda City Council, Boards and Commissions**

**MEMBER STATEMENT**

As a member of the Alameda City Council or of an Alameda board or commission, I agree to uphold the Code of Ethics and Conduct for Elected and Appointed Officials and conduct myself by the following model of excellence. I will:

- Recognize the worth of individual members and appreciate their individual talents, perspectives and contributions;
- Help create an atmosphere of respect and civility where individual members, City staff and the public are free to express their ideas and work to their full potential;
- Conduct my personal and public affairs with honesty, integrity, fairness and respect for others;
- Respect the dignity and privacy of individuals and organizations;
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;
- Avoid and discourage conduct which is divisive or harmful to the best interests of Alameda; and
- Treat all people with whom I come in contact in the way I wish to be treated.

***I affirm that I have read and understood the City of Alameda Code of Ethics and Conduct for Elected and Appointed Officials.***

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# **CITY OF OCEANSIDE**

## **CODE OF ETHICS AND CONDUCT**

**FOR**

## **ELECTED AND APPOINTED OFFICIALS**

## **Policy Purpose**

The Oceanside City Council adopts this Code of Ethics and Conduct to assure that all elected and appointed officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of Oceanside's City government. This policy shall apply to all elected positions, including the Mayor, Councilmembers, City Clerk and City Treasurer, whether elected or appointed to serve in that capacity, Council Aides and all persons appointed by the City Council to the City's Boards, Committees and Commissions.

## A. ETHICS

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

- Comply with both the letter and spirit of 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, not for personal gain; and
- Conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility.

Therefore, members of the City Council, City Treasurer, City Clerk, Council Aides, and members of all Boards, Committees and Commissions shall conduct themselves in accordance with the following ethical standards:

1. **Act in the Public Interest.** Recognizing that stewardship of the public interest shall be their primary concern, members will work for the common good of the people of Oceanside and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.
2. **Comply with both the spirit and the letter of the Law and City Policy.** Members shall comply with the laws of the nation, the State of California and the City of Oceanside in the performance of their public duties.
3. **Conduct of Members.** The professional and personal conduct of members while exercising their office shall be above reproach and avoid even 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, the staff or public.
4. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the City and the City 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. **Decisions Based on Merit.** Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts peculiar to an individual case), members 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.
7. **Communication.** For adjudicative matters pending before the body, written communication provided to the City Council shall be retained in accordance with the City's document retention schedule and shall be open to inspection and/or copying in accordance with the California Public Records Act.

8. **Conflict of Interest.** In order to assure their independence and impartiality on behalf of the common good and compliance with conflict of interest laws, members 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) a material financial interest as set forth in the Political Reform Act and applicable regulations promulgated by the Fair Political Practices Commission, or (b) actual bias that would result in the denial of procedural due process.

In accordance with the City's Municipal Code Section 2.1.32., "if a council member has reason to believe he or she has a conflict of interest with respect to a governmental decision, he or she may give the full facts of the matter to the city attorney and request advice thereon. The request for advice should be submitted to the city attorney sufficiently in advance of the meeting to allow the city attorney a reasonable opportunity to analyze the facts stated and the applicable law and to seek appropriate assistance from the fair political practices commission. Any response by the city attorney shall be in writing, if time permits, and delivered to each council member before the meeting in question. Oral responses shall be stated on the public record. If a determination whether it is reasonably foreseeable that a financial interest would be affected by a governmental decision depends on the advice of an appraiser or similar professional, except an attorney, the city attorney may retain such professional at city expense. Nothing in this section shall be deemed to preclude the member or the city attorney from seeking assistance or advice on a conflict of interest matter from the fair political practices commission."

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and if they have an impermissible conflict of interest regarding a particular decision, shall not, once the conflict is ascertained, participate in the decision and shall not discuss or comment on the matter in any way to any person including other members unless otherwise permitted by law.

9. **Gifts and Favors.** Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised. Disqualification of a member from participating in a government decision based on the acceptance of a gift shall be determined in accordance with legal requirements of the Political Reform Act, applicable regulations and case law.
10. **Confidential Information.** Members shall maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
11. **Use of Public Resources.** Members shall not use public resources which are not available to the public in general (e.g., City staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.
12. **Representation of Private Interests.** In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the

Council or any Board, Committee, Commission or proceeding of the City, nor shall members of Boards, Committees and Commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

13. **Advocacy.** Members shall represent the official policies or positions of the City Council, Board, Committee or Commission 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 City of Oceanside, nor will they allow the inference that they do. Councilmembers, Council Aides and Board, Committee and Commission members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, or Board, Committee and Commission meetings, or other official City meetings.
14. **Policy Role of Members.** Members shall respect and adhere to the council-manager structure of Oceanside City government as outlined in the City Charter. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City staff, Boards, Committees and Commissions, and the public. Except as provided by the City Code and applicable council policies, members shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.
15. **Independence of Boards, Committees and Commissions.** Because of the value of the independent advice of Boards, Committees and Commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of Board, Committee and Commission proceedings.
16. **Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

## **B. CONDUCT GUIDELINES**

The Conduct Guidelines are designed to describe the manner in which elected and appointed officials shall treat one another, City staff, constituents, and others they come into contact with while representing the City of Oceanside.

### **1. Elected and Appointed Officials' Conduct with Each Other in Public Meetings**

Elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal shall be acknowledged even though individuals may not agree on every issue.

#### *(a) Honor the role of the chair in maintaining order*

It is the responsibility of the chair to keep the comments of members on track during public meetings. Members shall 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 shall be voiced politely and with reason, following procedures outlined in parliamentary procedure.

#### *(b) Practice 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 require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.

#### *(c) Avoid personal comments that could offend other members*

If a member is personally offended by the remarks of another member, the offended member shall 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. The chair will maintain control of this discussion.

#### *(d) Demonstrate effective problem-solving approaches*

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

### **2. Elected and Appointed Officials' 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 shall be evident on the part of individual members toward an individual participating in a public forum. Every effort shall be made to be fair and impartial in listening to public testimony.

#### *(a) Be welcoming to speakers and treat them with care and gentleness.*

While questions of clarification may be asked, the official's primary role during public testimony is to listen.

*(b) Be fair and equitable in allocating public hearing time to individual speakers.*

The chair will determine limits on speakers at the start of the public hearing process, if different than standard time limits.

*(c) Practice active listening*

It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Members shall try to be conscious of facial expressions, and avoid those that could be interpreted as "smirking," disbelief, anger or boredom.

*(d) Maintain an open mind*

Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.

*(e) Ask for clarification, but avoid debate and argument with the public*

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

*(f) Use of Electronic Devices during Public Hearing Time*

While the Council is in session, to satisfy due process requirements, Council Members shall give their sole attention to the proceedings and shall refrain from using electronic devices such as computers, cell phones, pagers, PDAs and other electronic devices for the purpose of sending or receiving external communication unless an emergency or extraordinary circumstance exists.

### **3. Elected and Appointed Officials' Conduct with City Staff**

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed members of Boards and Commissions who advise the elected, and City staff who implement and administer the Council's policies. Therefore, every effort shall be made to be cooperative and show mutual respect for the contributions made by each individual for the good 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 staff is not acceptable.

*(b) Do not disrupt City staff from their jobs*

Elected and appointed officials shall not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Attendance by elected officials at any meeting attended by City staff shall be in accordance with City Council Policy 100-20.

*(c) Never publicly criticize an individual employee*

Elected and appointed officials shall never express concerns about the performance of a City employee under the supervision of the City Manager or City Attorney in public, to the employee directly, or to the

employee's manager. Comments about staff performance shall only be made to the City Manager or City Attorney, as applicable, through private correspondence or conversation. Appointed members of Boards and Commissions shall make their comments regarding staff to the City Manager or the Mayor.

*(d) Do not get involved in administrative functions*

Elected and appointed officials acting in their individual capacity shall not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

*(e) Do not solicit political support from staff*

Elected and appointed officials shall not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities shall be done away from the workplace.

*(f) No Attorney-Client Relationship*

The City Attorney represents the City and not elected or appointed officials acting in their individual capacity. Members shall not seek to establish an attorney-client relationship with the City Attorney, or members of the City Attorney's staff.

**4. Council Conduct with Boards, Committees and Commissions**

The City has established several Boards, Committees and Commissions as a means of gathering more community input. Citizens who serve on Boards, Committees and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and shall be treated with appreciation and respect.

*(a) If attending a Board, Committee or Commission meeting, be careful to only express personal opinions*

Subject to the limitations of the Brown Act, Councilmembers may attend any Board, Committee or Commission meeting, which are always open to any member of the public. However, they shall be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a Board, Committee or Commission meeting shall be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

*(b) Limit contact with Board, Committee and Commission members to questions of clarification*

It is inappropriate for a Councilmember to contact a Board, Committee or Commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact Board, Committee or Commission members in order to clarify a position taken by the Board, Committee or Commission.

*(c) Respect that Boards, Committees and Commissions serve the community, not individual Councilmembers*

The Mayor, subject to City Council confirmation, appoints individuals to serve on Boards, Committees and Commissions, and it is the responsibility of members of Boards, Committees and Commissions to follow applicable bylaws as well as City law and policy established by the Council. Board, Committee and Commission members do not report to individual Councilmembers, nor shall Councilmembers threaten Board, Committee and Commission members with removal over political disputes. Appointment and re-appointment to a Board, Committee or Commission shall be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties.

*(d) Be respectful of diverse opinions*

A primary role of Boards, Committees and Commissions is to represent many points of view in the community and to provide the 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, Committees and Commissions, but shall be fair and respectful of all citizens serving on Boards, Committees and Commissions.

*(e) Keep political support away from public forums*

Board, Committee and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board, Committee and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

## **5. Conduct with the Media**

Council Members are frequently contacted by the media for background and quotes. Advisory Body members are not authorized to represent the City outside of official Advisory Body meetings unless specifically authorized to do so by the City Council. Media inquiries should be responded to within reasonable timeframes. Official City responses will be given by the Mayor or Council designee (i.e. Deputy Mayor in Mayor's absence), the City Manager or his/her designee, or City Attorney, as applicable.

## **6. Social Media Use**

When using social media, City officials must clearly disclose that they are expressing their own personal opinion and not an official position of the City or, if applicable, the body on which they serve. Where appropriate, posting a disclaimer to this effect is advised. City officials must also use caution when communicating on social media in that it does not become a conduit to communicate with their fellow council/commission members in violation of the Brown Act.

## **7. Outside Employment**

No official shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of their official duties in violation of

Government Code section 1099 and applicable case law, or would tend to impair their independence of judgment or action in the performance of their official duties.

**8. Post-City Employment**

Former City Officials shall not engage in direct communication with the City for the purpose of lobbying the City if the former City Official served as a City Official within the previous 12 months, and the former City Official is receiving compensation from a private business to engage in the direct communication with the City.

## C. SANCTIONS

Upon a finding by a majority of the City Council that any public official violated any provision of the Prohibited Conduct section of this chapter, the City Council may impose any of the following sanctions:

**1. Elected Officials.**

- a) Public censure.

**2. Council Aides**

- a) Public censure.

**3. Appointed Officials of Boards, Commissions and Committees.**

- a) Referral to the Board, Commission or Committee of which the appointed official is a member for public censure;
- b) Public censure by the Mayor and City Council; or
- c) Removal from office by a majority of the Mayor and City Council

**4. Whistle Blower Protections**

To the extent not otherwise prohibited by State law, City officials and employees shall not use or threaten to use any official authority or influence to discourage, restrain or interfere with or to effect a reprisal against any person, including, but not limited to, a City official or employee, for the purpose or with the intent of preventing such person from acting in good faith to report or otherwise bring to the attention of the City or other appropriate agency, office or department, any information that, if true, would constitute a gross waste of City funds, a gross abuse of authority, a specified and substantial danger to public health or safety due to any act or omission of an City official or employee, or the use of a City office or position or of City resources for personal gain.

## D. IMPLEMENTATION

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the City. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be included in the regular orientations for candidates for City Council, City Treasurer, City Clerk, Council Aides, members of Board, Committee and Commissions, and newly elected and appointed officials. **Members entering office shall sign a statement (below) acknowledging they have read and understand the Code of Ethics and Conduct.** In addition, the Code of Ethics and Conduct shall be periodically reviewed by the City Council and updated as necessary.

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

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# Code of Ethics & Values

Santa Clara's Code of Ethics & Values, adopted by the City Council in March of 2000 and modified by Council in August of 2001, is designed to provide clear, positive statements of ethical behavior reflecting the core values of the community. The Code includes practical strategies for addressing ethical questions and a useful framework for decision-making and handling the day-to-day operations of the municipality.

The current Code of Ethics & Values was developed in 1999 by a Committee composed of three elected officials, nine City commissioners, two community members, the City Manager and the City Attorney. A previous Code was adopted in the 1960s and periodically updated, but the Committee took a fresh approach by working with the [Markkula Center for Applied Ethics](#) at Santa Clara University to create a new Code of Ethics & Values for the City that would better reflect the issues and concerns of today's complex and diverse society.

## [ETHICAL STANDARDS FOR CONTRACTORS SEEKING TO ENTER INTO AN AGREEMENT WITH THE CITY OF SANTA CLARA, CALIFORNIA](#)

## Goals of the Code of Ethics & Values

- To make Santa Clara a better community, built on mutual respect and trust
- To promote and maintain the highest standards of personal and professional conduct among all involved in City government elected officials, City staff, volunteers, and members of the City's boards, commissions and committees

The Code of Ethics & Values is a touchstone for members of boards, commissions and committees in fulfilling their roles and responsibilities.

## Preamble

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of Santa Clara has adopted this Code of Ethics & Values to promote and maintain the highest standards of personal and professional conduct in the City's government. All elected and appointed officials, City employees, volunteers, and others who participate in the city's government are required to subscribe to this Code, understand how it applies to their specific responsibilities, and practice its eight core values in their work. Because we seek public confidence in the City's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this code.

### **1. As a Representative of the City of Santa Clara, I will be ethical.**

In practice, this value looks like:

- a. I am trustworthy, acting with the utmost integrity and moral courage.
- b. I am truthful, do what I say I will do, and am dependable.

- c. I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, and financial and other personal interests that impair my independence of judgment or action.
- d. I am fair, distributing benefits and burdens according to consistent and equitable criteria.
- e. I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting decisions.
- f. I show respect for persons, confidences, and information designated as "confidential."
- g. I use my title(s) only when conducting official City business, for information purposes, or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority.

## **2. As a Representative of the City of Santa Clara, I will be professional.**

In practice, this value looks like:

- a. I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
- b. I approach my job and work-related relationships with a positive attitude.
- c. I keep my professional knowledge and skills current and growing.

## **3. As a Representative of the City of Santa Clara, I will be service-oriented.**

In practice, this value looks like:

- a. I provide friendly, receptive, courteous service to everyone.
- b. I am attuned to, and care about, the needs and issues of citizens, public officials, and city workers.
- c. In my interactions with constituents, I am interested, engaged, and responsive.

## **4. As a Representative of the City of Santa Clara, I will be fiscally responsible.**

In practice, this value looks like:

- a. I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the City, especially its financial stability.
- b. I demonstrate concern for the proper use of City assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.
- c. I make good financial decisions that seek to preserve programs and services for City residents.

## **5. As a Representative of the City of Santa Clara, I will be organized.**

In practice, this value looks like:

- a. I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long term goals.
- b. I follow through in a responsible way, keeping others informed, and responding in a timely fashion.
- c. I am respectful of established City processes and guidelines.

## **6. As a Representative of the City of Santa Clara, I will be communicative.**

In practice, this value looks like:

- a. I convey the City's care for and commitment to its citizens.
- b. I communicate in various ways that I am approachable, open-minded and willing to participate in dialog.
- c. I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response which adds value to conversations.

## **7. As a Representative of the City of Santa Clara, I will be collaborative.**

In practice, this value looks like:

- a. I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
- b. I work towards consensus building and gain value from diverse opinions.
- c. I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.
- d. I consider the broader regional and State-wide implications of the City's decisions and issues.

## **8. As a Representative of the City of Santa Clara, I will be progressive.**

In practice, this value looks like:

- a. I exhibit a proactive, innovative approach to setting goals and conducting the City's business.
- b. I display a style that maintains consistent standards, but is also sensitive to the need for compromise, "thinking outside the box," and improving existing paradigms when necessary.
- c. I promote intelligent and thoughtful innovation in order to forward the City's policy agenda and City services.

*Last Updated:*

*03-22-2019*



**TITLE:** Town Council Code of Conduct

**POLICY NUMBER:** 2-04

**EFFECTIVE DATE:** 5/3/2004

**PAGES:** 8

**ENABLING ACTIONS:** 2004-059; 2006-111

**REVISED DATES:** 12/17/2012; 3/3/2015;  
12/17/2019

**APPROVED:**

**I. Preamble**

The legal responsibilities of the Los Gatos Town Council are set forth by applicable state and federal laws. In addition, the Town Council has adopted regulations, including this Code of Conduct Policy, that hold Council Members to standards of conduct above and beyond what is required by law. This Policy is written with the assumption that Council Members, through training, are aware of their legal and ethical responsibilities as elected officials.

**II. Form of Government**

The Town of Los Gatos operates under a Council-Manager form of government as prescribed by Town Code, Section 2.30.305. Accordingly, members of the Council are elected at-large, provide legislative direction, set Town policy, and ultimately answer to the public. The Town Manager serves as the Town’s chief administrative officer and is responsible for directing the day-to-day operations of the Town and implementing policy direction.

**III. Town Council Roles and Responsibilities**

The role of the Town Council is to act as a legislative and quasi-judicial body. Through its legislative and policy authority, the Council is responsible for assessing and achieving the community’s desire for its present and future and for establishing policy direction to achieve its desired outcomes. All members of the Town Council, including those who serve as Mayor and Vice Mayor, have equal votes.

Members of the Town Council fulfill their role and responsibilities through the relationships they have with each other and the public. Town Council Members should approach their work, each other, and the public in a manner that reflects ethical behavior, honesty and integrity. The commitment of Town Council Members to their work is characterized by open constructive communication, innovation, and creative problem solving.

**IV. Mayoral and Vice Mayoral Selection Process**

Per Town Municipal Code, Section 2.20.035, the selection of the Mayor and Vice Mayor occurs annually at a special meeting in December by majority vote of the Town Council. The Mayor and Vice Mayor serve at the pleasure of the Town Council and may be replaced by a majority vote of the Council.

**V. Mayoral and Vice Mayoral Roles, Responsibilities, Relationships**

The following outlines some of the key roles, responsibilities, and relationships as they relate to the positions of Mayor and Vice Mayor:

Mayor

- A. The Mayor is the presiding officer of the Town Council. In this capacity, the Mayor is responsible for developing Council agendas in cooperation with the Town Manager and leading Council meetings.
- B. The Mayor recommends various standing committee appointments to the Council for approval.<sup>1</sup> This will be done at a Council meeting in December of each year. When making committee recommendations, the Mayor should attempt to balance shared responsibilities and opportunities among Council Members. The Mayor may also appoint citizens to committees not established by Town ordinance or resolution as s/he deems appropriate.
- C. The title of Mayor carries with it the responsibility of communicating with the Town Council, Town Manager, and members of the public. In this capacity, the Mayor serves as the Town “spokesperson” representing the Council in official and ceremonial occasions.
- D. As the official Town spokesperson, the Mayor performs special duties consistent with the Mayoral office, including, but not limited to: signing of documents on behalf of the Town, issuing proclamations, serving as the official voting delegate for various municipal advocacy groups, and delivering the State of the Town Address at his or her discretion.<sup>2</sup> The Town Council will determine any additional authority or duties that the Mayor shall perform.
- E. Special duties consistent with the Mayoral office may be delegated to the Vice Mayor or any other member of the Town Council.
- F. In the event that one or more members of a Town Board, Commission, or Committee acts in a manner contrary to approved Board/Commission policies and procedures, the Mayor may counsel those members about the rules set forth in the Town Commissioner Handbook.<sup>3</sup>

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<sup>1</sup> Council Agenda Format and Rules Policy

<sup>2</sup> Council Commendation and Proclamation Policy

<sup>3</sup> Resolution 1999-167

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Vice Mayor

- A. In the Mayor’s absence, the Vice Mayor shall perform the formal duties of the Mayor.<sup>4</sup>
- B. When the Vice Mayor performs the duties of the Mayor in his/her absence, the Vice Mayor also carries the responsibility of communicating with the Town Manager, Town Council, and members of the public.

**VI. Council Conduct in Public Meetings**

To ensure the highest standards of respect and integrity during public meetings, Council Members should:

- A. *Use formal titles.* The Council should refer to one another formally during Council meetings such as Mayor, Vice Mayor or Council Member or Mr., Mrs., or Ms., followed by the individual’s last name.
- B. *Practice 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 free democracy in action. During public discussions, Council Members should be respectful of others and diverse opinions and allow for the debate of issues.
- C. *Honor the role of the presiding officer in maintaining order and equity.* Respect the Mayor/Chair's efforts to focus discussion on current agenda items.
- D. *Council decisions should be reserved until all applicable information has been presented.*
- E. *Conduct during public hearings.* During public testimony, Council Members should refrain from engaging the speaker in dialogue. For purposes of clarification, Council Members may ask the speaker questions. Council comment and discussion should commence upon the conclusion of all public testimony

**VII. Legal Requirements**

The Town Council operates under a series of laws that regulate its operations as well as the conduct of its members. The Town Attorney serves as the Town’s legal officer and is available to advise the Council on these matters.

A. Training

Biannual training in the following areas shall be provided by staff to Council Members:

- 1. The Ralph M. Brown Act
- 2. Town / CA State Law on Conflict of Interest (AB 1234)
- 3. Government Section 1090
- 4. Incompatible Offices
- 5. The Fair Political Practices Commission Forms
- 6. Bias
- 7. Town / CA State Law on Harassment (SB 1343)

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<sup>4</sup>Council Agenda Format and Rules Policy

**B. Procurement**

Unless authorized by the Town Council, Council Members shall not become involved in administrative processes for acquiring goods and services.

**C. Land Use Applications**

The merits of an application shall only be evaluated on information included in the public record. Council Members shall disclose ex parte communication and any information obtained outside of the public record that may influence his/her decision on a matter pending before the Town Council. Council disclosure shall occur after the Public Hearing section of the agenda, and before Council deliberations.

**D. Code of Conduct Policy**

Newly elected Council Members are strongly encouraged to sign a statement affirming they have read and understand the Town of Los Gatos Council Code of Conduct Policy.

**E. Non-Profit Organizations**

Council Members may not sit on boards of directors of non-profit organizations which receive funding or in-kind contributions from the Town, unless the role serves a legitimate Town purpose, such as the League of California Cities, and the participation is approved by the full Council.

**VIII. Council Participation in Boards, Commissions and Committees, and Reporting Requirements**

There are several committees that Town Council Members have been appointed to or have an interest in, including but not limited to: Town Council standing and ad hoc committees, Town boards and commissions, regional boards and commissions, and community-generated committees.

Primary Council representatives should update the Council about board, commission, and committee activities. When serving as the primary Council representative on any board, commission, or committee, Council Members should periodically provide updated reports to the Council during the "Council Matters" opportunity on the Council meeting agenda.

Recommended actions by Council Committees should be reported to the Council. When serving on a Council Committee, whether standing or ad hoc, all work undertaken by the Committee must be directed by the Council, and all recommended actions of a Council Committee shall be reported to the Council.

**IX. Council Relationship with Town Staff**

The Town Council has adopted a Council-Manager form of government. The Town Manager's powers and duties are outlined in the Town Code, Section 2.30.295.

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Council Conduct and Communication with Town Staff

To enhance its working relationship with staff, Council should be mindful of the support and resources needed to accomplish Council goals. When communicating and working with staff, Council should follow these guidelines:

- A. *Council Members should treat staff as professionals.* Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with Council colleagues, practice civility and decorum in all interactions with Town staff.
- B. *Council Members should direct questions about policy, budget, or professional opinion to the Town Manager, Town Attorney or Department Directors.* Council Members can direct questions and inquiries to any staff for information that is readily available to the general public or easily retrievable by staff.
- C. *The Town Manager and staff are responsible for implementing Town policy and/or Council action.* The processing of Council policy and decisions takes place with the Town Manager and staff. Council should not direct policy/program administrative functions and implementation; rather it should provide policy guidance to the Town Manager.
- D. *Council Members should attempt to communicate questions, corrections, and/or clarifications about reports requiring official action to staff prior to Council meetings.* Early feedback will enable staff to address Council questions and incorporate minor corrections or changes to a Council report, resulting in a more efficient Council meeting discussion; however, this does not preclude Council Members from asking questions at Council Meetings.
- E. *Council Members should not direct the Town Manager to initiate any action, change a course of action, or prepare any report without the approval of Council.* The Town Manager’s responsibility is to advise on resources available and required for a particular course of action as it relates to the direction of the majority of the Council.
- F. *Council Members should not attend department staff meetings unless requested by the Town Manager.*
- G. *All Council Members should have the same information with which to make decisions.* Information requested by one Council Member will be shared with all members of the Council.
- H. *Concerns related to the behavior or work of a Town employee should be directed to the Town Manager.* Council Members should not reprimand employees.
- I. *Per California Government Code, Sections 3201-3209, Council Members should not solicit financial contributions from Town staff or use promises or threats regarding future employment.* Although Town staff may, as private citizens with constitutional rights, support political candidates, such activities cannot take place during work hours, at the workplace, or in uniform.

**X. Council Communication with the Public and other Council Members**

The Public has a reasonable expectation that it may engage its Council Members on matters of community concern. In response, Council Members may express a preliminary opinion on issues or projects raised. Any such preliminary statement shall not constitute a prejudgment or create a presumption of bias on any issue or a project. In addition, Council Members may from

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time to time express opinions regarding broad policy matters which may be in conflict with currently adopted Council policies. Such statements are permissible if clearly characterized as personal opinion or policy change objectives.

**XI. Enforcement**

**A. Purpose**

The Council Code of Conduct Policy establishes guiding principles for appropriate conduct and behavior and sets forth the expectations of Council Members. The purpose of the policy language is to establish a process and procedure that:

1. Allows the public, Town Council, and Town employees to report Code of Conduct policy violations or other misconduct.
2. Provides guidelines to evaluate Code of Conduct policy violations or other misconduct and implement appropriate disciplinary action when necessary.

**B. Procedures**

1. Reporting of Complaints

The following section outlines the process for reporting Council Member Code of Conduct Policy violations or other misconduct:

- a. Complaints made by members of the public, the Town Manager, and Town Attorney should be reported to the Mayor. If a complaint involves the Mayor, it should be reported to the Vice Mayor.
- b. Complaints made by Council Members should be reported to the Town Manager or Town Attorney to adhere to Brown Act requirements.
- c. Complaints made by Town employees should be reported to the Town Manager, who will direct them to the Mayor or Vice Mayor.

2. Evaluation of Complaints Alleging Violations

Upon report of a written complaint, the Town Manager and Town Attorney will join the Mayor or Vice Mayor as an evaluation committee to determine the validity of the complaint and, if appropriate, an initial course of action as discussed below. If the Town Manager or Town Attorney is the complainant, the longest serving uninvolved Council Member will replace the Town Manager or Town Attorney on the evaluation committee.

Within seventy-two (72) hours of receipt of the complaint by the Mayor or Vice Mayor, the Council Member in question shall be notified of the reported complaint by the Mayor or his/her designee. The notification shall include a copy of the written complaint and supporting documentation, if any, the identity of the complainant and nature of the complaint.

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3. Unsubstantiated or Minor Violations

If the majority of the Committee agrees that the reported violation is without substance, no further action will be taken. If the reported violation is deemed valid but minor in nature, the Mayor or Vice Mayor shall counsel and, if appropriate, admonish the Council Member privately to resolve the matter. Admonishment is considered to be a reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy.

4. Allegations of Major Violations

If the reported violation is considered to be serious in nature, the matter shall be referred to outside legal counsel selected by the Committee for the purpose of conducting an initial interview with the subject Council Member. The outside counsel shall report his/her initial findings back to the Committee.

If the Committee then determines that an investigation is warranted, the Committee shall direct the outside legal counsel to conduct an investigation. The investigation process would include, but is not limited to, the ascertainment of facts relevant to the complaint through interviews and the examination of any documented materials.

5. Report of Findings

At the conclusion of the investigation, outside legal counsel shall report back to the Committee in writing. The report shall either (1) recommend that the Council Member be exonerated based on a finding that the investigation did not reveal evidence of a serious violation of the Code of Conduct, or (2) recommend disciplinary proceedings based on findings that one or more provisions of the Code of Conduct or other Town policies have been violated. In the latter event, the report shall specify the provisions violated along with the facts and evidence supporting each finding.

The Committee shall review the report and its recommendations. If the consensus of the Committee is to accept the report and recommendations, the Committee shall implement the recommendations. Where the recommendation is exoneration, no further action shall be taken. Where the recommendation is to initiate disciplinary proceedings, the matter shall be referred to the Council. Where there is no consensus of the Committee regarding the recommendations, the matter shall be referred to the Council.

The subject Council Member shall be notified in writing of the Committee's decision within 72 hours. Where the decision is to refer the matter to the Council, a copy of the full report, including documents relied on by the investigator shall be provided with the notification, and a copy of both shall be provided to the whole Council.

## 6. Proceedings

Investigative findings and recommended proceedings and disciplinary action that are brought forward to Council as a result of a significant policy violation shall be considered at a public hearing. The public hearing should be set far enough in advance to allow the Council Member in question reasonable sufficient time to prepare a response.

Investigative findings shall be presented to the Town Council at a public hearing. The rules of evidence do not apply to the public hearing. It shall not be conducted as an adversarial proceeding.

## C. **Disciplinary Action**

### 1. Considerations in Determining Disciplinary Action

Disciplinary action may be imposed by Council upon Council Members who have violated the Council Code of Conduct Policy. Disciplinary action or sanctions are considered when a serious violation of Town policy has occurred by a Council Member. In determining the type of sanction imposed, the following factors may be considered:

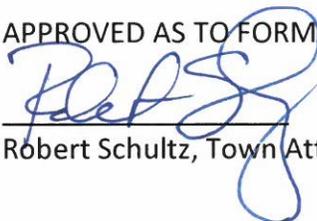
- a. Nature of the violation
- b. Prior violations by the same individual
- c. Other factors which bear upon the seriousness of the violation

### 2. Types of Sanctions

At the discretion of the Council, sanctions may be imposed for violating the Code of Conduct or engaging in other misconduct. These actions may be applied individually or in combination. They include, but are not limited to:

- a. *Public Admonishment* – A reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy.
- b. *Revocation of Special Privileges* – A revocation of a Council Member's Council Committee assignments, including standing and ad hoc committees, regional boards and commissions, and community-generated board/committee appointments. Other revocations may include temporary suspension of official travel, conference participation, and ceremonial titles.
- c. *Censure* – A formal statement or resolution by the Council officially reprimanding a Council Member.

APPROVED AS TO FORM:

  
Robert Schultz, Town Attorney

**RESOLUTION NO. 03-22-03**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY  
REGARDING DECORUM DURING BOARD OF  
DIRECTORS' MEETINGS AND ESTABLISHING  
RULES OF CONDUCT FOR DIRECTORS AND ALTERNATE DIRECTORS**

**WHEREAS**, the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority (the "Authority") desires to adopt a policy to ensure that its meetings are conducted in an orderly manner and to ensure that the Directors and Alternate Directors treat each other in a professional manner,

**NOW, THEREFORE, BE IT RESOLVED** that the Authority's Board of Directors hereby approves and adopts the following policy regarding decorum during Board of Directors' meetings and establishing rules of conduct for Directors, Alternate Directors and the public.

**1. Rules of Decorum for Board of Directors' Meetings.**

(a) Decorum. Meetings of the Authority's Board of Directors (the "Board"), which shall include all regular and special Board meetings, in open and closed sessions, and all Authority standing committee meetings, must be conducted in an orderly manner to ensure that the public has an opportunity to be heard and that the Board's deliberative process is not disrupted. The Board's Chair or Vice Chair, or, in their absence, another member so designated by the Board (any of which, as applicable, shall be referred to as the "Presiding Officer"), is responsible for maintaining the order and decorum of meetings.

(b) Rules of Decorum. While any meeting of the Board is in session the following rules of decorum must be observed:

(i) Persons Addressing the Board. Each person who addresses the Board must do so in an orderly manner and must not make personal, impertinent, slanderous, or profane remarks to any member of the Board, staff, or general public. Any person who makes such remarks, or who utters loud, threatening, personal, or abusive language, or who engages in any other disorderly conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any Board meeting will, at the discretion of the Presiding Officer or a majority of the Board, be barred from further audience before the Board during that meeting.

(ii) Members of the Audience. No person in the audience at a Board meeting may engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language, whistling or other acts that disturb, disrupt, or otherwise impede the orderly conduct of the Board meeting. Persons in the audience shall not interrupt ongoing discussions by the Board, Authority staff or other persons recognized and given the floor by the Presiding Officer, and shall avoid talking, making noises or other utterances while others are speaking. Any person who behaves in this manner may, at the discretion of the Presiding Officer or a majority of the Board be barred from further audience before the Board during that meeting.

(c) Addressing the Board. No person may address the Board without first being recognized by the Presiding Officer. The following procedures must be observed by persons addressing the Board:

(i) Each person shall follow the direction provided by the Presiding Officer and state the person's name and the organization, if any, the person represents.

(ii) Any subject that is deemed by the Presiding Officer to not be within the subject matter jurisdiction of the Board or the Authority may be precluded. Authority legal counsel shall have the authority to halt any comments determined to be outside the subject matter jurisdiction of the Board or Authority.

(iii) With regard to items that are listed on the agenda, the remarks of the speaker must be confined to the subject that is being discussed at the time such remarks are made. Members of the public are encouraged to hold any comments on specific agenda items until after the Board has concluded its initial discussion of the specific agenda item, and as otherwise directed by the Presiding Officer.

(iv) The remarks of each person shall generally be limited to three minutes, provided that time limit may be adjusted by the Presiding Officer in the Presiding Officer's discretion. Where a group of persons wishes to address the Board on the same subject, the group should endeavor to select one spokesperson to address the Board in order to expedite matters and avoid repetitious presentations. Speakers may not lend any portion of their speaking time to other persons or borrow additional time from other persons. Public comments shall be allowed during the "Public Comment" period and on any Action Items or Discussion Items, as directed by the Presiding Officer.

(v) All remarks to the Board must be addressed to the Presiding Officer and not to any single member of the Board unless in response to a question from that Director or Alternate Director.

(d) Rules of Decorum among Directors and Alternate Directors. The following rules apply to all Directors and Alternate Directors at meetings:

(i) By Directors and Alternate Directors. While the Board is in session, Directors and Alternate Directors must preserve order and decorum, and a Director or Alternate Director must not, by conversation or otherwise, delay or interrupt the proceedings of the Board, nor disturb any Director or Alternate Director while speaking, nor refuse to obey the orders of the Board or the Presiding Officer, except as otherwise provided in this section.

(ii) Getting the Floor—Improper References to be Avoided. Every Director or Alternate Director desiring to speak must address the Presiding Officer and, upon recognition by the Presiding Officer, must confine all remarks to the question under debate. Authority legal counsel shall have the authority to halt any comments that in counsel's opinion may constitute violations of the Brown Act.

(iii) Interruptions. Once recognized, a Director or Alternate Director must not be interrupted when speaking unless it is to call that Director or Alternate Director to order, or as otherwise provided in this section (d). If a Director or Alternate Director is called to order while speaking, that Director or Alternate Director must cease speaking until the question of order is determined and, if in order, the Director or Alternate Director will be permitted to proceed.

(iv) Appeals. Any ruling of the Presiding Officer may be appealed at the request of a Director by way of a motion to appeal the decision of the chair, which can be passed by a majority vote of the Board.

(e) Enforcement of Decorum. The rules of decorum set forth above will be enforced in the following manner:

(i) Warning: Removal. The Presiding Officer may request that a person who is breaching the rules of decorum be orderly and silent. After receiving a warning from the Presiding Officer, if a person persists in disturbing the meeting, the Presiding Officer may order that person to leave the Board meeting or may call for a recess of the meeting to allow the meeting room to be cleared and for the readmittance of only those individuals not responsible for the disturbance. If the person responsible for the disturbance does not leave, then the Presiding Officer may request assistance from a law enforcement officer to remove the person from the meeting.

(ii) Motion to Enforce. If the Presiding Officer fails to enforce the rules set forth above, any Director may move to require such enforcement, and an affirmative vote of a majority of the Board will require that action. If the Presiding Officer fails to carry out the will of a majority of the Board, the majority may designate another Director to act as Presiding Officer for the limited purpose of enforcing any rule of this section that it wishes enforced.

## **2. Board of Directors – Norms of Conduct and Communication.**

(a) Personal Conduct. The work of the Authority is a team effort. All Directors and, as applicable, Alternate Directors should work together in the collaborative process, assisting each other and Authority management, staff and consultants in conducting the affairs of the Authority in the best interests of the Authority and its members. Directors and Alternate Directors shall thoroughly prepare themselves to discuss agenda items at Board meetings. Directors and Alternate Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the public present at Board meetings. Directors and Alternate Directors shall defer to the Presiding Officer for the conduct of Board meetings but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board. Directors and Alternate Directors should function as a part of the whole, with issues brought to the attention of the Board as a whole, rather than to individual Directors or Alternate Directors selectively. Directors and Alternate Directors are responsible for monitoring the Authority's progress in attaining its goals and objectives, while pursuing its mission.

(b) Compliance with Laws and Regulations. All Directors and Alternate Directors shall comply with all applicable laws and regulations applicable to their service as members of the Board, including, without limitation, the Political Reform Act and Fair Political Practices Commission regulations, Government Code Section 1090 and the Brown Act, including with respect to the confidentiality of closed session discussions and documents.

(c) Communication of Views and Positions. The Board of Directors is committed to providing excellence in leadership of the Authority. In order to ensure appropriate behavior between and among Directors and Alternate Directors, the following rules shall be observed:

(i) The dignity, style, values and opinions of each Director and Alternate Director shall be respected. Open and full discussion of all issues affecting the Authority shall take place. Responsiveness and attentive listening in communication are encouraged.

(ii) The needs of the Authority and its members should be the priority of the Board of Directors and Directors and Alternate Directors shall strive for fairness and honesty in all of their dealings with others.

(iii) Directors and Alternate Directors should emphasize the positive, avoid double talk, hidden agendas, gossip, backbiting and other negative forms of interaction. Directors and Alternate Directors should treat each other with respect, avoid personal attacks and avoid the use of profanity or other slurs directed at other Directors and Alternate Directors.

(iv) Directors and Alternate Directors should focus on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.

(v) Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions without being disagreeable. Once the Board of Directors takes action, Directors and Alternate Directors should commit to support such action and not create barriers to the implementation of the action.

(d) Board Discipline. In the exercise of its discretion to enforce the foregoing provisions of this Section 2, the Board of Directors, by the affirmative vote of a majority of its members, may censure any Director or Alternate Director for period of time deemed appropriate by the Board for any violation of this Section 2. The maximum penalty that may be imposed upon the censured director during the period of such censure shall be the following:

(i) The removal of the censured Director or Alternate Director from service on all Board committees, unless subsequently authorized by the Board of Directors.

(ii) The removal of the censured Director or Alternate Director from any office held by that Director or Alternate Director.

PASSED AND ADOPTED by the Board of Directors of the Los Vaqueros Reservoir  
Joint Powers Authority this 9<sup>th</sup> day of March, 2022 by the following vote:

AYES: Ramirez Holmes (Chair), Hansen (Vice Chair), Sethy, Borba, Coleman, Wehr, Ritchie, LeZotte

NOES:

ABSTAIN:

ABSENT:

Angela Ramirez Holmes

Angela Ramirez Holmes (Mar 16, 2022 19:48 PDT)

Angela Ramirez Holmes, Chair

Attest:

Ellen Wehr

Ellen Wehr (Mar 17, 2022 09:48 PDT)

Ellen Wehr, Secretary

## **City of Saratoga Code of Ethics and Values**

### ***Preamble***

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of Saratoga has adopted this Code of Ethics & Values to promote and maintain the highest standards of personal and professional conduct in the City's government. All elected and appointed officials, City employees, volunteers, and others who participate in the city's government are required to subscribe to this Code, understand how it applies to their specific responsibilities, and practice its nine core values in their work.

Because we seek public confidence in the City's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this code.

### *1. As a Representative of the City of Saratoga, I will be ethical.*

In practice, this value looks like:

- a. I am trustworthy, acting with the utmost integrity and moral courage.
- b. I am truthful, do what I say I will do, and am dependable.
- c. I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, and financial and other personal interests that impair my independence of judgment or action.
- d. I am fair, distributing benefits and burdens according to consistent and equitable criteria.
- e. I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting decisions.
- f. I show respect for persons, confidences, and information designated as "confidential."
- g. I use my title(s) only when conducting official City business, for information purposes, or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority.

### *2. As a Representative of the City of Saratoga, I will be professional.*

In practice, this value looks like:

- a. I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
- b. I approach my job and work-related relationships with a positive attitude.
- c. I keep my professional knowledge and skills current and growing.

### *3. As a Representative of the City of Saratoga, I will be service-oriented.*

In practice, this value looks like:

- a. I provide friendly, receptive, courteous service to everyone.
- b. I am attuned to, and care about, the needs and issues of citizens, public officials, and city workers.
- c. In my interactions with constituents, I am interested, engaged, and responsive.

*4. As a Representative of the City of Saratoga, I will be fiscally responsible.*

In practice, this value looks like:

- a. I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the City, especially its financial stability.
- b. I demonstrate concern for the proper use of City assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.
- c. I make good financial decisions that seek to preserve programs and services for City residents.

*5. As a Representative of the City of Saratoga, I will be respectful.*

In practice, this value looks like:

- a. I will listen carefully to the views of others and refrain from interrupting others during discussions of City business.
- b. I will be succinct and direct in expressing my views.
- c. I will not debate with staff or members of the public in public meetings.
- d. I will avoid using acronyms and will explain their meaning when they must be used.

*6. As a Representative of the City of Saratoga, I will be organized.*

In practice, this value looks like:

- a. I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long term goals.
- b. I follow through in a responsible way, keeping others informed, and responding in a timely fashion.
- c. I am respectful of established City processes and guidelines.
- d. I recognize that I am part of a team and will shoulder my share of responsibilities in representing the City.
- e. I will attend all meetings of committees to which I am assigned and meetings with colleagues in nearby jurisdictions or will work to find another to attend in my place.

*7. As a Representative of the City of Saratoga, I will be communicative.*

In practice, this value looks like:

- a. I convey the City's care for and commitment to its citizens.
- b. I communicate in various ways that I am approachable, open-minded and willing to participate in dialog.
- c. I engage in effective two-way communication, by listening carefully, asking

questions, and determining an appropriate response which adds value to conversations.

*8. As a Representative of the City of Saratoga, I will be collaborative.*

In practice, this value looks like:

- a. I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
- b. I work towards consensus building and gain value from diverse opinions.
- c. I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.
- d. I consider the broader regional and State-wide implications of the City's decisions and issues.
- e. I act in a constructive manner when expressing concern about or disagreeing with the statements of others.

*9. As a Representative of the City of Saratoga, I will be progressive.*

In practice, this value looks like:

- a. I exhibit a proactive, innovative approach to setting goals and conducting the City's business.
- b. I display a style that maintains consistent standards, but is also sensitive to the need for compromise, "thinking outside the box," and improving existing paradigms when necessary.
- c. I promote intelligent and thoughtful innovation in order to forward the City's policy agenda and City services.