



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 26-122

Meeting Date: 2/3/2026

TITLE:

APPROVAL OF A CODE OF ETHICS AND CONDUCT

DEPARTMENT: CITY MANAGER'S OFFICE/CITY CLERK DIVISION, CITY ATTORNEY

PRESENTED BY: KIMBERLY HALL BARLOW, CITY ATTORNEY

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RECOMMENDATION:

Approve a Code of Ethics and Conduct.

BACKGROUND:

The goal of the Code of Ethics and Conduct is to ensure public confidence in the integrity of local government elected and appointed officials. The priority is to establish an ethics code to promote an honest, effective, and accountable city government, encourage high standards of behavior by public officials, and assist with decision making. The code's framework is designed to guide public officials in their daily duties to help ensure that they exercise their public responsibilities without conflicts or improprieties, whether actual or perceived.

On July 8, 2025, the Council discussed potential adoption of a Code of Ethics and Conduct, giving direction to staff regarding potential provisions of such a code to be considered at a future City Council meeting for approval. Staff has drafted a Code of Conduct for Elected and Appointed Officials modeled on the City of Gardena Code of Ethics and Conduct, but including several provisions from the City of Irvine policy as requested. See Attachment 1. The proposed code also covers high-ranking city employees, including Department Directors and Assistant/Deputy Directors.

ANALYSIS:

The intent of the Code of Ethics and Conduct is to achieve fair, ethical, and accountable local government for the City of Costa Mesa. The people of Costa Mesa expect public officials, both elected and appointed, to comply with both the letter and the spirit of the law.

The following are the issue areas addressed and components of the proposed Code of Ethics and Conduct:

- Act in the Public Interest
- Comply with the Law
- Conduct of Members
- Respect for Process

- Conduct of Public Meetings
- Decisions Based on Merit
- Communication
- Conflict of Interest
- Gifts and Favors
- Confidential Information
- Use of Public Resources
- Representation of Private Interests
- Advocacy
- Policy role of Members
- Independence of Boards, Commissions, and Committees
- Positive Workplace Environment
- Implementation
- Compliance and Enforcement
- Statement of Commitment

As part of the implementation, the Policy ensures that all elected and appointed officials and employees in covered positions have received a copy of the Code of Ethics and Conduct, understand its provisions, and pledge to conduct their duties in accordance with the code. The proposed Code will also be incorporated into the Commissions and Committees Handbook, orientation programs, and other training efforts to further clarify its provisions and application.

Many of the topics covered in the proposed Code are the subject of state, federal and/or local laws and judicial decisions. Those laws are scattered throughout the United States and California Constitutions, the United States Code, the California Government Code, the California Labor Code, the California Penal Code, the California Code of Regulations, the Fair Political Practices Commission (FPPC) and Attorney General decisions, and the Costa Mesa Municipal Code.

For example, both the United States and California Constitutions contain due process requirements that require decision makers to be fair and impartial in decision making affecting property rights. U.S. Const., Amend. V, Cal. Const. Art. 1, § 7. The California Constitution and statutes protect the right of privacy of both citizens and employees. See e.g., Cal. Const. Art. 1, § 1; Cal. Civ. Code § 56.20 (confidentiality of medical information). California Labor Code provisions provide a number of protections to both public and private employees, including the right to be free of retaliation for complaining of misconduct or providing evidence in connection with such reports. California Labor Code section 1102.5.

The Political Reform Act (Government Code section 81000, et seq.) includes numerous provisions on conflicts of interest stemming from financial interests (Government Code section 87100, et seq.), filing of an annual Statement of Economic Interests (Form 700) (Government Code section 87200, et seq.), requires the City to adopt a conflict of interest code (Government Code section 87300, et seq.), and post-employment lobbying (Government Code section 87406.3, covering only elected officials and agency manager). Other statutory provisions regulate participation in decisions affecting campaign donors (Government Code section 84308), prohibition on honoraria (Government Code section 89501, et seq.) and restrictions on gifts (Government Code section 89503). Use of public funds for improper purposes is precluded by Penal Code section 424 and Government Code section

8314. The California Code of Regulations includes many regulations which explain and implement the Political Reform Act. 2 Cal. Code Reg. § 18700, et seq. Both Attorney General Opinions and FPPC decisions provide interpretation and application of the regulations as guidance. In addition, the Costa Mesa Municipal Code contains restrictions on participating in decisions materially affecting financial interests. CMMC § 2-403.

Government Officials are precluded from having a financial interest in a contract made by them or the legislative body of which they are a member, with some exceptions. California Government Code section 1090, et seq. The Ralph M. Brown Act., California Government Code section 54950, et seq., restricts conduct of city business outside of noticed and public meetings, provides for closed sessions and precludes disclosure of confidential information obtained in closed session. Cal. Gov't Code § 54963. The California Government Code and the Costa Mesa Municipal Code establish a council/manager form of government, in which the City Council makes policy and the policy direction provided by the Council as a body is carried out by the City Manager. Cal. Gov't Code §§ 34851-34859; see CMMC § 2-106 (Council to deal with administrative matters through City Manager).

Civility, respectful communications, relations with commissioners and members of the public, enforcement procedures for non-statutory violations and distribution of a code of conduct are not covered specifically by these various laws. Post-employment advocacy restrictions under existing law apply only to Council members and the City Manager. One potential benefit of adopting a Code of Conduct is the collection in a single document of many of the laws and best practices in local government.

ALTERNATIVES:

The City Council may adopt the code with changes, not adopt the code or provide alternative direction to staff on the Code of Ethics and Conduct.

FISCAL REVIEW:

There is no fiscal impact associated with this action.

LEGAL REVIEW:

The City Attorney's Office prepared the draft Code of Conduct and this report.

CITY COUNCIL GOALS AND PRIORITIES:

This item is administrative.

CONCLUSION:

The purpose of this item is to consider approval of a Code of Ethics and Conduct.