

# Capitola City Council

## Agenda Report



**Meeting:** October 23, 2025

**From:** City Manager Department

**Subject:** Administrative Policy I-42: Code of Conduct

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Recommended Action: Approve revisions to Administrative Policy I-42: Council and Board Code of Conduct.

Background: In September 2019, the City Council requested that staff develop a code of conduct for City Council Members and appointed members of City advisory bodies. Council adopted Administrative Policy I-42: Council and Board Code of Conduct in September 2020.

The Code of Conduct was developed by a subcommittee of two City Council Members, who worked with staff and the City Attorney's office.

As part of the FY 2025-26 Council goals, the Council identified review and update of the Code of Conduct as a priority. Staff presented an initial report on July 24, 2025, providing information about the complaint process, residency requirements, and the use of City stationery, and seeking Council direction regarding potential updates. Council directed staff to return with revisions reflecting Council feedback.

On October 9, 2025, the City Council continued this item to October 23<sup>rd</sup>.

Discussion:

### 1. Complaint Process

At the July 24<sup>th</sup> meeting, Council Members requested a more transparent process for handling complaints while ensuring closure if a complaint does not move forward. Based on that feedback, staff recommends the revisions below to the complaint procedure. These revisions comply with the Brown Act, and streamline and clarify the process for the Council, the community, and staff. The revisions also condense the procedure: rather than a meeting to discuss whether to agendize the complaint and possible dismissal, and another meeting to discuss the actual complaint, the revised procedure would allow the Council to consider and take action or dismiss the complaint in one meeting.

- **Scope of Complaints:** Complaints may not challenge Council votes, policy decisions, or legislative actions.
- **Filing:** Complaints would be filed directly with the City Council at [citycouncil@ci.capitola.ca.us](mailto:citycouncil@ci.capitola.ca.us).
- **City Attorney Review:** The Mayor, Vice Mayor, or Clerk would forward the complaint to the City Attorney.
- **Receipt of Complaint:** The Mayor, Vice Mayor, or Clerk would acknowledge receipt of the complaint within five (5) business days.
- **Council Action/Closure:** Within 45 days of receiving the complaint, at a Council meeting, any Councilmember may request the complaint be agendized for discussion at a future Council meeting. The matter will be agendized if [number TBD] Councilmembers vote in favor of the request. At the July 24<sup>th</sup> meeting there was Council discussion, but no final decision regarding whether the threshold to consider a Code of Conduct complaint should be two or three Councilmembers. The policy is currently drafted with this blank, and Council can make a final determination at the meeting.
- **Closure:** If, within 45 days of receipt of the complaint, the Council does not act to agendize it for discussion, the City Clerk or City Attorney will notify the complainant that the complaint has been dismissed.

- **Actions by Council in Response to Complaint:** At a Council meeting, the Council may dismiss the complaint, pass a motion admonishing the subject of the complaint, censure the subject of the complaint, remove the subject from appointments representing the City (including Mayor and Vice Mayor), remove the subject from Boards and Commissions, request additional investigation, or take any other action permitted by law.

## **2. Use of City Letterhead**

Staff revised Section 6.2.3 to limit the use of City letterhead to official City business.

Fiscal Impact: There is no fiscal impact associated with the recommended action.

### Attachments:

1. Administrative Policy I-42 (Clean Version)
2. Administrative Policy I-42 (Redline Version)

Report Prepared By: Samantha Zutler, City Attorney

Reviewed By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager