

Legislation Text

File #: #21-390, **Version:** 1

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DATE OF MEETING: 09/20/21

SUBJECT:

CITY COUNCIL DISCUSSION ON POTENTIAL CONSIDERATION TO AMEND THE ADOPTED PROFESSIONAL CODE OF CONDUCT POLICY FOR MEMBERS OF THE CITY COUNCIL, BOARDS AND COMMISSIONS UNDER SECTION 13 - OFFICIAL REPRESENTATION

CITY MANAGER RECOMMENDATION

Discuss the following options for City Council consideration and provide direction to staff by minute order (majority vote):

1. Review Section 13 of the Policy and not direct any revisions; or
2. Review Section 13 of the Policy and ask City staff to research specific language that could be added to the Policy that Council Members would use when making a policy statement in their individual capacity; or
3. Review Section 13 of the Policy and provide other direction to staff.

COMPLIANCE STATEMENTS

FY 2021-23 Council Priority Workplan Compliance Statement

Professional Code of Conduct Policy was a previously adopted policy item under the previous adopted FY 2015-16 Council Priority Workplan, effective July 1, 2015, and has since been adopted by the City Council as an official policy via Resolution 2016-162 on May 2, 2016.

CEQA Compliance Statement

This is not a project as defined by CEQA.

BACKGROUND

Adopted Code of Conduct

On September 29, 1992, the City Council adopted Resolution #1992-93 which adopted an official professional code of conduct for members of the City Council and all City Boards and Commissions. This Code of Conduct was subsequently revised and adopted on January 22, 2002, pursuant to Resolution 2002-006, and last amended and adopted on May 2, 2016, pursuant to Resolution 2016-162 (see Attachment).

The City Council's current Professional Code of Conduct Policy (Policy) ensures that City Council, Boards, Commissions and Committees conducting official City business emphasize values of public service, leadership and decision-making with the upmost professionalism, ethics and integrity.

There should be a clear understanding that local public service requires that:

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

Members themselves have the primary responsibility to assure that all 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 should 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 adopted Policy and abide by all its provisions set forth.

To ensure adherence, the Policy also contains procedures for compliance and violations of the Code, including procedures for commendation and censure if warranted.

Proposed Consideration to Amend Professional Code of Conduct Policy

On September 7, 2021, on motion made by Councilmember Pineda, duly seconded, the City Council agreed via majority vote to place on a future agenda to a City Council discussion whether to amend the existing Professional Code of Conduct Policy under *Section 13 - Official Representation* which currently states as follows:

Section 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.

City Manager Recommendation

In anticipation of the City Council formal discussion on this policy matter, the City Manager recommends the following options for City Council consideration, and to provide further staff direction by majority vote via minute order:

1. Review Section 13 of the Policy and not direct any revisions; or
2. Review Section 13 of the Policy and ask City staff to research specific language that could be added to the Policy that Council Members would use when making a policy statement in their individual capacity; or
3. Review Section 13 of the Policy and provide other direction to staff

FISCAL IMPACT

No City funds have been identified at this time for this agenda item.

ATTACHMENT:

1. Copy of Current Adopted Professional Code of Conduct Policy via Resolution 2016-162