

# **City of Santa Cruz Code of Ethics & Conduct**

## **STATEMENT OF PURPOSE**

The City of Santa Cruz City Council has adopted a Code of Ethics and Conduct for members of the City Council and the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

## **A. ETHICS**

The Ethics Section of the City's Code of Ethics and Conduct provides guidance on ethical issues of right and wrong.

### **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 Santa Cruz and not for any private or personal interest, and they will ensure fair and equal treatment of all persons, claims and transactions coming before the Santa Cruz City Council, boards, commissions, and committees.

### **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 Santa Cruz in the performance of their public duties. 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.

### **3. Respect for the decision making process**

Members shall perform their duties in accordance with the processes and rules of order established by the City Council and boards and commissions, and committees governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by staff.

### **4. Decisions Based on Merit**

Members shall base their decisions on the merits and substance of the matter at hand.

### **5. Communication**

Members shall share substantive information that is relevant to a matter under consideration by the Council or boards, commissions, and committees which they may have received from sources outside the public decision-making process.

### **6. Conflict of Interest**

In order to ensure their independence and impartiality on behalf of common good, members shall not use their official positions to influence government decisions in which they have a material financial interest 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, sources of income, and gifts; and they shall abstain from participating in deliberations and decisions-making where conflicts may exist.

### **7. Gifts and Favors**

Members shall comply with the requirements of the Political Reform Act relating to the acceptance and reporting of gifts.

8. Confidential Information  
Members shall strictly abide by the confidentiality of information concerning City property, personnel or proceedings of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal interests.
9. 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. Members shall not utilize the City's name or logo for the purpose of endorsing any political candidate or business.
10. 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, committee, or proceeding of the City, nor shall members of boards, commissions, and committees 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.
11. Advocacy  
Members shall represent the official policies or positions of the City Council, board, commission, or committee 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 of the City of Santa Cruz, nor will they allow the inference that they do.
12. Policy Role of City Councilmembers  
Councilmembers shall respect and adhere to the Council-manager structure of the City of Santa Cruz government as outlined by the Santa Cruz City Charter. 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 Charter, members therefore shall not interfere with the administrative functions of the City or professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.
13. Independence of Boards, Commissions, and Committees  
Because of the value of independent advice of boards, commissions, and committees to the public decision-making process, members of the Council shall refrain from using their position to influence unduly the deliberations or outcomes of board, commission, and committee proceedings.
14. Positive Workplace Environment.  
Members shall support the maintenance of a positive and constructive workplace environment for City employees, volunteers and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees and refrain from creating the perception of inappropriate direction to staff. Councilmembers, boards and commissioners shall adhere to the City Council Policy 25.2 Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy, and Administrative

Procedure Order (APO) Section II, #1A Discrimination/Harassment/Retaliation Policy Implementation and Complaint Procedure, and APO II, #1B Respectful Workplace Conduct.

## **B. CONDUCT**

The Conduct section of the City's Ethics and Code of Conduct policy is designed to describe the manner in which Councilmembers and board and commission members should treat one another, City Staff, constituents, and others they come into contact with in representing the City of Santa Cruz.

1. Conduct with other Councilmembers  
Utilizing the adopted Values Statement Councilmembers, should consider those as they engage with each other in conducting City business.
2. Conduct in Public Meetings
  - a. Use formal titles
  - b. Practice civility and decorum in discussions and debates
  - c. Honor the role of the presiding officer in maintaining order
  - d. Avoid personal comments that could offend other members
  - e. Demonstrate effective problem-solving approaches
3. Conduct with City Staff
  - a. Treat all staff as professionals  
Clear, honest communication that respects the abilities, experiences, and dignity of each individual is expected. As with Council colleagues, practice civility and decorum in all interactions with City staff.
  - b. Questions/Inquiries to City staff  
Communication with City staff should be limited to normal business hours unless the circumstances warrant otherwise. Responses to Council questions posed outside of normal business hours should be expected no earlier than the next business day.
  - c. Requests of Staff Made by Councilmembers (Council Policy 6.9)  
Requests of staff made by individual Councilmembers will require authorization by Council only if the assignment is expected to take more than one day of staff time (one-day, one person). Staff members are encouraged to raise concerns or explain time factors regarding any requests. Requests should be made directly to the City Manager, Assistant City Manager, or Department Heads.
  - d. Concerns related to the behavior or work of City staff.  
All concerns regarding staff shall be directed to the City Manager. Councilmembers shall not reprimand employees.
4. Conduct with Other Public Agencies
  - a. Be clear about representing the City or personal interests

When officially representing the City, the Councilmember must convey the official City position on an issue, not a personal viewpoint.

b. City Council Outgoing Correspondence (Council Policy 6.3)

Copies of all letters written by Councilmembers in their official capacity shall be kept on file for public information in the Council office according to the records retention schedule for the current year and one full year prior to the current year.

Care should be taken when using official stationery to indicate that the point of view expressed by an individual Councilmember is not necessarily that of the Council, unless the position reflects an official Council action.

5. Conduct with Boards and Commissions

a. Attendance at board or commission meetings

Councilmembers may attend any board 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 meeting should be clearly made as individual opinion and not a representation of the entire City Council.

b. Independence of boards and commissioners

Members of Boards and Commissions serve the community, not individual Councilmembers.

## C. IMPLEMENTATION

As an expression of standards of conduct for members expected by the City, the City of Santa Cruz Code of Ethics and Conduct 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, commissions, committees and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the City of Santa Cruz Code of Ethics and Conduct.

## D. ACCOUNTABILITY AND ENFORCEMENT

The Code of Ethics and Conduct Policy for City Councilmembers and Board & Commissioner Members establishes guiding principles for appropriate conduct and behavior and sets forth the expectations of members of the Council, Boards, 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.

This section establishes a process and procedure for reporting violations of the Code of Ethics and Conduct Policy.

A. Complaints made by a City staff member or a member of the public regarding a Councilmember, or Board & Commission Members:

In the case of a City staff member or a member of the public making a report of suspected violation by a Councilmember or a member of a Board or Commission of this policy shall report it to the City Manager. The City Manager will report it to the Mayor and the Human Resources Director if it is a City staff member. The Mayor will follow the protocols as described in Section B.

However, if the complaint is a violation of City Council Policy 25.2 Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy, Administrative Procedure Order (APO) Section II, #1A Discrimination/Harassment/Retaliation Policy Implementation and Complaint Procedure or APO II, #1B Respectful Workplace Conduct, the process for investigation and resolution will be conducted pursuant to the appropriate policy. Upon conclusion of an investigation, the Human Resources Director shall refer the findings to the ad hoc committee as described in Step C of this policy.

**B. Complaints made by Councilmembers or Boards & Commission Members about a fellow Councilmember or Board & Commission Member:**

1. Whenever possible, the first step for a Councilmember or Board or Commission Member who believes there was a potential violation of the Code of Ethics and Conduct Policy, they will attempt to resolve the matter with the person directly. If this does not resolve the matter, or if there is sufficient complexity or legal violation then it shall be reported directly to the Mayor. In the event the Mayor is the subject of the inquiry, the role of that official shall be the Vice Mayor.
  - a. In the event that both the Mayor and Vice Mayor are subject to inquiry, the role of that official shall be the most senior councilmember. “Most senior” is defined as the Councilmember with the most consecutive years of service, or in the event of a tie, the one who received the most votes at the last election.
2. Upon report of a complaint, an ad hoc committee composed of the Mayor, Vice Mayor and the most senior uninvolved Councilmember will convene as an evaluation committee to determine the validity of the complaint and, if appropriate, an initial course of action as discussed below. In the event that both the Mayor and Vice Mayor are subject to inquiry, the role of that official shall be the most senior councilmember. “Most senior” is defined as the Councilmember with the most consecutive years of service, or in the event of a tie, the one who received the most votes at the last election.
3. Within three (3) working days of receipt of complaint, the Mayor or Vice Mayor, the Councilmember/Commissioner/Board Member in question shall be notified of the reported complaint by the Mayor or Vice Mayor. The notification shall include a copy of the written complaint if one was submitted and supporting documentation, if any, the identity of the complainant, and the nature of the complaint.
4. If the majority of the ad hoc committee agrees that the reported violation is without substance, no further action will be taken. If the violation is deemed to have merit, the ad hoc committee shall refer the matter to the City Attorney for the purpose of conducting an initial interview with the subject Councilmember/Commissioner/Board Member. The City Attorney shall report his/her initial findings back to the ad hoc committee.
5. If the ad hoc-committee then determines that an investigation is warranted, the ad hoc committee shall direct the City Attorney to conduct or refer for an investigation.

C. Report of Findings:

At the conclusion of the investigation, the City Attorney shall report the findings back to the ad hoc committee in writing. The ad hoc committee shall review the report. If there were no findings of a violation, no further action shall be taken. If the findings are substantiated, the ad hoc committee shall make a recommendation on the imposition of a consequence and refer the matter to the City Council for consideration.

D. Proceedings:

Investigative findings and recommendations from the ad hoc committee that are brought forward to the Council shall be considered at a city council meeting within 45 days of the ad hoc committee's receipt of findings.

E. Accountability

At the discretion of the Council, consequences may be imposed for violating the Code of Ethics & Conduct Policy or engaging in other misconduct. They include but are not limited to:

- a) Admonishment: A reproof or warning directed to a Councilmember, Board or Commission Member about a particular type of behavior that violates this policy.
- b) Censure: A formal statement or resolution by the City Council officially reprimanding a Councilmember.
- c) Removal from Commission or Board: For members of a Board or a Commission, they can be removed from the Board or Commission by a majority vote of the Council.

I affirm that I have read and that I understand, the City of Santa Cruz Code of Ethics and Conduct Policy.

Signature \_\_\_\_\_ Date: \_\_\_\_\_

Position: \_\_\_\_\_

Attachment A: Values Statement

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## *CODE OF ETHICS AND CONDUCT*

### *VALUES STATEMENT*

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#### STATEMENT OF PURPOSE:

The City of Santa Cruz City Council has adopted a Code of Ethics and Conduct for members of the City Council and the City's boards and commissions to ensure public confidence in the integrity of local government and its effective and fair operation.

The Values listed below are our framework for day-to-day actions and decision-making. They are a commitment to uphold a standard of integrity and competence beyond that required by law in our treatment of others and how we conduct the business of the City.

#### **VALUES**

- INTEGRITY
- HONESTY
- RESPECT
- FAIRNESS
- TRUST
- EQUITY
- COMMUNICATION
- COLLABORATION
- PUBLIC SERVICE
- INCLUSIVENESS
- ACCOUNTABILITY