

**RESOLUTION NO. 2018-17**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA  
ADOPTING A CODE OF ETHICS FOR CITY COUNCIL, BOARDS AND  
COMMISSIONS**

**WHEREAS**, the Citizens of San Juan Bautista are entitled to have fair, ethical and accountable local government, and

**WHEREAS**, San Juan Bautista 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** that the City Council of the City of San Juan Bautista hereby adopts a Code of Ethics which pertains to members of the City Council and all members of the City's Boards and Commissions.

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista at a regular meeting duly held on the 17<sup>th</sup> day of April, 2018 by the following vote:

AYES: West, Martorana, Boch, Freeman

NOES: None

ABSENT: DeVries

ABSTAIN: None

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Mayor Jim West

ATTEST:

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Mackenzie Quaid, City Clerk

## **Preamble**

The citizens and businesses of San Juan Bautista are entitled to have fair, ethical and transparent local government which has earned the public's full confidence for integrity. In keeping with the City of San Juan Bautista's commitment to excellence, the effective functioning of democratic government therefore requires that:

- Public officials both elected and appointed will comply with both the letter and spirit of the laws and policies affecting the operations of government.
- Public officials shall be independent, impartial, fair and transparent in their judgment and actions.
- Public office shall be used for public good and not for personal gain.
- Public deliberations and processes shall be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

This Code of Ethics as adopted by the San Juan Bautista City Council applies to members of the City Council and of the City's boards and commissions 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 public interest of San Juan Bautista and not for any private or personal interest and the members will assure fair and equal treatment of all persons, claims and transactions coming before the San Juan Bautista City Council, boards and commissions.

### **2. Comply with the Law**

Members shall comply with the laws of the Federal government, State of California and the City of San Juan Bautista 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. Members must disclose any potential conflicts and/or recuse themselves if a conflict of interest is presented.

### **3. Conduct of Members**

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety in all public situations, regarding City business. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Council, boards, commissions, the public and staff of San Juan Bautista.

### **4. Respect for Process**

Members shall perform their duties in accordance with the processes and rules of order established by the City council, 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, which they may have received from sources outside of the public decision-making process. They must disclose any relevant information that was given or requested by them about the matter under consideration.

## **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 investment interests in real property, sources of income 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 the body or before the Council on behalf of the private interests of third parties on matters related to the areas of service of the body.

### **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 the body or the City of San Juan Bautista, nor will they allow inference that they do.

### **14. Policy Role of Members**

Members shall respect and adhere to the council – manager structure of San Juan Bautista City government as outlined by the San Juan Bautista 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 Workplace 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.

### **17. Implementation**

The San Juan Bautista 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 San Juan Bautista 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 Boards Chairs, Commission Chairs 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.