

RESOLUTION 2016-162

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO ADOPTING A NEW PROFESSIONAL CODE OF CONDUCT AND ETHICAL STANDARDS FOR ALL ELECTED OFFICIALS, BOARDS AND COMMISSIONS

WHEREAS, in 1992, the City Council adopted Resolution 1992-93 which adopted a Code of Ethics for members of the City Council and all City Board and Commissions;

WHEREAS, in 2002, the City Council adopted Resolution 2002-006 which adopted a revised Code of Conduct for all members of the City Council and all City Boards and Commissions;

WHEREAS, the City Council recognizes there are ethics laws that require a minimum level of ethical behavior such as disclosure of personal economic interests; receipt of loans, gifts, travel payments and honoraria; campaign contributions; conflict of interest, dual office-holding and incompatible offices; and criminal misconduct in office. Further, the City Council acknowledges that such laws are enforced by legal authorities such as the District Attorney and Attorney General and regulated by the State of California Fair Political Practices Commission;

WHEREAS, on March 7, 2016, the City Council established (by minute order) a Temporary Ad Hoc SubCommittee (Calloway/Morris) to revise and update a professional code of conduct and ethics for all members of the City Council and all City Boards and Commissions;

WHEREAS, the City Council chooses to establish a higher level of conduct and has participated in a process to revise and update the Code of Conduct periodically to emphasize core values, to create an environment in which ethics are routinely considered, and to increase public confidence in San Pablo's municipal government to create a positive public identity for all City officials; and

WHEREAS, the San Pablo City Council should periodically update its professional code of conduct and ethical standards for all members of the City Council, and all City Boards and Commissions so that there is a clear understanding that local public service requires that:

- Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of municipal government; and
- Public officials be independent, impartial and fair in their judgement and actions; and
- 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.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Pablo does hereby authorize as follows:

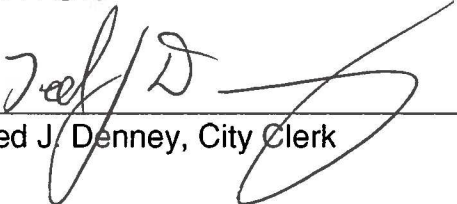
- 1) Resolutions 1992-93 and 2002-006, which initially adopted a Code of Conduct and professional ethical standards for all members of the City Council, City Boards and Commissions, are hereby repealed;
- 2) The updated Professional Code of Conduct for all members of the City Council and Boards and Commissions, attached as "Exhibit A," and incorporated herein is hereby adopted; and
- 3) The Temporary Ad Hoc Subcommittee tasked with reviewing and recommending the updated Professional Code of Conduct is disbanded now that its task has been completed.

* * * * *

ADOPTED this 2nd day of May, 2016, by the following vote:

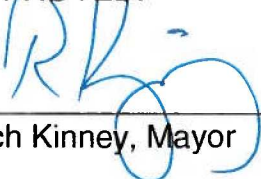
AYES:	COUNCILMEMBERS:	Morris, Calloway, Valdez and Kinney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Chao Rothberg
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:



Ted J. Denney, City Clerk

APPROVED:



Rich Kinney, Mayor



FINAL ADOPTED: 05/02/16
Resolution 2016-162



CITY OF SAN PABLO PROFESSIONAL CODE OF CONDUCT FOR MEMBERS OF THE CITY COUNCIL, BOARDS AND COMMISSIONS AND COMMITTEES

Preamble

The residents of the City of San Pablo are entitled to have fair, ethical, and accountable local government that has earned the public's full confidence for integrity. The effective functioning of democratic government therefore requires that:

- Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of municipal government; and
- Public officials be independent, impartial and fair in their judgement and actions; and
- 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.

To this end, the San Pablo City Council has adopted a revised Code of Conduct for members¹ of the City Council and the City's commissions to assure public confidence in the integrity of local government and its effective and fair operation.

¹ For ease of reference in the Code of Conduct and unless the context indicates otherwise, the term "Council Member" or "member" refers to any member of the San Pablo City Council or any of the City's boards, commissions or committees established by the City Council.

This Code of Conduct describes the manner in which Members should treat one another, City staff, constituents, and others with whom they come in contact when representing the City of San Pablo.

The constant and consistent theme is “respect.” Members experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Even when not “on duty” members may be viewed as perceived the City. For these reasons, Members are called upon to exhibit appropriate professional behavior at all times.

It is also recognized that Members have the duty to conduct official City affairs in a business-like manner, assuring timely consideration of matters before them and thoughtful expeditious decision-making.

Official City of San Pablo Professional Code of Conduct

1. Acts 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 San Pablo, and not for any private or personal interest or gain, and they will assure fair treatment of all persons and matters coming before the City Council and the City’s official Commissions².

2. Compliance with the Law

Members shall comply with the laws of the federal government, the State of California, and the City of San Pablo in the performance of their official public duties. These laws include, but are not limited to: the United States and California Constitutions, Federal and State laws and regulations, the City’s Adopted Municipal Code, and City ordinances, resolutions, and policies. The subject of these laws include but are not limited to: conflict of interests, elections and campaigns, financial disclosures, employer responsibilities, and open processes of government such as the Brown Act and Public Records Act.

3. Avoiding Even Appearance of Impropriety

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety.

4. Respect for Individuals

Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Council and Commissions, City staff or the public.

² For ease of reference in the Code of Conduct and unless the context indicates otherwise, the term “Commissions” refers to any of the City’s commissions, boards or committees established by the City Council.

5. Respect for Process

Members shall perform their duties in accordance with State law and the processes and rules of order established by the City Council and Commissions governing the deliberation of public policy issues, the involvement of the public, and the implementation of policy decisions of the City Council by City Manager and staff. Members shall publicly share substantive information that is relevant to a matter under consideration by the City Council or Commission, which they may have received from sources outside of the public decision-making process.

Respecting the process is also recognizing that the Council or Commission acts as a body by majority vote even if a Member personally disagrees with that action.

6. Conduct at Public Meetings

Members shall comply with the Brown Act.

Members shall make every effort to attend meetings of their board and to prepare themselves for those meetings; 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 the meetings. Members shall commit to practice civility and decorum in discussions and debates. Members shall avoid debate and argument with the public. Members shall not engage in personal attacks under any circumstance.

Members shall commit to honoring the role of the Chair in maintaining order, keeping discussion on-track, and focusing discussion on agenda items at hand.

7. Decisions Based on Merit

Members shall keep an open mind when considering information presented during a meeting, consider alternative viewpoints, weigh the pros and cons of each alternative, and base their decision on the merits and substance of the matter at hand, rather than on unrelated considerations.

8. Conflict of Interests

In addition to complying with State laws governing conflict of interests, 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 may have a material financial interest.

9. Gifts and Favors

In addition to State laws governing gifts, honoraria and travel expenses, Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which 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 judgement or action or give the appearance of being compromised.

10. Confidential Information

Members shall maintain the confidentiality of information provided under the attorney-client or other privilege or in closed session including property negotiations, litigation, and personnel affairs of the City. They 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 that are not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes. In particular, without express authorization, Member shall not use the City's seals, logos or letterhead or mock-ups of the City's seals, logos or letterhead intended to make the viewer believe that it is an official City seal, logo or letterhead. Any authorized communications with the City's seal, logo or letterhead shall be copied to the City Manager and City Clerk.

12. Representation of Private Interests

In keeping with their role as stewards of the public interest, Members of the City Council shall not appear on behalf of the private interests of third parties before the City Council or any commissions or proceedings of the City. Members of Commissions shall not appear before their own bodies or before the City Council on behalf of the private interests of third parties on matters related to the areas of services of their bodies.

13. Official Representation

If a Member has been given the authority to represent the City officially before another entity, the Member shall represent the official policies of the City and shall clearly indicate that they are present in their official capacity. When presenting their individual opinions and positions, Members shall explicitly state they do not represent the City of San Pablo, nor will they allow the inference that they do. Members shall recognize that even when not representing the City, their comments will reflect on the City and as a result care must be taken in all interactions.

14. Policy Role of Members

Members shall respect and adhere to the Council-Manager structure of City government as provided by state law and City Municipal Code. In this structure, the City Council determines the policies of the City with the professional advice, information and analysis provided by the City Manager, staff, public and City Commissions.

When Members receive requests or complaints from the public, Members need to recognize that they are not in a position to “fix” most things as an individual, but should refer the matter to the appropriate staff members through the City Manager. Policy issues need to be considered by the entire body.

In addition, the City Manager serves as the City’s Public Information Officer (PIO) and media inquiries and responses regarding City matters should be coordinated through him or her (SPMC Sections 2.04.140 and 2.36.060)

15. Independence of Boards and Commissions

Because of the value of the independent advice of Commissions to the public decision-making process, as well as the possibility of an appeal to the Council, members of the City Council shall refrain from using their position to influence the deliberations or outcomes of Commission proceedings.

16. 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 in no way create the perception of providing direction to staff (2.04.110 SPMC). Members recognize that the City Manager provides appropriate direction to City staff pursuant to the City’s Municipal Code.

Members therefore shall not interfere with the administrative functions or services of the City, or the professional duties of the City Manager unless for purposes of informational inquiry in accordance with Section 2.04.110 of the San Pablo Municipal Code. Generally, all members should refrain from:

- Disrupting or interfering with City employees in the conduct of their jobs
- Disruption or involvement in any City administrative functions or services
- Attending any staff meetings unless requested by the City Manager

If a Member has a complaint or concern regarding the behavior of a specific City staff member, the Member shall raise the matter with the City Manager in a private manner.

Members shall not solicit political support from City staff (i.e. financial contributions, display of signs, name on support list, personal endorsements, etc.)

17. Implementation & Enforcement

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

For this reason, ethical standards shall be included in the regular orientation for candidates for City Council, applicants to commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understand the Professional Code of Conduct.

To ensure adherence to the Code, the San Pablo City Council establishes the following procedures for compliance and violations of the Code, as follows:

A. Commendation -- The San Pablo City Council Code of Conduct allows for two (2) types of commendation:

1. *Verbal (Casual)* – Verbal acknowledgement that an individual has exemplified our shared ethics. Verbal commendations can be made either during official meetings, or in the process of daily business.
2. *Written (Official)* – Superior examples of ethical behavior by an individual or group deserve official acknowledgement. Such acknowledgement could be accomplished by a letter signed by the Mayor, or by obtaining Council consensus to adopt a resolution of commendation.

B. Censure

1. *Complaint Process* – Members are encouraged to resolve issues with other Members at the lowest level. Therefore, if a Member has an issue with another Member, then the two Members should discuss the issue between them only.

In order to discuss a complaint publicly at a public meeting, at least a majority of the body must vote to place the matter on a future agenda for discussion. The Member who is the subject of the complaint shall be provided the opportunity to speak in his or her defense.

2. *Levels of Censure*: The San Pablo City Council Code of Conduct allows for two (2) types of censure:

- a. *Admonishment* -- This is the least severe form of action and is generally more of a reminder or warning that a particular type of behavior is in violation of law or City adopted policy, and that if it occurs or is found to have occurred, could make an individual member subject to censure.

An admonishment may be issued in response to a particular alleged action or actions; although, it would not necessarily have to be triggered by such allegations. An admonition can be made either during official meetings, or in the process of daily business.

- b. *Censure* -- Censure is the most severe form of action contemplated in this Code of Conduct policy. Censure is a formal statement by the San Pablo City Council officially reprimanding one of its members, but it carries no fine or suspension of the rights of the member as an elected official. Censure should be used for cases in which the City Council determines that the violation of policy is a serious offense.
3. *Protection of First Amendment* -In order to protect the overriding principles of freedom of speech, the San Pablo City Council shall not impose censure of any of its members for the exercise of his or her First Amendment rights, no matter how distasteful the expression was to the Council and City. However, nothing herein shall be construed to prohibit the City Council from collectively condemning and expressing their strong dislike of such remarks.

ACKNOWLEDGEMENT:

I affirm that I have read and understand the City of San Pablo Professional Code of Conduct.

Signature

Date

Print Name