

CODE OF ETHICS

Preamble

The citizens and businesses of Poway are entitled to responsible, fair and honest local government which has earned the public's full confidence for integrity. The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to those they serve.

Accordingly, the Poway City Council has adopted this Code of Ethics to:

- Describe the standards of behavior to which its leaders aspire
- Provide an ongoing source of guidance to city officials in their day-to-day service to the city
- Promote and maintain a culture of ethics

This Code of Ethics builds upon the City of Poway's ideals, which include:

- Open and honest communication at all times
- Mutual respect
- Honor of the public trust as stewards of the community

Elected officials, officers, employees, members of committees, and volunteers shall comply with the laws of the nation, the State of California and the City of Poway in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the Poway Municipal Code, laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and city ordinances and policies.

The purpose of this Code of Ethics is to set a standard of conduct for all elected officials, officers, employees, members of committees and commissions, and volunteers for the City of Poway. The Code will be reviewed and evaluated periodically.

We Maintain Open & Honest Communication at All Times

- I am honest and forthright with my fellow officials, the public and others, even when it is uncomfortable to do so
- I encourage diverse public engagement in our decision-making processes and support the public's right to know

We Maintain Mutual Respect

- I treat my fellow city officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community
- I promote consistency, equity and non-discrimination in public agency decision-making

We Honor the Public Trust as Stewards of the Community

- I am a steward of the public trust
- I understand that the community expects me to serve with dignity and respect for my office, as well as to be an agent of the democratic process acting in the public interest
- I avoid actions that might cause the public to question my independent judgment

- I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the city and its residents
- I understand that as an elected official, or as a representative appointed by the City Council, I cannot act on behalf of, or commit the city to any action or policy that has not been authorized by the City Council
- I am prepared to make decisions in the public's best interest based on the merits and substance of the matter at hand, and to take responsibility for my actions, whether those decisions are popular or not

We will hold ourselves as individuals and the City of Poway organization as a whole accountable for acting consistently with this Code of Ethics.

Ethics Training - AB 1234

Effective January 1, 2006, state law (AB 1234) requires (among other things) that local officials that receive compensation, salary, stipends, or expense reimbursements must receive training in public service ethics laws and principles every two years. The requirement applies not only to the governing body of a local agency, but also commissions, committees, boards, or other local agency bodies, whether permanent or temporary, decision-making or advisory.

To help local officials meet their ethics training requirements, the Institute for Local Government and the Fair Political Practices Commission have developed the ethics training course available on their website. The course has been approved by the Attorney General's Office and Fair Political Practices Commission.

How to File a Complaint

- Conflict of interest, financial and campaign disclosures
 - California Fair Political Practices Commission
Ph: 916-322-5660
- Criminal
 - San Diego County District Attorney's Office
Ph: 619-531-4040
 - State of California Office of the Attorney General, Public Inquiry Unit
Ph: 800-952-5225

Ethics Code

AB 1234 Ethics 2006 [PDF]

Background

The laws of the State of California govern all aspects of public service ethics including full disclosure of personal economic interests, loans, gifts and honoraria, full disclosure of campaign contributions and other issues that might be considered conflicts of interest as well as criminal misconduct.

Purpose

While it is understood that the State of California has numerous sets of laws that guide the ethical behavior of public officials and employees, the City of Barstow wishes to establish that this is a community whose ethical values are clearly stated and fully understood not only by its elected officials and appointed leaders, but this Ethics Code is recognized and acknowledged by its employees and its citizen representatives to represent the values this community holds in highest regard.

Applicability

The community of Barstow, California is entitled to fair, accountable and ethical local government. Therefore the City of Barstow will require from its public officials, both elected and appointed, all public employees and citizens of Barstow that they comply with the letter and spirit of all laws governing the operations of government.

The City of Barstow will further require that public officials, both elected and appointed,

- Be fair and objective in their judgment and actions without consideration of their personal good and with an understanding that their position is not for personal gain but for public good;
- Conduct themselves in a way that brings pride to the community and not in a way that brings disdain, embarrassment, or mockery;
- Be independent, fair and impartial in their judgment and actions;
- Perform as role models for the community within an atmosphere of respect and civility;
- Understand that the professional and personal conduct of members must be above reproach and avoid even the slightest appearance of impropriety;
- Refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of councils, boards and commissions, the staff or the public;
- Perform their duties in accordance with the processes and rules of order established by the City Council and boards and commissions governing the deliberation of public policy issues, to include meaningful involvement of the public and implementation of policy decisions;
- 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; using gestures, facial expressions or general body language that is offensive, discourteous, or otherwise interfering with the orderly conduct of meetings.

To this end, we set forth the following code of ethics and statement of conduct with the expectation that all public officials, elected or appointed, all public employees and citizens of Barstow will incorporate the spirit of this document into their lives and will represent the community of Barstow with the utmost integrity.

Implementation and Enforcement

This statement of ethics is intended to be self-enforcing. This statement will be included in the orientations for candidates, appointed members of boards and committees, and all new employees. They shall sign a statement affirming that they have read and understood the statement of ethics, are thoroughly familiar with it and embrace its provisions. The statement will be reviewed annually for any necessary revisions with full consideration from boards and commissions as it is deemed necessary.

The City Council may impose sanctions on members whose conduct is not in compliance with the ethical standards as set forth. Those sanctions may include but are not limited to: reprimand, formal censure, budget restrictions and removal from boards and commissions.

Code of Ethics and Statement of Conduct

As a public official, elected or appointed, and/or as a candidate for public office or nominee for a board I sign my name below with full understanding of the expectations that this community holds for me.

- I will always be honest with my fellow elected officials, the public and others and take responsibility for my actions even when it is difficult for me to do so.
- The decisions I make may appear to be unpopular but those decisions will be made in the public's best interest without knowingly using false or inaccurate information.
- I will not accept unauthorized gifts or services, special considerations or favors because of my public position which holds the public's trust.
- I will excuse myself from participating in decisions where my family's financial interest might be affected by my decision or my agency's decision nor will I use information gained in that capacity to further personal advantages.
- Even when in disagreement, I will treat my fellow officials, staff, and each citizen with patience, courtesy and civility behaving in such a way that builds respect instead of disdain.
- I am in this position to address the merits of proposals brought forth and not the personalities of those involved.
- The decisions I make will be based on current research and facts as I look toward the short and long-term goals of the community.

Elected and appointed officials code:

- Community service is our mission
- Openness, respect and courtesy is an expectation
- Understanding what is being said to me is more important than my being understood
- No one has a higher priority than each citizen of this and any forthcoming generation
- Compassion and commitment to the needs of the citizen majority is primary in my actions
- Integrity and honesty is reflected by my supporting that which is right in the long run and not what is right for me and my friends
- Loyalty to our community and its future generations will be our legacy.

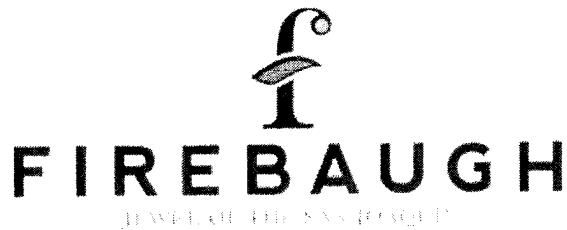
Barstow staff code:

- Barstow staff and officials serve on behalf of all Barstow citizens
- Actions should reflect dignity and integrity
- Respect, courtesy, openness: the hallmark of our performance
- Service to our community is our primary goal
- Treat each person with same level of respect and understanding that you feel is due you

- **Offer to help.** Getting involved makes for a better community
- **We will work together** for the community of Barstow's long-term growth and well-being.

Citizen code:

- **Common courtesy.** Show it to each citizen regardless of their public status.
- **Offer to help.** Getting involved makes for a better community.
- **Make a difference** by helping and not just complaining.
- **Make your voice known.** Leadership listens to those who speak up.
- **Unite.** Divisiveness creates more divisiveness.
- **Neighbors.** Get to know them. It will make the entire community a better and safer place.
- **Invest in the future generations** by investing time and attention to the children of the community.
You will make a tremendous difference in the lives of those involved.
- **Treat each person** with the same level of respect and understanding that you feel is due you.
- **You are just as responsible** for this community as anyone else.

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Code of Conduct

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Code of Conduct

PERSONAL CODE OF CONDUCT/ETHICS FOR THE CITY OF FIREBAUGH

PREAMBLE

The residents and businesses of City of Firebaugh are entitled to have fair, ethic and accountable local government. Such a government requires that public officials:

- **Comply with both the letter and the spirit of the laws and policies affective operations of the government.**
- **Be independent, impartial and fair in their judgment and actions.**
- **Use their public office for the public good, not for personal gain.**
- **Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.**

To this public confidence in the integrity of local government and its fair and effective operation. And, the City of Firebaugh City Council has adopted this Code of Ethics to encourage

Elected and Appointed officials shall sign this personal code of conduct at time of their election to office.

City Staff and Volunteers shall sign this personal code of conduct at time of employment.

1. **Act in the Public Interest** Recognizing that stewardship of the public interest must be their principal concern, everyone shall work for the common good of the personal code of the City of Firebaugh and not for any private or personal interest, and they will endeavor to treat all persons, claims and transactions in fair and equitable manner.
2. **Comply with the Law** Everyone shall comply with the laws of the nation, the State of California and the City in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the City of Firebaugh General City, laws pertaining to conduct of interest, election campaigns, financial disclosures, employer responsibilities and open processes of government; and City ordinance and policies.
3. **Conduct of Members** Everyone shall refrain from abusive conduct, verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, staff or the public.
4. **Respect for Process** Duties shall be performed in accordance with the processes and rules of order established by the City Council.
5. **Conduct of Public Meetings** Everyone shall inform themselves of public issues, listen attentively to public discussions before the body and focus on the business at hand.
6. **Decisions Based on Merit**
Shall be based upon the merits and substance of the matter at hand.
7. **Communication** It is the responsibility of everyone to publicly share substantive information that is relevant to a matter under consideration that they received from sources outside of the public decision-making processes.
8. **Disclosure of Corruption** Everyone shall take an oath upon assuming office, pledging to uphold the constitution and laws of the City, the State and the Federal government. As part of this

oath, officials commit to disclosing to the appropriate authorities and/or to the City Council any behavior or action that may qualify as corruption, abuse, fraud, bribery or other violators the law.

9. **Conflict of Interest**In order to assure their independence and impartiality on behalf of the public good, everyone shall not use their official positions to influence government decisions in which they have a financial interest where they have an organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law.

10. Gifts and Favors

Everyone shall not take advantage of services or opportunities personal gain by virtue of their public offices that are not available to the public in general. They shall refrain from accepting gifts, favors or promises of future benefits that might compromise their independence judgment or action or give the appearance of being compromised.

11. Confidential Information

Everyone shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their person's financial or private interests.

12. Representation of Private Interests

In keeping with their role as stewards of the public trust, everyone shall not appear on behalf of the private interests of a third-party before the City Council or any board, commission or committee or proceeding the City.

13. Advocacy

To the best of their ability, everyone shall represent the official policies and positions of the City Council. When presenting their personal opinions or positions, members shall explicitly state that they do not represent the Council or the City.

16. Improper Influence

Everyone shall refrain from using their position to improperly influence the deliberations or decisions of City staff, boards, commission or committees.

17. Policy Role of Members

Everyone shall respect and adhere to the Council-Manager structure of the City of Firebaugh City Government as provided in State law the General City.

18. Positive Work Environment

Everyone shall support the maintenance of a positive and constructive environment for residents, businesses and City employees.

19. Implementation

Ethics standards shall be included in the regular orientations for Staff and Volunteers. All members shall sign a statement affirming they read and understand the City of Firebaugh City Council Code of Ethics.

20. Compliance and Enforcement

Everyone has 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 City government.

This personal code of conduct shall be considered to be a summary of ethical conduct by Firebaugh Staff and Volunteers.

I affirm that I have read and understand the City of Firebaugh City Council Personal Code of Conduct.

I acknowledge that I may be removed from my appointed office or volunteer position by the City Council if my conduct falls below these ethical standards.

CITY OF FIREBAUGH**RESOURCES****CONTACT**

- County of Fresno
- Fresno Council of Governments
- State of California

Address: 1133 P St.
Firebaugh, CA 93622
Phone: (559) 659-2043

City of Firebaugh Powered by Vortal, Inc.

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CITY DEPARTMENTS BUSINESS DEVELOPMENT
CONTACT INFORMATION SENIOR CENTER

Website design generously funded through a grant from the USDA's Rural Community Development Initiative





CITY OF LODI Code of Ethics and Values

EXHIBIT A

PREAMBLE

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of Lodi has adopted this Code of Ethics and Values to promote and maintain the highest standards of personal professional conduct in the City's government. All elected and appointed officials 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 Lodi, 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 interest 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" to the extent permitted by California law.
- 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.

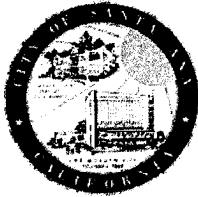
**2. As a representative of the City of Lodi, I will be professional.
In practice, this value looks like:**

- 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 Lodi, 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 Lodi, 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, and 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 Lodi, 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 Lodi, 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 Lodi, 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 toward 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 Lodi, 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 to 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.



THE CITY OF SANTA ANA

CODE OF ETHICS AND CONDUCT

ADOPTED JUNE 2, 2008

The people of the City of Santa Ana, at an election held on February 5, 2008, approved an amendment to the City Charter of the City of Santa Ana which states: "The City of Santa Ana shall adopt a Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees to assure public confidence in the integrity of local government elected and appointed officials." Consistent with the vote of the people, the following Code of Ethics and Conduct is hereby adopted by the City of Santa Ana to ensure effective and fair operation of the local government of the City of Santa Ana.

I.

PREAMBLE

It is the intent of this code to achieve fair, ethical, and accountable local government for the City of Santa Ana. The people of Santa Ana expect public officials, both elected and appointed, to comply with both the letter and the spirit of the laws of the State of California, the United States of America, and the Charter, Municipal Code, and established policies of the City of Santa Ana affecting the operations of local government. In addition, public officials are expected to comply with the provisions of this Code of Ethics and Conduct established pursuant to the expressed will of the people. All persons covered by this code will aspire to meet the highest ethical standards in the conduct of their responsibility as an elected or appointed official of the City of Santa Ana.

This code addresses various aspects related to the governance of the City of Santa Ana and supplements, but does not supplant other laws and rules that prescribe the legal responsibilities of City officials. These include, but are not limited to, the Federal and State Constitutions, various provisions of the California Government Code (such as the Brown Act and the Political Reform Act), the Labor Code, laws prohibiting discrimination and harassment, and the City of Santa Ana Charter and Municipal Code. Elected and appointed officials are expected to be familiar with these laws to ensure that they exercise their public responsibilities in a proper fashion. This code is not designed to be used as a tool to remove appointed officials, as the City Council retains the right under the Charter and Municipal Code to remove appointed officials in accordance with those provisions.

While it is not possible to anticipate and provide a rule of conduct and ethics for all situations that public officials may face, this Code of Ethics and Conduct is designed to provide a framework to guide public officials in their daily duties.

II.

SCOPE

The provisions of this Code of Ethics and Conduct shall apply to the Mayor and members of the City Council, and to all members of the boards, commissions, and committees appointed by the City Council or the Mayor or the Mayor and City Council, including any *ad hoc* committees. Further, the provisions of this Code of Ethics and Conduct shall only apply to these officials and members acting in their official capacities and in the discharge of their duties.

III.

CORE VALUES

Attitudes, words, and actions should demonstrate, support, and reflect the following qualities and characteristics for the well being of our community. The five core values and expressions that reflect these core values are as follows:

INTEGRITY/ HONESTY

- I am honest with my fellow elected officials, the public and others.
- I do not promise what I believe to be unrealistic.
- I am prepared to make unpopular decisions when my sense of the public's best interests requires it.
- I credit others' contributions to moving our community's interests forward.
- I do not knowingly use false or inaccurate information to support my position or views.
- I safeguard the ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial and social relationships and transactions that may compromise, or give the appearance of compromising, objectivity, independence, and honesty.

RESPONSIBILITY/PROTECTING THE PUBLIC'S INTERESTS

- I do not accept gifts, services or other special considerations because of my public position.
- I excuse myself from participating in decisions when my or my immediate family's financial interests may be affected by my agency's actions.
- I do not give special treatment or consideration to any individual or group beyond that available to any other individual.

- I refrain from disclosing confidential information concerning litigation, personnel, property, or other affairs of the City, without proper legal authority, nor use such information to advance my financial or other personal interests.

FAIRNESS/ACCOUNTABILITY

- I promote meaningful public involvement in the agency's decision-making processes.
- I treat all persons, claims and transactions in a fair and equitable manner; I make decisions based on the merits of the issue.
- If I receive substantive information that is relevant to a matter under consideration from sources outside the public decision-making process, I publicly share it with my fellow governing board members and staff.
- I work to contribute to a strong organization that exemplifies transparency and open communication.

RESPECT FOR FELLOW ELECTED OR APPOINTED OFFICIALS, STAFF, AND THE PUBLIC

- I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.
- I work towards consensus building and gain value from diverse opinions.
- I respect the distinction between the role of office holder and staff; I involve staff in meetings with individuals, those with business before the agency, officials from other agencies and legislators to ensure proper staff support and to keep staff informed
- I conduct myself in a courteous and respectful manner at all times during the performance of my official City duties.
- I encourage full participation of all persons and groups; I am aware and observe important celebrations and events which reflect the values of our diverse population.

PROPER AND EFFICIENT USE OF PUBLIC RESOURCES

- I do not use public resources, such as agency staff time, equipment, supplies or facilities, for private gain or personal purposes.
- I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the agency, especially its financial stability.
- I demonstrate concern for the proper use of agency assets (such as personnel, time, property, equipment, funds) and follow established procedures.
- I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the City and its residents.

IV.

IMPLEMENTATION AND ENFORCEMENT

City of Santa Ana elected and appointed officials of the various boards, commissions and committees 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. This code of ethics will be most effective when the elected and appointed officials are thoroughly familiar with it and embrace its provisions.

Upon adoption of this code, all current elected or appointed officials shall be given a copy of the code and asked to affirm in writing that they have received the code, understand its provisions, and pledge to conduct themselves by the code. All new members of the City Council, upon election or reelection, and members of boards, commissions, and committees appointed by the City Council, upon appointment or reappointment, shall be given a copy of the code and are required to affirm in writing they have received the code and understand its provisions, and pledge to conduct themselves by the code. (See Attachment) Additionally, all members of the City Council, boards, commissions, and committees, as part of their AB1234 training, shall be provided additional training clarifying the provisions and application of this code. The City Attorney, or his/her designee, shall serve as a resource person to those persons covered by the code to assist them in determination of appropriate actions consistent with the code.

A periodic review of the code shall be conducted to ensure that the code is an effective and vital document.

This Code of Conduct is intended to be a reflection of the community's values as articulated by the Mayor and City Council as they represent the will of the people of the City of Santa Ana.

CITY OF SANTA ANA – CODE OF ETHICS AND CONDUCT

CERTIFICATION

As an elected or appointed official of the City of Santa Ana, California, I herein certify that I have received a copy of the Code of Ethics and Conduct of the City of Santa Ana, have been offered training and assistance in understanding this code, and am aware of the provisions of the code and its application to my responsibilities. Consistent with the code, I pledge the following in the conduct of my duties:

INTEGRITY/ HONESTY

- I am honest with my fellow elected officials, the public and others.
- I do not promise what I believe to be unrealistic.
- I am prepared to make unpopular decisions when my sense of the public's best interests requires it.
- I credit others' contributions to moving our community's interests forward.
- I do not knowingly use false or inaccurate information to support my position or views.
- I safeguard the ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial and social relationships and transactions that may compromise, or give the appearance of compromising, objectivity, independence, and honesty.

RESPONSIBILITY/PROTECTING THE PUBLIC'S INTERESTS

- I do not accept gifts, services or other special considerations because of my public position.
- I excuse myself from participating in decisions when my or my family's financial interests may be affected by my agency's actions.
- I do not give special treatment or consideration to any individual or group beyond that available to any other individual.
- I refrain from disclosing confidential information concerning litigation, personnel, property, or other affairs of the City, without proper legal authority, nor use such information to advance my financial or other personal interests.

FAIRNESS/ACCOUNTABILITY

- I promote meaningful public involvement in the agency's decision-making processes.
- I treat all persons, claims and transactions in a fair and equitable manner; I make decisions based on the merits of the issue.

- If I receive substantive information that is relevant to a matter under consideration from sources outside the public decision-making process, I publicly share it with my fellow governing board members and staff.
- I work to contribute to a strong organization that exemplifies transparency and open communication.

RESPECT FOR FELLOW ELECTED OR APPOINTED OFFICIALS, STAFF, AND THE PUBLIC

- I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.
- I work towards consensus building and gain value from diverse opinions.
- I respect the distinction between the role of office holder and staff; I involve staff in meetings with individuals, those with business before the agency, officials from other agencies and legislators to ensure proper staff support and to keep staff informed
- I conduct myself in a courteous and respectful manner at all times during the performance of my official City duties.
- I encourage full participation of all persons and groups; I am aware and observe important celebrations and events which reflect the values of our diverse population.

PROPER AND EFFICIENT USE OF PUBLIC RESOURCES

- I do not use public resources, such as agency staff time, equipment, supplies or facilities, for private gain or personal purposes.
- I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the agency, especially its financial stability.
- I demonstrate concern for the proper use of agency assets (such as personnel, time, property, equipment, funds) and follow established procedures.
- I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the City and its residents.

Signed this _____ day of _____, 2008

Signature: _____

City Code of Ethics

City Code of Ethics

The City of Oakley has adopted this Code of Ethics to foster public trust and public confidence by promoting and maintaining the highest standards of conduct. The City Council, appointed officials, City management and City staff are expected to follow this Code and to practice its core values.

HONESTY

As I serve Oakley, I am honest. I keep my word and lead by example. I base my actions on behalf of the City on the best available information. I go out of my way to build trust, and consider carefully the impact of my actions on public confidence. I maintain integrity at all times and consistently do what I believe is in the best interest of this community.

LAWFUL

I comply with the laws of the nation, the State of California and the City of Oakley in the performance of my public duties. These laws include, but are not limited to: the United States and California constitutions; the Oakley Municipal Code; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

RESPECTFUL

As I serve Oakley, I treat everyone with respect and dignity, the way I would want to be treated. I

practice patience, courtesy, and civility even when we disagree. I maintain confidentiality, am sensitive about other people's time, and am careful with the public's property. I listen actively, engage in effective two-way communication, and demonstrate responsive public service.

FAIRNESS

As I serve Oakley, I am fair. I treat everyone equitably. I value peoples' right to know, encourage public input, and listen to all sides. I honor due process. I make impartial decisions, using relevant and consistent criteria, caring for special needs, and giving priority to merit. I refrain from taking any special advantage of services, opportunities, or public resources for personal gain, by virtue of my public office, which would not otherwise be available to the public in general. I refrain from accepting gifts, favors, or promises of future benefits, which might compromise or tend to impair independence of judgment or action.

TEAMWORK

As I serve Oakley, I emphasize teamwork. I reach out to all individuals and groups, involving them in the process, and partnering with them. I value diversity, seek differing and divergent viewpoints, and ask for and consider all opinions. I recognize that good ideas and better solutions can come from anyone. I understand Oakley's Council-Manager form of government and the different roles and contributions of the City Council, City Manager and staff. While serving on a committee, commission or board, I recognize that I represent the City, and will not exceed the authority vested in me.

STEWARDSHIP

As I serve Oakley, I foster, protect, and conserve the community's financial, environmental, and cultural resources. I practice fiscal responsibility and preserve natural resources. I respect

individual rights and uphold the public trust. I am committed to the long-term stability and growth of the community.

ACCOUNTABILITY

As I serve Oakley, I hold myself to high standards and am accountable to those I serve. I am willing to explain my actions and decisions, give and receive criticism, accept consequences, and engage in continuous improvement.

The City Council has signed this document as the official City Code of Ethics and each Councilmember has completed ethics training in compliance with AB1234.

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City Code of Ethics

Starting a Business

City Hall Hours

8:00 - 6:00 pm Monday - Thursday

8:00 - 5:00 pm Friday (Closed 1st and 3rd Fridays of the month)

3231 Main Street, Oakley, CA 94561

(925) 625-7000

info@ci.oakley.ca.us

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Designed and developed by Digital Gear

City of Arcata Code of Ethics

Adopted by the City Council July 20, 2005

For Members of City Council, Boards, Commissions, Committees and Task Forces

Preamble:

The citizens, businesses and organizations of the City of Arcata 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's commitment to excellence, 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 government;
- Public officials be independent, impartial and fair in their judgment and actions;
- Public office be used for public good, not for personal gain;
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the City Council of the City of Arcata has adopted a Code of Ethics for members of the City Council and of the City's Boards, Commissions, Committees and Task Forces to assure public confidence in the integrity of local government and its effective and fair operation.

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 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, Commissions and Committees.

Comply with the Law. Members shall adhere to their sworn oath of office to support and defend the Constitution of the United States of America and the Constitution of the State of California against all enemies foreign and domestic. These laws include but are not limited to: the United States and California Constitutions, laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities and open processes of government and City ordinances and policies.

Conduct of Members. 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 or public.

Respect for Process. Members shall perform their duties in accordance with the processes and rules of order established by the City Council and boards 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.

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.

Decisions Based on Merit. Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

Communication. Members shall publicly share 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.

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.

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.

Confidential Information. Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City of Arcata. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

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.

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

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 representing their individual opinions and positions, members shall explicitly state they do not represent their body or the City, nor will they allow the inference that they do.

Independence of Boards, Commissions, Committees and Task Forces. 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 unduly influence the deliberations or outcomes of Board, Commission, Committee or Task Force proceedings.

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.

Implementation. As an expression of the standards of conduct for members expected by the City, the Code of Ethics 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, ethical standards shall be included in the regular orientations for candidates for City Council, applicants to boards and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City Code of Ethics. In addition, the Code of Ethics shall be annually reviewed by the City Council, Boards, Commissions and Committees, and the City Council shall consider recommendations from boards and commissions and update it as necessary.

Compliance and Enforcement. The Code of Ethics expresses standards of ethical conduct expected for members of the City Council, Boards, Commissions and Committees. 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.

RESOLUTION NO. R-05-067

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH ADOPTING A
CODE OF ETHICS FOR CITY COUNCIL, BOARDS AND COMMISSION MEMBERS**

WHEREAS, the Citizens of Pismo Beach are entitled to have fair, ethical and accountable local government; and

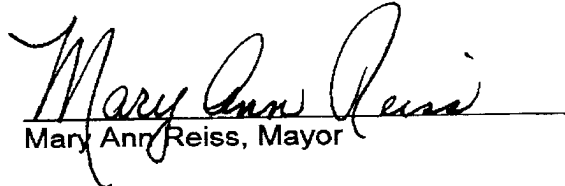
WHEREAS, Pismo Beach maintains a commitment to excellence and effective functioning of democratic government; and

WHEREAS, integrity of officials of local government is key to effective and fair operation of government.


NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Pismo Beach hereby adopts this Code of Ethics which pertains to members of the City Council and all members of the City Boards and Commissions and also to those vendors doing business with the City.

UPON MOTION OF Councilmember Natoli, seconded by Councilmember Rabenaldt, the foregoing resolution was passed, approved and adopted by the City Council of the City of Pismo Beach this 4th day of October, 2005, on the following roll call, to wit:

AYES: Councilmembers Natoli, Rabenaldt, Gonzales-Gee, Higginbotham and Mayor
Reiss
NOES: None
ABSENT: None
ABSTAIN: None


Mary Ann Reiss, Mayor

ATTEST:


Lori Grigsby, City Clerk

CODE OF ETHICS
For The City of Pismo Beach
Council, Boards and Commission Members

Adopted by the Pismo Beach City Council
Date approved – October 4, 2005

Preamble

All citizens and businesses of Pismo Beach 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 Pismo Beach's commitment to excellence, 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 government;
- Public officials be independent, impartial and fair in their judgment and actions;
- Public office be used for public good, not for personal gain;
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

This Code of Ethics, as adopted by the Pismo Beach City Council pertains to members of the City Council and of the City's boards and commissions and to those vendors doing business with our city, to assure public confidence in the integrity of local government and its effective and fair operation.

1. Acts in the Public Interest

Members will work for the common good of the people of Pismo Beach 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 Pismo Beach City Council, boards and commissions.

2. Comply with the Law

Members shall comply with the laws of the nation, the State of California and the City of Pismo Beach in the performance of their public duties. These laws include but are not limited to: The United States and California constitutions, Fair Political Practices laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities and open processes of government and adopted 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 the council, boards and commissions, the public and staff.

4. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the City council and boards and commissions governing the deliberation of public policy issues, meaningful involvement of the public and implementation of policy decisions of the City Council by 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 share 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, source 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 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 property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or private interests.

11. Use of Public Resources

Members shall not use public resources unavailable to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

12. Representation of Public Interests

In keeping with their role as stewards of the public interest, members 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 Pismo Beach, nor will they allow inference that they do.

14. Policy Role of Members

Members shall respect and adhere to the council-manager structure of Pismo Beach City government as outlined by the Pismo Beach Municipal Code. 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 Municipal Code, 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 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 unduly 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 for the City employees and for the 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.

17. Implementation

The Pismo Beach Code of Ethics is intended to be self-enforcing, and is an expression of 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, ethical standards shall be included in the regular orientations for candidates for City Council, applicants to boards and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understand the City of Pismo Beach Code of Ethics. The Code of Ethics shall be reviewed annually by the City Council, boards and commissions, and the City

Council shall consider recommendations from boards and commissions and update as necessary.

18. Compliance and Enforcement

The chairs of boards and commissions and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics are brought to their attention. The City Council may impose sanctions on members whose conduct does not comply with the City's ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment, or budget restriction. Under the City's Municipal Code, the City Council may also remove members of boards and commissions from office. A violation of this Code of Ethics shall not be considered as a basis for challenging the validity of a council, board or commission decision.



City of Belmont

Code of Ethics and Conduct For Elected and Appointed Officials

*"Always do right. This will gratify some people and
astonish the rest."*

-- Mark Twain

Adopted June 10, 2014 by Resolution No. 2014-095
Amended February 11, 2016 by Resolution No. 2016-019
Amended February 2, 2017 by Resolution No. 2017-008

Policy Purpose

The Belmont 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 Belmont's City government.

A. ETHICS

The citizens and businesses of Belmont are entitled to have fair, ethical and accountable local government. To this end, the public should 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, and City Clerk and 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 must be their primary concern, members will work for the common good of the people of Belmont 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 Belmont in the performance of their public duties.
3. **Conduct of Members.** The professional and personal conduct of members while exercising their office 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, 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 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, members shall refrain from receiving information outside of an open public meeting or the agenda materials, except on advice of the City Attorney. Members shall publicly disclose substantive information that is relevant to a matter under consideration by the body 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 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, (b) an organizational responsibility or personal relationship which may give the appearance of a conflict of interest, or (c) a strong personal bias.

A member who has a potential conflict of interest regarding a particular decision shall disclose the matter to the City Attorney and reasonably cooperate with the City Attorney to analyze the potential conflict. If advised by the City Attorney to seek advice from the Fair Political Practices Commission (FPPC) or other appropriate state agency, a member shall not participate in a decision unless and until he or she has requested and received advice allowing the member to participate. A member shall diligently pursue obtaining such advice. The member shall provide the Mayor and the City Attorney a copy of any written request or advice, and conform his or her participation to the advice given. In providing assistance to members, the City Attorney represents the City and not individual members.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and if they have a 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.
10. **Confidential Information.** Members must 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 Belmont, nor will they allow the inference that they do. Councilmembers 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 Belmont City government as outlined in the Belmont City Code. 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, 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 should treat one another, City staff, constituents, and others they come into contact with while representing the City of Belmont.

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 should 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 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, 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 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.
- (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 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.

- (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 and announce limits on speakers at the start of the public hearing process.
- (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.

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 officials who advise the elected, and City staff who implement and administer 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.

(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 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.

(c) *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 through private correspondence or conversation. Appointed officials should 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 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.

(e) *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 citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

(f) *No Attorney-Client Relationship*

Members shall not seek to establish an attorney-client relationship with the City Attorney, including his or her staff and attorneys contracted to work on behalf of the City. The City Attorney represents the City and not individual members. Members who consult with the City Attorney cannot enjoy or establish an attorney-client relationship with the attorney.

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 should be treated with appreciation and respect.

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

Councilmembers may attend any Board, Committee 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, Committee or Commission meeting should 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 City Council appoints individuals to serve on Boards, Committees and Commissions, and it is the responsibility of Boards, Committees and Commissions to follow policy established by the Council. But Board, Committee and Commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten Board, Committee and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board, Committee 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, Committee or Commission appointment should not be used as a political "reward."

- (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 must 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.

C. SANCTIONS

- (a) *Acknowledgement of Code of Ethics and Conduct*
Councilmembers who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct shall be ineligible for intergovernmental assignments or Council subcommittees. Board, Committee and Commission members who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct are not eligible to hold office.

(b) *Ethics Training for Local Officials*

Councilmembers, City Treasurer, City Clerk, Board, Committee and Commission Members who are out of compliance with State or City mandated requirements for ethics training shall not represent the City on intergovernmental assignments or Council subcommittees, and may be subject to sanctions.

(c) *Behavior and Conduct*

The Belmont Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Belmont City Council, Boards, Committees 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, Committees and Commissions and the Mayor and Council 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:

Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the City of Belmont and with intergovernmental agencies) or other privileges afforded by the Council. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by the Council.

Individual Councilmembers should point out to the offending Councilmember perceived 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 questioned, then the matter should be referred to the Vice Mayor. It is the responsibility of the Mayor (or Vice Mayor) to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor (or Vice Mayor), then the alleged violation(s) can be brought up with the full Council.

Board, Committee and Commission Members:

Counseling, verbal reprimands and written warnings may be administered by the Mayor to Board, Committee 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, Committee or Commission, the City Clerk, the City Attorney, the City Manager, and the City Council.

The City Council may impose sanctions on Board, Committee 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.

When deemed warranted, the Mayor or majority of Council may call for an investigation of Board, Committee or Commission member conduct. Also, should the City Manager or City Attorney believe an investigation is warranted, they shall confer with the Mayor or Council. The Mayor or Council shall ask the City Manager or the City Attorney to investigate the

allegation and report the findings.

These sanctions are alternatives to any other remedy that might otherwise be available to remedy conduct that violates this code or state or federal law. In order to protect and preserve good government, any individual including the City Manager and the City Attorney after complying with Rule 3-600(B) of the State Bar Rules of Professional Conduct, who knows or reasonably believes a member acts or intends or refuses to act in a manner that is or may be a violation of law reasonably imputable to the organization, or in a manner which is likely to result in substantial injury to the organization, may report the violation to the appropriate governmental authorities.

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, applicants to Board, Committee and Commissions, and newly elected and appointed officials. Members entering office shall sign a statement (example 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, Boards, Committees and Commissions, and updated it as necessary.

Example:

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

Signature

Date

Division 6 - CODE OF ETHICS

Sec. 1-6-101. - Declaration of policy.

- A. The proper operation of democratic government requires that public officials and public employees be independent, impartial, responsible, and accountable to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office and public employment not be used for personal gain; and that the citizens and businesses of the City have confidence in the integrity of their government.
- B. As used in this division, "City officials and employees" shall mean and include the following individuals: the Mayor; the Mayor Pro Tem; members of the City Council; City Council Executive Assistants; the City Manager; Assistant City Managers; the City Clerk; Department Directors; Deputy Department Directors; the Police Chief; the Deputy Police Chief, the City Attorney; the Zoning Administrator; and members of the Planning Commission, the Community Services Commission, the Finance Commission, and any other commission that is advisory in nature.
- C. The following principles are intended to encourage the highest standard of conduct to serve as guidelines for ethical behavior:
 - 1. *Public interest.* Public office and public employment is a trust to be used to advance the public interest, and not to be used for personal gain.
 - 2. *Objective judgment.* Decisions are to be made on the merits, free of partiality or prejudice, and unimpeded by conflicts of interest.
 - 3. *Accountability.* Government is to be conducted openly, efficiently, equitably, and honorably so the public can make informed judgments and hold public officials accountable.
 - 4. *Democracy.* City officials and employees shall demonstrate honor and respect for democratic principles, and observe the letter and spirit of laws.
 - 5. *Public trust.* City officials and employees shall safeguard public confidence in the integrity of government by upholding the highest standards of personal and professional conduct.
 - 6. *Professional conduct.* City officials and employees shall support the maintenance of a positive and constructive workplace environment and demonstrate a high degree of professionalism when dealing with citizens. The Mayor is charged with maintaining order and decorum during public meetings in accordance with Robert's Rules of Order as adopted by the City. Subject to the limitations provided in California Government Code § 54954.3(c), a provision of the Brown Act, City officials and employees are encouraged to conduct themselves in a manner that is responsive, respectful and befitting their public position.
- D. The purpose of this division is to establish ethical standards of conduct for City officials and employees by setting forth those acts or actions that are incompatible, inconsistent, or in conflict with the foregoing principles and the best interests of the City.

(Ord. No. 06-01, § 1, 1-24-06)

Sec. 1-6-102. - Responsibilities of public office and employment.

City officials and employees are agents of public purpose and hold office or employment for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of the State of California, and to carry out impartially the laws of the nation, State and the City, and thus to foster respect for all governments. They shall make their decisions and take their actions fairly and impartially and base them on the merits and substance of each matter. They are bound to observe in their official acts, the highest standards of performance and to discharge faithfully the duties of their office and employment, regardless of personal considerations. Recognizing that the public interest must be their primary concern, their conduct in both their official and private affairs should be above reproach.

(Ord. No. 06-01, § 1, 1-24-06)

Sec. 1-6-103. - No preferential treatment.

- A. City officials and employees shall not accept more favorable treatment than other residents of the City. Any transactions should be obtained on terms consistent with those available to the general public.
- B. All citizens and businesses in the City are entitled to fair and equal treatment. City officials and employees shall not give preferential consideration or special advantages to any person or organization beyond those that are available to any other person or organization.

(Ord. No. 06-01, § 1, 1-24-06)

Sec. 1-6-104. - City allegiance and proper conduct.

- A. *Incompatible employment or service.* Because of their uniquely important, visible, and elevated status and responsibilities as elected officials, the Mayor and members of the City Council, and by extension their Executive Assistants, shall not engage in compensated employment or service for the purpose of lobbying for any private person or organization before any local agency (county, city or special district) located in the County of Orange.
 - 1. This paragraph A shall not be applicable to lobbying as an in-house employee on behalf of his or her employer (as opposed to a client of the employer).
 - 2. For purposes of this paragraph A, "lobbying" shall mean any oral or written communication (including an electronic communication) to an official of a local agency other than the City, made directly or indirectly, in an effort to influence or persuade the official to favor or oppose, recommend or not recommend, vote for or against, or take or refrain from taking action on any public policy issue of a discretionary nature pending before the official's agency, including, but not limited to, proposed action, or proposals for action, in the form of ordinances, resolutions, motions, recommendations, reports, regulations, policies, nominations, appointments, sanctions, and bids, including the adoption of specifications, awards, grants, or contracts.
 - 3. Notwithstanding any other provision of this division, this paragraph A shall not become effective until January 1, 2007.
- B. *Interest in City contracts.* City officials and employees shall not have a personal investment or monetary interest in any contract made by the City, except contracts relating to the performance of their official City duties.

(Ord. No. 06-01, § 1, 1-24-06)

Sec. 1-6-105. - Disclosure of confidential information.

City officials and employees shall respect and maintain the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information or records without proper and legally required authorization, nor use such information or records to advance their personal, financial or other private interests, or the private gain or advantage of others. Public records may be requested through the City Clerk/Office of Records and Information consistent with the rights of citizens under the California Public Records Act.

(Ord. No. 06-01, § 1, 1-24-06)

Sec. 1-6-106. - Use of City resources.

City officials and employees shall not use City-owned equipment, automobiles, trucks, instruments, tools, supplies, machines, including computers and related computer systems, or any other item that is the property of the City for other than City business, nor shall City officials and employees allow any unauthorized person or organization to rent, borrow or use any such City resources.

(Ord. No. 06-01, § 1, 1-24-06)

Sec. 1-6-107. - Future employment.

- A. *General prohibitions.* It shall be improper for City officials and employees, for a period of two years following the termination of their office or employment, to:
1. Represent, appear or lobby before any City agency, official or employee for compensation on behalf of any person or any organization. For purposes of this paragraph A, "lobby" shall mean making any oral or written communication (including an electronic communication) to an official of the City, made directly or indirectly, in an effort to influence or persuade the official to favor or oppose, recommend or not recommend, vote for or against, or take or refrain from taking action on any public policy issue of a discretionary nature pending before the City, including, but not limited to, proposed action, or proposals for action, in the form of ordinances, resolutions, motions, recommendations, reports, regulations, policies, nominations, appointments, sanctions, and bids, including the adoption of specifications, awards, grants, or contracts.
 2. Accept employment or otherwise receive compensation from a person or organization that entered into a contract with the City within one year prior to the termination of the office or employment, where the former official or employee personally and substantially participated in the award of the contract.
 3. Participate as a competitor in any competitive selection process for a City contract where the former official or employee recommended or approved the project or the work that is the subject of the contract, nor shall any City contract be awarded to such a former official or employee.
- B. *Exceptions.* The provisions of paragraph A shall not preclude the hiring of a former City employee as a consultant to the City, provided that such hiring is approved in advance by the City Council. Nor shall paragraph A apply to any City official or employee who left office or whose City employment or service terminated prior to the effective date of this section; provided, however, that a person who returns to City office, employment or service on or after the effective date of this section shall be subject to the requirements hereof.
- C. *Enforcement.* Notwithstanding the provisions of Section 1-6-110, any former City official or employee who knowingly violates the provisions of this section may be liable in a civil action brought by the District Attorney, the City Attorney, or by a special prosecutor authorized by the City Council, for a fine of up to \$10,000 per

violation, in addition to such other penalties or remedies as may be available.

(Ord. No. 06-01, § 1, 1-24-06)

Sec. 1-6-108. - No nepotism.

- A. All hiring decisions shall be made on the basis of merit and in accordance with the City's Personnel Rules and Procedures, which establish limits and guidelines on the employment of relatives, in order to avoid problems associated with supervision, safety or morale.
- B. City officials and employees shall not influence or attempt to influence the awarding of a City contract to or execution of a City agreement with a relative as defined in Section 2 of the City's Personnel Rules and Procedures.

(Ord. No. 06-01, § 1, 1-24-06)

Sec. 1-6-109. - Whistle blower protection.

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.

(Ord. No. 06-01, § 1, 1-24-06)

Sec. 1-6-110. - Enforcement.

- A. This division expresses standards of ethical conduct expected for City officials and employees. As an expression of such standards, this division is intended to be self-enforcing for the most part. City officials and employees 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. It will be most effective when City officials and employees are thoroughly familiar with the expressed standards and embrace them.
- B. A violation of this division shall not be considered and shall not constitute a basis for challenging the validity of any decision by the City Council or any other body or agency of the City.
- C. All suspected violations of this division that also pertain to provisions of the Political Reform Act (California Government Code § 81000 et seq.) should be reported to the Fair Political Practices Commission of the State of California.
- D. All suspected violations of this division that may independently constitute criminal offenses, including those outside of the purview of the Fair Political Practices Commission, should be reported to the Office of the Orange County District Attorney.
- E. Except as otherwise expressly provided by this division or by State law, the following shall constitute the exclusive means and procedures of enforcing the provisions of this division:
 - 1. Alleged violations of this division committed by a member of the City Council, a member of a City commission, or the City Manager should be reported in writing to the City Attorney. Upon receipt of the report, the City Attorney shall discuss the matter with the person who is the subject of the allegation,

advising such person of the alleged violation and endeavoring to avoid future violations in the event one has occurred.

2. Alleged violations of this division committed by the City Clerk, a City Council Executive Assistant, an Assistant City Manager, the City Attorney, a Department Director, or a Deputy Department Director should be reported in writing to the City Manager or his/her designee. Upon receipt of the report, the City Manager, or his/her designee, shall commence an investigation to determine whether the alleged violation is substantiated. The City Manager, or his/her designee, shall discuss the matter with the person who is the subject of the allegation, advising such person of the alleged violation. In the event the City Manager, or his/her designee, determines that a violation has occurred, the City Manager or the appointing authority may take appropriate action in accordance with applicable City rules, regulations, and procedures related to employment and/or discipline.
3. In the event that the City Attorney or City Manager (or his or her designee) determines that a violation of this division has occurred, appropriate documentation should be prepared to memorialize the determination.

(Ord. No. 06-01, § 1, 1-24-06)

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Government Ethics Resources

Hana Callaghan

UNETHICAL ACT	DESCRIPTION OF ACT	ETHICAL VIRTUES IMPACTED	CALIFORNIA GOVERNMENT ETHICS LAWS*
Bribery	A bribe occurs when something of value is conferred on a public official in exchange for a promise of official action (or inaction). Asking for official favors by a briber, asking for a bribe by a public official, and receiving a bribe by an official are all illegal activities.	Duty of loyalty, duty of integrity	Cal. Penal Code §86
Extortion	Extortion occurs when a public official wrongfully uses his or her public position to obtain a personal benefit.	Duty of loyalty, duty of integrity	Cal. Penal Code §518
Honest services fraud	Pursuant to Federal Law, the public has the right to the "honest services" of public officials. That right is violated when a public official makes a decision that is not motivated by the public's interest but instead by his or her personal interests.	Duty of Loyalty, duty of honesty	18 USC §§1341, 1343, 1346

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Comments included a call for bipartisanship and finding common ground.



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What government can do in response to the child sexual abuse crisis.

Conflict of interest	A public official may not make, participate in, or influence a governmental decision that will have a reasonably foreseeable and material financial effect on the official, the official's immediate family, or any of the official's financial interests.	Duty of loyalty, duty of fairness,	Cal. Gov Code §§ 87100, 87103
Self dealing (contractual conflict of interest)	California law forbids public officials from having an economic interest in their agencies' contracts	Duty of loyalty, duty of fairness	Cal. Gov. Code §1090
Using official position to advance private future employment	"Public officials may not influence agency decisions when the interests of a prospective employer are at stake. In addition revolving door laws regulate an official's actions even after he or she leaves office. In order to prevent public officials from trading on past relationships and from using insider information, elected officials and chief executives who leave government service must not represent people for pay before their former agencies for one year after leaving their agency."	Duty of loyalty, duty of fairness	Cal. Gov. Code §§87406 et seq.
Public employee sitting on governing board	Local agency employees must resign their employment before taking a seat on the governing board of their local agency.	Duty of loyalty, duty of fairness	Cal. Gov Code §53227

Receiving honoraria	Giving a speech, writing an article, or attending a public or private conference, convention, meeting or social event are considered part of a public official's job. Accordingly, no public official may receive outside payment for these activities.	Duty of loyalty, duty of integrity	Cal. Gov. Code §89502
Excessive expense reimbursement	An official is a steward of the public funds. He or she cannot be reimbursed for an expense unless the expense was "actual and necessary" in the official's performance of official duties.	Duty of loyalty, duty of accountability	Cal. Gov. Code §53232.2
Use of public resources for private or political purposes	Using public resources for either personal or political purposes is illegal. "Public resources" include such things as: public funds, staff time; public equipment; and supplies.	Duty of loyalty, duty of fairness	Cal. Gov. Code §8314;
Misappropriation of public funds	It is a criminal offense for a public official to misappropriate or embezzle public funds.	Duty of loyalty, duty of integrity	Cal. Pen Code §424
Use of public resources on ballot measure or candidate related activities	Public officials and local agencies may take positions on ballot measures in open meetings where all points of view can be heard. However, public officials and agencies may not use public resources to engage in campaign type advocacy with respect to those positions.	Duty of loyalty, duty of fairness	Cal. Gov. Code §54964

Mass mailings at public Expense	It is a misuse of public resources if government officials use public funds to pay for mass mailings to constituents as a stealth mode of campaigning. It is also deemed unfair if incumbents have access to free means of communicating with voters, not available to other candidates. Accordingly, California law prevents public officials from making mass mailings at public expense.	Duty of loyalty, duty of fairness	Cal. Gov. Code §89001
Receiving excessive gifts; non disclosure of acceptable gifts.	"To avoid the appearance that political favors are being bought with gifts, there is an annual limit on the aggregate value of gifts a public official can receive from a single source. Officials must also report gifts over a certain amount."	Duty of loyalty, duty of transparency , duty of fairness	Cal. Gov. Code §§86203,89503, 89506
Receiving gifts of travel from transportation companies	Because of the influence of Rail Road entities in the 1800s, California's Constitution forbids elected and appointed public officials from accepting free passes or discounted travel from transportation companies. This prohibition applies to all travel — not just that done on behalf of the government.	Duty of loyalty, duty of fairness	Cal. Const. art XII, sec. 7
Non disclosure of economic interests	In order to shine a light on an official's potential conflicts, he or she must disclose sources of income, real property interests, investment, business positions; and sources of gifts.	Duty of transparency, duty of loyalty	Cal. Gov. Code §§87200 et seq.

Non disclosure of behested payments	Because donations made to an official's favorite charity might be motivated by the wish to curry favor and influence governmental decisions, the citizenry has a right to know what charitable contributions are being on behalf of, or at the request of, a government official.	Duty of transparency , duty of loyalty, duty of independence	" Cal. Gov. Code § 82015(b)(2)(B) (iii); 2 Cal. Code Regs. §18215.3 (a)."
Failure to retain public Records and/or failure to allow public access to public records	Transparency in government requires that the people have access to materials created by government officials when conducting the people's business. Public records include written documents, images, computer data, e-mails, facsimiles, and photographs.	Duty of transparency, duty of accountability	The Public Record Act: Cal. Gov. Code §§6250-70; Cal Gov. Code §§34090-34090.8

Failure to conduct government business in the open	"Transparency in government requires that all government business be conducted in the public eye. The Brown Act provides that: "... public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."	Duty of transparency, duty of accountability	The Brown Act: Gov. Code §§ 54950 et seq.
Failure to treat all members of the public in a fair and unbiased manner.	The citizenry has the right to a fair and unbiased decision maker. Accordingly, a public official must make official decisions free from personal bias. Examples of personal bias might include a personal, but not necessarily financial interest in the outcome of a decision; strong dislike of a petitioner or colleague; or strong attachment or loyalty to a petitioner, colleague, or party.	Duty of fairness, duty of loyalty	Common law and constitutional notions of due process

Vote trading	It is illegal in California for a public official to vote or offer to vote in a certain manner in exchange for another public official's vote on the same or another matter before the body.	Duty of fairness, duty of independence, duty of integrity	Cal. Penal Code §86
Personal loans within the agency	California law prohibits a public official from receiving a personal loan from any other official, employee, or consultant of the official's agency.	Duty of loyalty	Cal. Gov Code §87460
Making decisions based on campaign contribution bias	As a general rule, the receipt of campaign contributions is not perceived as giving rise to a duty to disqualify for bias. An official does have an ethical duty to make independent decisions not swayed by the fact or promise of a political contribution. In certain licensing and permitting decisions, however, a local agency official must disqualify himself or herself if the official has received cash or in-kind contributions worth more than \$250 during the previous twelve months from any party or participant in the proceeding. Additionally, it is illegal to receive or solicit campaign contributions worth more than \$250 from any party in a license or permit proceeding while the proceeding is pending and for three months after the proceeding.	Duty of fairness, duty of loyalty, duty of independence	Cal. Gov. Code 84308

Involving agency staff in political activities	"It is illegal for an incumbent candidate to make employment decisions based on a an employee's support of his or her candidacy. In addition, an incumbent may not solicit campaign contributions from public employees, unless such solicitation is part of a larger solicitation to the general public."	Duty of loyalty, duty of fairness	Ca.I Gov. Code §§3204; 3205; 3205.5; 3206; 3207; 3302; 8314
Holding multiple public offices	Holding multiple offices creates inherent conflicts of interest and divided loyalties. Accordingly the law puts limitations on an official's ability to be hold multiple offices at the same time.	Duty of loyalty	Cal. Gov. Code §1126
Unfair contractual bidding practices	The public has a right to the best services and products available for the best price. In addition, all citizens, including contractors, have the right to be treated fairly. Public contracting laws are designed to promote competition and to avoid favoritism, partisanship, and/or corruption in the bidding process.	Duty of fairness	See California Public Contracting Code
Retaliation against whistle blowers	To help ensure compliance with the ethics laws, California whistle-blowing legislation make it unlawful for public employers to retaliate against employees who inform about ethics violations or who refuse to participate in unlawful activities.	Duty of fairness, duty of accountability, duty of loyalty	Cal. Labor Code §§1102.5, 1102.6, 1102.7, 1102.8, 1103, 1106

****Legislation is constantly being revised and updated. Please contact your legal counsel for the current status of these code sections.***

Hana Callaghan is the director of government ethics at the Markkula Center for Applied Ethics


Jun 1, 2015

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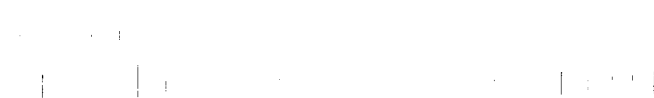
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Gifts and Honoraria

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How to Request Advice

If you have questions about your obligations under the Act you can request advice directly from FPPC staff

[Request Advice](#)

Gifts, Honoraria, Travel Payments, and Loans

Public officials and employees are subject to certain restrictions related to receiving gifts, honoraria, travel payments, and loans.

- Limitations and Restrictions on Gifts, Honoraria, Travel and Loans for Local Public Officials
- Limitations and Restrictions on Gifts, Honoraria, Travel and Loans for State Public Officials

General Rules for Gifts and Honoraria

\$10 Lobbyist Gift Limit: Elected state officials, including members of the legislature, and legislative employees may not accept a gift or gifts totaling more than \$10 in a calendar month from any individual who is registered as a lobbyist under state law. The \$10 limit also applies to gifts received by officials and employees of state

agencies if their agency is listed on the registration statement of the lobbyist's employer or firm.

\$470 Gift Limit (Effective January 1, 2017 - December 31, 2018): State and local officials and employees are prohibited from receiving a gift or gifts totaling more than \$470 in a calendar year from certain sources. For elected state officials and many others, the prohibition is applicable to gifts from any source, although there are exceptions (for example, gifts from family members). For state and local officials and employees who file Statements of Economic Interests (Form 700s) under an agency's conflict of interest code, the gift limit is applicable only to individuals and entities that would have to be disclosed on the Form 700. This gift limit is adjusted for inflation every odd-numbered year. (Note: Judges are not subject to the Act's gift prohibitions, but are covered by the Code of Civil Procedure.)

Honoraria: An honorarium is a payment received for making a speech, publishing an article or attending any public or private conference, convention, meeting, social event, meal or similar gathering. State and local elected officers and candidates for those offices and all officials holding positions listed in Government Code Section 87200 are prohibited from receiving honoraria payments. Likewise, an employee designated under a state or local government agency's conflict of interest code is prohibited from receiving honoraria payments from any source of gifts or income the employee is required to report on his or her Statement of Economic Interests (Form 700). Some limited exceptions apply, such as income earned from a bona fide business or profession.

Exceptions for Travel: Certain payments for travel are excluded from the gift limits and honoraria prohibition. Refer to the appropriate gift fact sheet to determine if your travel payment is subject to the gift limit.

Loan Restrictions: Public officials who are required to file Statements of Economic Interests (Form 700s) or who are exempt employees may not receive any personal loan aggregating more than \$250 from an official, employee, or consultant of, or from anyone who contracts with, their governmental agencies. In addition, elected officials may not receive any personal loan aggregating more than \$500 from a single lender unless certain terms of the loan are specified in writing. Under certain circumstances, a personal loan that is not being repaid or is being repaid below certain amounts may become a gift to the official who received it.

An Exception:

Gifts from most family members and a person with whom an official has a bona fide dating relationship are not restricted and do not need to be reported under City law. Gifts from the following family members fall under this exception:

- a spouse;
- registered domestic partner;
- domestic partner's child;
- child;
- parent;
- grandparent;
- grandchild;
- brother;
- sister;
- aunt;
- uncle;
- niece;
- nephew; and a
- first cousin.

This exception does not apply, however, if a family member is acting as an agent or intermediary for another person who is the true source of a gift. Other limited exceptions may apply.

Step 2: Determine the Gift's Value

Once the source of a gift has been identified, it is important to determine the value of the gift. This enables City officials to understand whether or not a gift from a source is permitted under the law. If the value falls within the applicable gift limit for that source, the gift is permissible. When determining whether a gift is permissible, it is important to remember that all gifts received from that source in the calendar year must be considered. However, please note that state law requires a specific method of valuation for certain types of events, tickets and passes, and plane tickets.

The easiest way to determine a gift's value is to ask the giver. If that is not possible, you may make a good faith estimate of the item's fair market value by reviewing the value of similar items at a store or on the Internet. Either way, the law requires you to make a good faith estimate to determine the value of any gift you may receive to ensure it is within applicable limits.

Step 3: Disclose Reportable Gifts

For any gift from a source that is reportable, the official receiving a gift valued at \$50 or more must report that gift on his or her next Statement of Economic Interests. In addition, if a reportable gift is presented through an intermediary, or third party agent between an official and the true source of a gift, the recipient must disclose the name, address, and business activity of both the donor and the intermediary.

List of commonly reportable gifts:

- Tickets and passes to sporting or entertainment events;
- Tickets and passes to amusement parks;
- Food, beverages, and accommodations, including those provided in direct connection with your attendance at a convention, conference, meeting, or social event even if you gave a speech at the event;
- Rebates/discounts not made in the regular course of business to members of the public without regard to official status;
- Wedding gifts;
- Forgiveness of a loan; and
- Parking passes.

Please note that in some limited circumstances, an item of value a City official may receive may not be limited or disclosable because it is considered a "gift to a public agency." Generally, these can include items given to an agency that the agency determines who ultimately receives or uses them. Under state law, while those individuals do not have a reporting requirement, the agency has specific public disclosure requirements. Please contact the City Ethics Commission for more information on gifts to a public agency.

*For a complete list of positions defined as "high-level officials," see the City's Governmental Ethics Ordinance [at Los Angeles Municipal Code section 49.52], which is also available on the Commission's website at http://ethics.lacity.org/PDF/law_geo.pdf

**Section 87200 of the state's Political Reform Act applies to elected officials, City Treasurer, City Administrative Officer, Citywide Planning Commissioners, Pension Board Members, and other City employees and consultants who manage public investments.



Los Angeles

CITY ETHICS COMMISSION

The City Ethics Commission is committed to helping City officials and employees understand their requirements under the law. For information about the City Ethics Commission, its programs, and/or the laws discussed on this brochure, please contact our office. For questions regarding state law, please contact the Office of the City Attorney at (213) 978-7100.

Address:

Los Angeles City Ethics Commission
200 N. Spring St. — CITY HALL
24th Floor
Los Angeles, CA 90012

General Office:

(213) 978-1960 Phone
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24 Hour Whistleblower Hotline:

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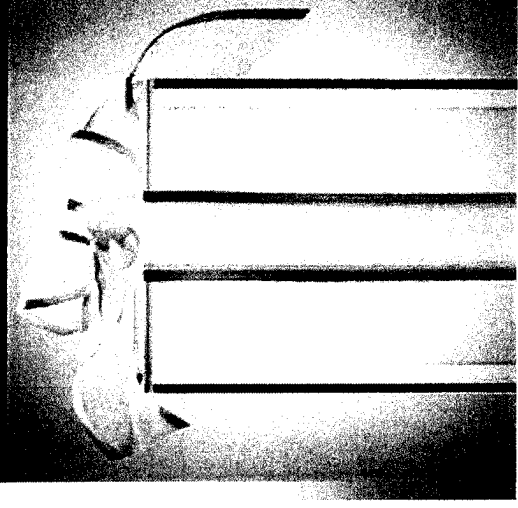


Los Angeles

CITY ETHICS COMMISSION

...preserving the public trust.

Gift Limits and Restrictions For City Officials



Gift Limits and Restrictions for City Officials

In Los Angeles, comprehensive state and City laws help ensure that all City decision-making is, and is perceived to be, fair and impartial. Gifts that are intended to influence City officials in their decision-making may never be accepted. Because even the most well-intentioned of gifts may create a conflict of interest for the official, or create an appearance of a conflict, public disclosure and gift limits can help preserve the public trust. Ethics laws help achieve this by limiting the value of gifts that public officials can receive from certain sources (and in some situations, by prohibiting their acceptance), and by requiring officials to publicly report gifts that meet a threshold amount.

Under the law, a "gift" is anything a City official receives of value, provided consideration of equal or greater value has not been provided to the gift giver and can include discounts, rebates, and, in some cases, personal loans. Gifts to the official's spouse, registered domestic partner, and child may also be considered to be gifts to the official.

To narrow down whether City and state ethics laws permit a gift or whether it is prohibited, City officials should consider a two-step process:

- 1) Identify his or her relationship to the source of the gift; then
- 2) Determine the gift's value.

Step 1: Identify the Gift Source

The Ban on Gifts from Lobbyist or Lobbying Firms

Since the passage of Measure R by Los Angeles voters in 2006, lobbyists and lobbying firms may not give any gifts to officials they lobby. This means a high-level* official may not receive a gift of any value from any registered lobbyist or lobbying firm. All other City officials may not accept a gift of any value from a lobbyist or lobbying firm that lobbies their agency.

A list of lobbyists and lobbying firms is regularly updated by the City Ethics Commission and can be found on our website's lobbying page at <http://ethics.lacity.org/lobby/lobby.cfm>. Gifts from these sources must either be declined or turned over to a charitable organization within thirty days, with no tax deduction benefit taken by the official.

Example:
Jane Doe, a City official with the Bureau of Sanitation, is presented with a gift by a lobbyist that lobbies her Bureau. Since gifts from lobbyists are prohibited regardless of their value, Jane has two options. She may either decline the gift or turn the gift over to a charitable organization within thirty days. If Jane decides to turn the gift over to a charitable organization, she may not take a tax deduction on the donation.

Gifts from "Restricted Sources" Are Limited

City law limits a City official from accepting more than \$100 in gifts from any "restricted source" each calendar year. Please note that advances or reimbursements for travel from a restricted source are completely prohibited. Officials can determine whether a gift source is a restricted source by asking a series of questions:

- 1) Is the source doing or seeking to do business with my agency?
- 2) Is the source a business or entity that is required to register as a lobbying firm or lobbyist employer? If the source is an individual, is he or she required to register as a lobbyist?
- 3) Even if the answers to the questions in #2 are "no", has the source attempted to influence me on any City matter?
- 4) Does the source have any matter involving a license, permit or other entitlement for use pending before me, or was there such a matter pending before me in the last nine months?

If the answer to any of those questions is yes, the source is considered a restricted source to you. For officials who are "high-level officials,"

however, restricted sources are defined to include any entity or individual engaging in the activities shown above at any City agency (not only their own). For more information, see LAMC sec. 49.5.2.

Total gifts from a restricted source must be kept within the \$100 annual gift limit. Anything over that amount must be declined or paid down so that the total from that source does not exceed the \$100 annual limit. Alternatively, an unused gift may be turned over to a charitable organization within thirty days with no tax deduction benefit taken by the official.

Example:
Sally Mae, a City official with the Department of Cultural Affairs, is presented with a gift basket valued at \$120 by a consultant that submitted a Request for Proposal to her agency six months ago. Because the consultant is seeking to do business with Sally's agency, he or she is considered a restricted source to Sally. Sally, therefore, has three options. First, she may decline the gift since the value exceeds the restricted source gift limit. Second, provided she has not already accepted another gift from the consultant in the same calendar year, Sally may accept the \$120 gift basket only if she pays the consultant back the \$20 difference. Under this scenario, Sally should also document the transaction for reference and she must report the gift on her next Statement of Economic Interests because the gift is valued at more than \$50 (see Step 3: Disclosing Reportable Gifts). Third, as an alternative, Sally may give the unused gift basket to a charitable organization within thirty calendar days without taking a tax deduction benefit on the donation. In that case, Sally would have no disclosure requirement because she would not be considered to have received a gift under the law.

Gifts from "Disclosable Sources of Income" Are Limited by State Law

Throughout California, a public official is limited under State law to accepting no more than \$420 in gifts per calendar year from any "disclosable source of income." To determine whether a gift giver is a disclosable source of income, City officials should consult their department's Conflict of Interest (COI) Code. Required by state law, a COI Code identifies the positions in each department that make or participate in making governmental decisions. To help avoid

conflicts of financial interests, it also identifies the types of income sources that may cause such conflicts to those officials based on their duties and responsibilities. Officials are required to publicly disclose any income received from disclosable sources of income on periodic Statements of Economic Interests, also called Form 700. Copies of each department's COI Code can be obtained from the department's ethics liaison or on the City Ethics Commission's website at <http://ethics.lacity.org/govethics/coindex.cfm>.

Total gifts from a disclosable source of income must be kept within the \$420 annual gift limit. Anything over that amount must be declined or can be paid down so that the total from that source does not exceed this annual limit. Alternatively, a gift may be turned over to a charitable organization within thirty days with no tax deduction benefit taken by the official. If you are an "87200 filer**", you may never accept a gift or a combination of gifts valued at over \$420 from anyone, unless an exception applies.

Example:
Tom Jones, a City official with the Department of Transportation (DOT), receives a gift valued at \$300 from the owner of a taxi cab company in the City of Los Angeles. According to the DOT's Conflict of Interest Code, the company is a disclosable source of income to Tom, in which case the gift acceptance limit would ordinarily be \$420 for the calendar year. However, because this company has an operating permit from the DOT, it also falls under the definition of a restricted source to Tom, making the applicable gift limit \$100 for the calendar year. Consequently, Tom has three options. First, provided he has not accepted another gift from this company during the same calendar year, he may accept the gift and pay down the \$200 difference in excess his gift limit. If he accepts the gift, Tom must remember to report it on his next Statement of Economic Interests because it is valued at more than \$50 (see Step 3: Disclosing Reportable Gifts). Second, Tom may decline the gift to avoid any appearance of a conflict of interest. Third, Tom may turn the gift over to a charitable organization within thirty days without taking a tax deduction benefit on the donation.

Governmental Ethics Ordinance

Los Angeles Municipal Code Chapter IV, Article 9.5

Added by Ordinance No.165618, effective 4/21/90.

Amended in its entirety by Ordinance No.182842, effective 2/10/14.

SEC. 49.5.1. TITLE, FINDINGS AND PURPOSE.

A. Title. This Article shall be known as the City of Los Angeles Governmental Ethics Ordinance.

B. Findings. The following findings are adopted in conjunction with the enactment of this Article:

1. As one of the great international cities of the world, Los Angeles will continue to confront great and complex opportunities and problems of both local and global significance.
2. One of the best ways to attract talented people to public service is to assure that the government is respected for its honesty and integrity; that its decisions are made on the merits, untainted by any consideration of private gain; and that the rules governing their conduct during and after leaving government service are as clear and complete as possible.
3. A governmental ethics ordinance that is as clear, tough, fair, comprehensive and effective as any in the nation is therefore needed.

C. Purposes. This Article is adopted to accomplish the following purposes:

1. To assure that individuals and interest groups in our society have a fair and equal opportunity to participate in the governmental process.
2. To assure that the governmental process itself promotes fairness and equity for all residents of the City regardless of race, color, creed, religion,

national origin, age, sex, marital status, sexual orientation or disability.

3. To require elected City officers and key City officials to disclose investments, interests in real property and income in order to prevent conflicts of interests.
4. To prevent elected City officers and key City officials from receiving outside earned income that creates a potential conflict of interests.
5. To prevent City officials from lobbying the City for certain periods of time after they leave City service.
6. To increase understanding of the City Charter and ordinances, the roles of elected City officers and other public officials, the roles of City agencies, and the City election process.
7. To help restore public trust in governmental and electoral institutions.
8. To assure that this Article is vigorously enforced.

SEC. 49.5.2. DEFINITIONS.

The following terms have the meanings identified below. Other terms used in this Article have the meanings identified in the state's Political Reform Act.

A. "Agency" means the City of Los Angeles or any City department, bureau, office, board, commission, or entity required to adopt a conflict of interests code subject to City Council approval. With respect to employees of a City Council member's staff and employees of the Chief Legislative Analyst's office, "agency"

means the City Council. The term does not include a governmental entity that is not within the City's control, even if the entity is required to adopt a conflict of interests code subject to City Council approval, unless the entity elects to be subject to this Article.

- B. **"Bidder"** means a person who bids on or submits a proposal or other response to a City contract solicitation including a request for proposals, request for bids, request for qualifications, or any other request for purposes of entering into a contract.
- C. **"City official"** means an elected City officer or an agency board member, officer, employee, commissioner, or consultant who, because of the individual's service to an agency, is required to file a statement of economic interests pursuant to the Political Reform Act.
- D. **"Confidential information"** means information that, if it were contained in a document, would not be subject to disclosure under the state's Public Records Act.
- E. **"Contract"** means an agreement, lease, right of entry, franchise, or concession, including but not limited to an agreement for the performance of work, the rendition of service, or the provision of materials, equipment, or supplies to the City or the public, which is let, awarded, or entered into with or on behalf of an agency.
- F. **"Elected City officer"** means a person who is a City Council member, City Attorney, Controller, or Mayor, whether appointed or elected.
- G. **"Matter pending"** means a matter in which a non-ministerial action is required to proceed with or resolve the matter but has not yet been taken.
- H. **"Political activity"** means activity directed at the success or failure of any ballot measure or candidate for elective office in a future election and includes but

is not limited to: endorsing a candidate; engaging in fundraising; developing, displaying, or distributing campaign materials; conducting research; or posting comments on social media or other Internet sites.

- I. **"Political Reform Act"** means the California Political Reform Act of 1974 (California Government Code Sections 81000 et seq.) and the related regulations of the California Fair Political Practices Commission as amended from time to time.

- J. **"Restricted source"** means the following:

1. For elected City officers, a restricted source is the following:
 - a. A person who files as a lobbying firm or lobbyist or is required to file as a lobbying firm or lobbyist, as defined in Section 48.02.
 - b. A person who has entered into, performs under, or seeks a contract with the City. This does not include the following:
 - i. An individual who has entered into or performs under an agreement with the City regarding employment; or
 - ii. A person who receives or pays for services normally rendered by the City to residents and businesses, such as sewer service, water and power service, or street maintenance.
 - c. A person who, during the prior 12 months, attempted to influence the elected City officer in any City action that would have a material financial effect on the person. This does not include an individual who attempted to influence action regarding that individual's own City compensation, benefits, or retirement.

- d. A person who is or in the prior 12 months was a party to a proceeding involving a license, permit, or other entitlement for use that was pending before the elected City officer, the City Council, or a board, commission, committee, or other similar body of which the elected City officer is a voting member.
2. For all other City officials, a restricted source is the following:
- a. A person who seeks to influence decisions of the City official's agency and files as a lobbying firm or lobbyist, or is required to file as a lobbying firm or lobbyist as defined in Section 48.02;
 - b. A person who has entered into, performs under, or seeks a contract with the City official's agency. This does not include the following:
 - i. An individual who has entered into or performs under an agreement with the City official's agency regarding employment; or
 - ii. A person who receives or pays for services normally rendered by the City to residents and businesses, such as sewer service, water and power service, or street maintenance.
 - c. A person who, during the prior 12 months, attempted to influence the official in any City action that would have a material financial effect on the person. This does not include an individual who attempted to influence action regarding that individual's own City compensation, benefits, or retirement.
 - d. A person who is or in the prior 12 months was a party to a proceeding involving a license, permit, or other entitlement for use that was pending before the official or before a board, commission, committee, or

other similar body of which the official is a voting member.

History:

*Amended by Ord. 167949, effective 7/5/92.
 Amended by Ord. 168056, effective 8/8/92.
 Amended by Ord. 170655, effective 9/21/95.
 Amended by Ord. 172891, effective 12/11/99.
 Amended by Ord. 173363, effective 7/29/00.
 Amended by Ord. 176824, effective 8/27/05.
 Amended by Ord. 182842, effective 2/10/14.*

SEC. 49.5.3. CONFIDENTIAL INFORMATION.

A current or former City official or agency employee shall not misuse or disclose confidential information acquired as a result of City service.

History:

Amended by Ord. 182842, effective 2/10/14.

SEC. 49.5.4. PROTECTION AGAINST RETALIATION.

- A. City officials and agency employees shall not use or threaten to use any official authority or influence to discourage, restrain, or interfere with another person's attempt to report possible violations of law to the Ethics Commission or another governmental entity.
- B. City officials and agency employees shall not use or threaten to use any official authority or influence to effect any action as a reprisal against another person who reports a possible violation of law to the Ethics Commission or another governmental entity.
- C. A person who believes that he or she has been subjected to an action prohibited by this Section may file a confidential complaint with the Ethics Commission.
- D. The Ethics Commission may refer retaliation complaints to appropriate agencies for disciplinary purposes.

History:

*Amended by Ord. 168708, effective 5/13/93.
 Amended by Ord. 182842, effective 2/10/14.*

financial effect on the source of the payment.

4. A request for approval from the Ethics Commission shall be treated as a request for written advice under Charter Section 705(b).

History:

Amended by Ord. 168056, effective 8/8/92.

Amended by Ord. 172942, effective 1/21/00.

Amended by Ord. 182842, effective 2/10/14.

Renumbered by Ord. 182842, effective 2/10/14 (prev. 49.5.9).

SEC. 49.5.8. GIFTS.

- A. A person shall not offer or make and a City official shall not solicit or accept a gift when it is reasonably foreseeable that the City official could be influenced by the gift in the performance of an official act.
 - B. City officials shall comply with the gift requirements and restrictions in the Political Reform Act and California Constitution. When the Political Reform Act's gift provisions, other than gift limits, refer to a lobbying entity, the reference shall include a City lobbying firm and lobbyist.
 - C. In addition to the state requirements and restrictions identified in Subsection B, City officials shall also comply with the following gift restrictions for restricted sources.
 1. A City official shall not solicit a gift from a restricted source. A City official shall not accept a gift that exceeds the applicable gift limit from a restricted source.
 2. A person who is a restricted source to a City official shall not offer or make a gift that exceeds the applicable gift limit to that City official.
 3. A restricted source shall not act as an agent or intermediary in or arrange for the making of a gift by another person to a City official that exceeds the applicable gift limit.
4. The applicable gift limits are as follows:
 - a. For restricted sources identified in Section 49.5.2(J)(1)(a) or Section 49.5.2(J)(2)(a), the applicable gift limit is zero.
 - b. For all other restricted sources, the applicable gift limit is one-hundred dollars (\$100) per calendar year.
 5. The applicable gift limits for restricted sources do not apply to the following:
 - a. Items received by a City official from a union representing that City official.
 - b. Food and beverages received by a City official from a union representing a bargaining unit of City officials.
 - c. Items received by a City official acting in an official City capacity from an organization to which the City, the City official, or the City official's agency belongs as a member.
 - d. Nominal and routine office courtesies received by a City official in a restricted source's place of business, as long as the courtesies are available to any person who visits that place of business.
 - e. Payments for travel and meals that are made by an organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, a bona fide educational institution as defined by Section 203 of the California Revenue and Taxation Code, or a governmental entity and where the payments are exempt from the gift limits in the Political Reform Act.
 6. A City official has the duty to determine whether a person is a restricted source to him or her. A

person offering or making a gift to a City official has the duty to determine whether he or she is a restricted source to that City official.

a. For restricted sources identified in Sections 49.5.2(J)(1)(a) and 49.5.2(J)(2)(a), the following apply:

i. A City official may presume that a person is not a restricted source to him or her if the person is not identified in the electronic filing system for lobbying entities under Section 48.06(B) on the date the gift is offered or made, the City official has conducted a reasonable inquiry into whether the person is a restricted source between database updates, and the City official does not have personal knowledge that the person qualifies as a restricted source.

ii. The electronic filing system for lobbying entities is a reference for compliance and enforcement purposes for gifts offered or made as of the date the database was last updated.

b. For restricted sources identified in Sections 49.5.2(J)(1)(b) and 49.5.2(J)(2)(b), the following apply:

i. A City official may presume that a person is not a restricted source to him or her if the person is not identified in the database in Section 49.5.11(B) on the date the gift is offered or made, the City official has conducted a reasonable inquiry into whether the person is a restricted source between database updates, and the City official does not have personal knowledge that the person qualifies as a restricted source.

ii. The restricted source gift limit does not apply to sources that

are only identified in Section 49.5.2(J)(1)(b) or Section 49.5.2(J)(2)(b) until the Ethics Commission and the City Council initially certify that the database in Section 49.5.11(B) provides enough information for a City official to determine whether a person is a restricted source to him or her under Section 49.5.2(J)(1)(b) or 49.5.2(J)(2)(b).

iii. The database is a reference for compliance and enforcement purposes for gifts offered or made from the date the database is certified through the date the database was last updated.

c. For restricted sources identified in Sections 49.5.2(J)(1)(c), 49.5.2(J)(1)(d), 49.5.2(J)(2)(c), and 49.5.2(J)(2)(d), the following apply:

i. A City official may presume that a person is not a restricted source to him or her if the City official has conducted a reasonable inquiry into whether the person is a restricted source and does not have personal knowledge that the person qualifies as a restricted source.

ii. The Ethics Commission will not maintain a database.

d. A reasonable inquiry includes asking the source, asking a responsible employee in the relevant agency, and reviewing the City Clerk's council file management system.

D. A ticket or pass distributed by an agency to a City official in accordance with Chapter 5 of Los Angeles Administrative Code Division 24 is not a gift to the City official.

Chapter 12.08 - PROHIBITION OF GIFTS^[5]

Part 1 - TITLE AND DEFINITIONS

12.08.010 - Title.

This Chapter will be known as the San José Gift Ordinance.

(Ord. 30016.)

12.08.020 - Definitions.

The definitions in this Part govern the application and interpretation of this Chapter.

(Ord. 30016.)

12.08.030 - Gift.

"Gift" has the same meaning as under the Political Reform Act.

(Ord. 30016.)

12.08.040 - Restricted Source.

"Restricted Source" means any individual, firm or entity whose interest or whose employer's or client's interest:

- A. Has been materially affected by the work of such officer or employee of the City or Successor Agency within the two years prior to the time the gift is given; or
- B. In the future could reasonably be foreseen to be materially affected by the work of such officer or employee of the City or Successor Agency.

(Ord. 30016.)

Part 2 - ACCEPTANCE OF GIFTS

12.08.100 - Gifts Prohibited.

No officer or designated employee of the City or the Successor Agency may accept any gift, directly or indirectly, from a Restricted Source, except as provided in this Chapter.

(Ord. 30016.)

12.08.110 - Gifts Not Prohibited.

This Chapter does not prohibit the acceptance or receipt of:

- A. Any gift that meets one of the exceptions under the Political Reform Act.
- B. Any gift, including meals and beverages, provided to an officer or employee in a business or social setting that has a value of fifty dollars or less, as long as the total value of all such gifts received from any one Restricted Source does not exceed fifty dollars in any calendar year.

(Ord. 30016.)

12.08.120 - Receipt, Promise, Acceptance, and Return of Gifts.

For purposes of this Chapter, the promise, receipt, acceptance, and return of gifts are governed by the Political Reform Act. In addition, a gift is not considered accepted or received under this Chapter if:

- A. It is treated as and remains the property of the City or the Successor Agency
- B. It is received by an officer or designated employee in his or her official capacity or as a representative of the City or the Successor Agency, it is reported to the City Council or Successor Agency board, and the City Council or Successor Agency board, as applicable, approves of the official or designated employee retaining the gift.

(Ord. 30016.)

Part 3 - REPORTING OF GIFTS

12.08.200 - Reporting Requirements.

- A. The reporting and disclosure of gifts must be done in accordance with the requirements of the Political Reform Act and the requirements in this Chapter.
- B. The gift limitations and disqualification requirements under the Political Reform Act are applicable to gifts which are not prohibited by this Chapter.

(Ord. 30016.)

12.08.210 - Reporting Gifts to Domestic Partner, Spouse, and Children.

- A. At the time of filing the annual disclosure statement required by the Political Reform Act or any applicable conflict-of-interest code, each City officer, officer of the Successor Agency, or

designated employee shall file a family gift report on a form provided by the City Clerk.

- B. The officer or designated employee shall indicate on such report any gifts known to have been accepted during the relevant reporting period by such officer's or employee's domestic partner, spouse, and any dependent child where such gifts would have been prohibited to the officer or employee. The value of any such gift and the donor must be disclosed. If the officer or employee has no knowledge of any such gift having been received, the report must so state.
- C. For purposes of this section, "domestic partner" means any person registered as a domestic partner by an employee with the City of San José.

(Ord. 30016.)