

RESOLUTION NO. 5744

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL
APPROVING AN AMENDED CODE OF CONDUCT CITY COUNCIL POLICY FOR THE CITY
COUNCIL OF THE CITY OF SEBASTOPOL

WHEREAS, the City Council at their meeting of March 20, 2007, adopted a Code of Conduct for the City Council, Resolution Number 5591 (Council Policy Number 79); and

WHEREAS, the City Council of the City of Sebastopol have approved amendments to the Code of Conduct, to clarify the intent of Section 20 thereof ("Sanctions and Enforcement"); and

WHEREAS, the Code of Conduct shall be modified to revise Section 20 thereof, to eliminate the sanctions provisions and to make the Code of Conduct self enforcing, as more fully set forth on the attachment hereto (Section 20); and

WHEREAS, this Resolution shall henceforth constitute the Code of Conduct, and Resolution Number 5591 is hereby rescinded.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEBASTOPOL that City Council Policy Number 79 has been adopted as amended.

IN COUNCIL DULY PASSED this 7th day of April, 2009.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by City of Sebastopol City Council following a roll call vote:

City of Sebastopol City Council:

Ayes: Councilmembers Robinson, Wilson, Shaffer and Vice Mayor Kelley

Noes: None

Abstain: None

Absent: Mayor Gurney

APPROVED: Linda Kelley
Linda Kelley, Vice Mayor

ATTEST: Mary C. Gourley
Mary Gourley, City Clerk

City Council Policy #79
Adopted: March 20, 2007
Amended: February 3, 2009 (Resolution Number 5728)
Amended: April 7, 2009 (Resolution Number 5744)

Codes of Conduct for City Council

PREAMBLE:

The residents and businesses of Sebastopol are entitled to have fair, ethical, and accountable local government which has earned the public's full confidence for integrity. Such a government requires that public officials:

- Comply with both the letter and the spirit of the laws and policies affecting 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 end, the Sebastopol City Council has adopted this Code of Conduct to encourage public confidence in the integrity of local government and its fair and effective operation.

City Councilmembers shall sign this personal code of conduct each year at the same meeting as the election of Mayor and Vice Mayor as a symbol of each Councilmember's continuing commitment to abide by the principles of this code.

1. Act in the Public Interest:

Recognizing that stewardship of the public interest must be their primary concern, Councilmember's shall work for the common good of the people of Sebastopol, and not for any private or personal interest, and they will endeavor to treat all persons, claims and transactions in a fair and equitable manner.

2. Comply with the Law:

Councilmembers shall comply with the laws of the nation, the State of California and the City of Sebastopol in the performance of their duties. These laws include, but are not limited to: the United States and California constitutions, financial disclosures, employer responsibilities and open processes of government; and City ordinances and policies.

3. Conduct of Members:

Councilmembers shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, staff or the public. The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety.

4. Respect for Process:

Councilmember duties shall be performed in accordance with the processes and rules of order established by the City Council governing the deliberation of public policy issues, the

involvement of the public, and the implementation of policy decisions of the City Council by city staff.

5. Conduct of City Meetings:

Councilmember shall inform themselves of public issues, listen courteously and attentively to public discussions before the Council and focus on the business at hand. The Council shall refrain from interrupting other speakers, making personal comments not germane to the business of the Council or otherwise interfering with the orderly conduct of meetings.

The following guidelines should be adhered to:

- Everyone has a right to be heard;
- Focus on the issue, not the person;
- Be careful of how you say, what you say, and be aware of physical clues such as body language;
- Listen carefully without interrupting;
- Let the Mayor balance the tension between moving on in order to get through issues and creating the opportunity for members to explore the issue as needed to reach a decision;
- Allow the Mayor to run the meeting and Councilmembers should direct their process concerns to the Mayor for action;
- Councilmembers agree to have the Mayor call for a recess when a situation is volatile;
- If there are citizen inquires to the Council during public comment, the Mayor will direct the questions to the City Manager to be handled outside of the meeting.

6. Decisions Based on Merit:

Councilmember decisions shall be based upon the merits and substance of the matter at hand, rather than on unrelated considerations. When the City Council has not taken a position on an issue, neither the Mayor nor any member of the Council will speak on behalf of the City Council.

7. Communication:

It is the responsibility of the Councilmembers to publicly share substantive information that is relevant to a matter under consideration by the Council that they have received from sources outside of the public decision-making process with all other Councilmembers.

8. Coordination with City Staff

Appropriate City staff should be involved when Councilmembers meet with officials from other agencies and jurisdictions to ensure proper staff support as needed and to keep the City Manager informed. City Manager shall be notified of such meetings and direct to appropriate City staff.

9. Disclosure of Corruption:

All City officials 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 activity that may qualify as corruption, abuse, fraud, bribery or other violation of the law.

10. Conflict of Interest:

In order to assure their independence and impartiality on behalf of the public good, Councilmembers shall not use their official positions to influence government decisions in

which they have a financial interest or where they have an organizational responsibility or a personal relationship which may give the appearance of a conflict of interest.

In accordance with the law, members shall file written disclosures of their economic interest and if they have a conflict of interest regarding a particular decision, refrain from participating in that decision unless otherwise permitted by law.

11. Gifts and Favors:

Councilmembers shall not take advantage of service or opportunities for personal gain by virtue of their public office 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 of judgment or action or give the appearance of being compromised.

12. Confidential Information:

Councilmembers 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 personal, financial or private interests.

13. Use of Public Resources:

Public resources not available to the general public (e.g., City staff time, equipment, supplies or facilities) shall not be used by City Councilmembers for private gain or personal purposes.

14. Representation of Private Interests:

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

15. Advocacy:

Councilmembers shall represent the official policies and positions of the City Council when designated as delegates for their purpose. When representing their personal opinions or positions, members shall explicitly state that they do not represent the Council or the City of Sebastopol, nor will they allow the inference that they do.

16. Improper Influence:

Councilmembers shall refrain from stating their position to improperly influence the deliberations or decisions of City staff, boards, commissions or committees.

17. Policy Role of Members:

Councilmembers shall respect and adhere to the Council-Manager structure of Sebastopol City government as provided in State Law and the City Code. In this structure, the City Council determines the policies of the City with the advice and information provided by the public and other City bodies, with analysis from City staff.

Councilmembers therefore 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.

Councilmembers should work through the City Manager and City Attorney. City Council is welcome to have contact with any City employee; however, requests for additional information should go through the City Manager.

18. Positive Work Environment:

Councilmembers 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 City Council candidates. Councilmembers entering office shall sign a statement affirming they shall comply with and will comply with the Code of Ethics as provided by the League of California Cities.

As an expression of conduct for City Councilmembers of the City of Sebastopol, this Code of Conduct is intended to be self-enforcing. It therefore becomes effective when Councilmembers are thoroughly familiar with it and embrace its provisions. Councilmembers shall sign a statement affirming that they read and understand the City of Sebastopol Code of Conduct.

20. Implementation and Enforcement:

The City Council Code of Conduct document shall be considered to be the definitive document relating to ethical conduct by Sebastopol City Councilmembers. Councilmembers themselves have the primary responsibility to assure that its ethical standards are understood and met, and that the public will continue to have full confidence in the integrity of City government. As an expression of such standards, this Code of Conduct is intended to be self-enforcing. A violation shall not be considered a basis for challenging the validity of a Council decision.

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

Signature

Printed Name of Councilmember

Adopted by the City Council on March 20, 2007 and Amended by the City Council at their meeting of February 3, 2009 by Resolution Number 5728.

Further amended by the City Council at their meeting of April 7, 2009 by Resolution 5744.