



CITY COUNCIL CODE OF CONDUCT

October 23, 2025



Code of Conduct Overview

- Developed in September 2019 in response to request from Council.
- Applies to Council, Boards and Commissions.
- Current Council identified review and update of Code of Conduct in FY 2025-26 goals.
- July 24, 2025: Council requested staff prepare updates to use of stationary and enforcement sections.



Use of City Stationery

- 6.2.3 City Stationery. City ~~letterhead or stationery~~ or other City resources may not be used by Members to promote personal interests. City letterhead may only be used by Members for official City business.



Use of City Stationery

- What constitutes “City business”? Potential clarification:
- 6.2.3 City Stationery/**Letterhead**. City ~~letterhead or stationery~~ or other City resources may not be used by Members to promote personal interests. **City Council members may use City letterhead when a Councilmember is representing the City and the City’s official position. City letterhead is not to be used for correspondence of Councilmembers representing a personal point of view, or a dissenting point of view from a position the City has established.**
- **6.2.3 City Stationery.**
City letterhead or stationery or other City resources may not be used by Members to promote personal interests.



Section 8.0 Enforcement

Overview of Recommended Revisions

- Complaint procedure and handling streamlined.
- If Council opts to consider complaint at Council meeting, procedure is condensed from two meetings to one.
- Includes notification of complainant that complaint was received and, if applicable, dismissed.



Scope of Complaints

□ Section 8.4 Violations (NEW SECTION)

This Code of Conduct is an expression of the standards of conduct for all elected and appointed Members. This section establishes a process for the filing of and the City's response to complaints that a member has violated this Code of Conduct. **This**

section does not apply to any legislative action taken by a Member, including how a Member votes on an item, or any position a Member takes on any particular item that is before the Council.



8.4.1: Complaint

Current Policy	Amended Policy
With City Clerk, who provides to the CM, then CA.	With City Council: citycouncil@ci.capitola.ca.us
No acknowledgement of receipt.	Mayor, Vice, or Clerk acknowledges receipt w/in 5 business days.
No deadline for agendizing.	Within 45 days of receipt, may be agendized for discussion at Council meeting
One Councilmember may agendize discussion.	Two/ three Councilmembers to agendize.
No notification to complainant of dismissal.	W/in 45 days of receipt, if Council does not agendize, Clerk or CA notifies complainant of dismissal OR CM adds to consent calendar for dismissal (similar to government claim).



8.4.1. Complaint: *Mediation Options*

- Council recommends that, whenever possible and permitted by the Brown Act, the complainant and subject consider mediation by an independent mediator.
- If the Complaint is agendized for discussion, Council requests the complainant and subject complete and submit to the Council, to be attached to the staff report for the item, affidavits confirming that they have agreed to or attended mediation and, if not, an explanation as to why mediation was unavailable or inappropriate.



8.4.2: Meeting Regarding Complaint

- If Council chooses to discuss complaint at a Council meeting, subject is notified of meeting and has an opportunity to respond.



8.4.2: Meeting Regarding Complaint: *Procedure for Meeting Options*

- Subject(s) of complaint agree to recuse from the meeting(s) at which the Council hears or deliberates on the complaint, unless it will lead to a lack of quorum, in which case no subject shall recuse.
- Subject and complainant both speak from the podium in the Council chambers.



8.4.2: Meeting Regarding Complaint: *Procedure for Meeting Options*

- Potential Meeting Outline:
 - ▣ Staff report
 - ▣ Council questions of staff
 - ▣ Complainant: 10 minutes
 - ▣ Subject: 10 minutes
 - ▣ Public comment
 - ▣ Complainant Rebuttal: 5 minutes
 - ▣ Subject Rebuttal: 5 minutes
 - ▣ Council Questions to Complainant/ Subject
 - ▣ Deliberations
- No formal rules of evidence.
- Any additional information must be provided during the time allotted above or public comment.



8.4.3: Actions by Council in Response to Complaint

- In response to a complaint, the Council may: 1) request further investigation or information; 2) take any of the actions listed below; or 3) take any other action that is permitted by law. Any action requires a majority vote by the Council.



8.4.3: Actions by Council in Response to Complaint

- *Dismissal.* The Council may dismiss the complaint.
- *Censure.* The Council may censure the Member. Censure is an official expression of disapproval and reprimand by the Council.
- *Removal from appointments.* The Council may remove the Member from any appointing positions representing the City or, if they are currently serving as Mayor or Vice mayor, remove them from that position.
- *Removal of Board Member or Commissioner.* The Council may remove a Board Member or Commissioner from the Board or Commission on which the Board Member or Commissioner serves.