

CITY OF MERCED ETHICS DRAFT POLICY

- 1. FINDINGS AND PURPOSE**
- 2. DISCLOSURE OF RELATIONSHIP OR CONTACTS**
- 3. CONFLICTS OF INTEREST (Incorporation of other laws)**
- 4. GIFTS**
- 5. QUASI-JUDICIAL PROCEEDINGS**

FINDINGS AND PURPOSE.

(a) The people of the City of Merced declare that public office is one of public trust and all Mayors and Councilmembers, including its Commissions, shall exercise their public duties in a manner consistent with this trust in order to assure that the City of Merced promotes fairness and equity for all residents and maintains public trust in government of the highest order.

(b) This Policy shall apply to the Mayor and Members of the City Council, including all City of Merced Commissions.

DISCLOSURE OF PERSONAL, PROFESSIONAL AND BUSINESS RELATIONSHIPS.

(a) Disclosure. In addition to the Political Reform Act, and the regulations adopted thereunder, including any subsequent amendments, the Mayor and Members of the City Council shall disclose on the public record, either orally or in writing, any relationship or contact with any individual who has an ownership or financial interest in the subject of a decision being made by the City Council where as a result of the relationship or contact, the ability of the Mayor or Councilmember could reasonably be affected.

CONFLICTS OF INTEREST (Incorporation of Other Laws)

(a) Incorporation of the California Political Reform Act. No Mayor or Councilmember shall make, participate in making, or seek to influence a decision of the City of Merced in which the Mayor or Councilmember has a financial interest within the meaning of California Government Code Section 87100 et seq. and any subsequent amendments to these Sections.

(b) Incorporation of California Government Code 1090, et seq. No Mayor or Councilmember shall make a contract in which he or she has a financial interest within the meaning of California Government Code Section 1090 et seq. and any subsequent amendments to these Sections.

(c) Future Employment. No Mayor or Councilmember shall make, participate in making, or otherwise seek to influence a governmental decision, affecting a person or entity with whom the Mayor or Councilmember is discussing or negotiating an agreement concerning future employment.

GIFTS

- (a) In addition to the gift limits and reporting requirements imposed by the Political Reform Act, no Mayor or Councilmember shall solicit or accept any gift or loan from a person who the Mayor or Councilmember knows or has reason to know is a Restricted Source.
- (b) No Restricted Source shall offer or make any gift to a Mayor or Councilmember.

(c) Gift, defined, exceptions.

(1) Gift. For purposes of this subsection, the term gift has the same meaning as under the Political Reform Act, California Government Code Section 81000 et seq., and the regulations adopted thereunder, including any subsequent amendments.

(2) Exceptions:

(A) Loans received from commercial lending institutions in the ordinary course of business.

(B) Items received by a City official which are not kept but which are turned over to the City within 30 days after their receipt.

(C) Meals provided to a City official at an event at which the official speaks, participates in a seminar or similar activity or provides a similar service.

(d) Restricted Source, defined,

(1) a lobbyist, lobbying firm, or lobbyist employer;

(e) A person doing or seeking to do business with the City;

(2) a person on whom a decision of the City Council would have a direct material financial effect; and

(3) a person who is a party to a proceeding involving a license, permit or other entitlement for use.

QUASI-JUDICIAL CONTACTS AND EX PARTE PROCEEDINGS

(a) The City Council has a number of roles. It legislates and makes administrative and executive decisions. The Council also acts in a quasi-judicial capacity or "like a judge" when it rules on various permits, licenses, and land use entitlements. In this last capacity, quasi-judicial, the Council holds a hearing, takes evidence, determines what the evidence shows, and exercises its discretion in applying the facts to the law shown by the evidence. It is to these proceedings that the rule relative to ex parte contacts applies.

(b) The Council shall refrain from receiving information and evidence on any quasi-judicial matter while such matter is pending before the City Council or any agency, board, or commission thereof, except at the public hearing.

(c) As an elected official, it is often impossible to avoid such contacts and exposure to information. Therefore, if any member is exposed to information or evidence about a pending matter outside of the

public hearing, through contacts by constituents, the applicant or through site visits, the member shall disclose all such information and/or evidence acquired from such contacts, which is not otherwise included in the written or oral staff report, during the public hearing, and before the public comments period is opened.