

## 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 Vice Mayor, the Interim Mayor; 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; Ord. No. 20-02, § 5, 2-11-20)

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)