

**CITY OF GRASS
VALLEY
CITY COUNCIL
AND
COMMISSION'S
CODE OF
CONDUCT**

ADOPTED

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CODE OF ETHICS AND CONDUCT

This Code of Conduct is designed to describe the manner in which Council Members and Commissioners should treat one another, city staff, constituents, and others they come into contact with in representing the City of Grass Valley.

The constant and consistent theme through all of the conduct guidelines is "respect." Council Members and Commissioners experience workloads and stress in making decisions that could impact thousands of lives. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions can help guide Council Members and Commissioners to do the right thing in even the most difficult situations.

FORM OF GOVERNMENT

The City of Grass Valley municipal government operates under a council-manager form of government as established by the City Charter and Municipal Code. Under this form of government, the Council provides legislative direction, sets City policy, and monitors its execution by the City Manager and his or her Staff. The City Manager serves as the City's chief executive officer and is responsible for directing the operations of the City. Key provisions of the Grass Valley Council - Manager form of government are as follows:

- Prohibit interference of the City Council with the City Manager's execution of his or her powers or duties.
- The Council shall not interfere with the City Manager's appointment of any of the department heads or any person to any office or employment.
- The Council shall not interfere with the City Manager's power to remove any of the department heads or employees of the City.
- Except for purposes of inquiry (asking), the Council shall deal only with the City Manager with respect to the administrative service of the City.
- Council shall not give orders to any subordinate of the City Manager, either publicly or privately.

COUNCIL POWERS AND RESPONSIBILITIES

- The City Council has the power, in the name of the City, to do and perform acts and things appropriate to a municipal corporation and the general welfare of its residents, which are not specifically prohibited by the constitution, the City Charter, or State or Federal laws.
- The Council acts as a body. Policy is established by majority vote. A decision of the majority binds the Council to a course of action. The Council majority may be a majority of the quorum of the Council.
- No Councilmember has extraordinary powers beyond those of other members (except as may otherwise be provided in State law). All members, including the Mayor, have equal powers.

- No member of the Council is permitted to hold any other City office or City employment.

Mayor

- Is appointed by a majority of the Council for a two-year term
- Acts as the official head of the City for all ceremonial purposes
- Chairs Council Meetings
- Is recognized as a spokesperson for the City
- Selects substitute for City representation when the Mayor cannot attend
- Recommends subcommittees as appropriate for Council approval.
- Leads the Council as an effective, cohesive working team.
- Signs documents on behalf of the City
- Serves as an official delegate of the City at events and conferences.
- Has lead responsibility, when the Council as a whole, of holding Councilmembers accountable for their performance on behalf of the City.

Vice Mayor

- Selected by a majority of the Council for a two-year term.
- Performs the duties of the Mayor if the Mayor is absent or disabled.
- Chairs Council meetings at the request or in the absence of the Mayor.
- Represents the City at ceremonial functions at the request of the Mayor.

All Council Members

- Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
- Prepare in advance of Council meetings and shall be familiar with issues on the agenda.
- Represent the City at ceremonial functions at the request of the Mayor.
- Shall be respectful of other people's time, stay focused, and ACT efficiently during public meetings.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in Grass Valley government.
- Demonstrate honesty and integrity in every action and statement.

- Participate in scheduled activities to increase team effectiveness and review Council procedures such as this Code of Conduct.
- All members of the Grass Valley City Council, including those serving as Mayor and Vice Mayor, have equal votes. No Council Member has more power than any other Council Member, and all should be treated with equal respect.

ALL COMMISSION MEMBERS

- Fully participate in Commission meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
- Prepare in advance of Commission meetings and shall be familiar with issues on the agenda.
- Shall be respectful of other people's time, stay focused, and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in City of Grass Valley government.
- Demonstrate honesty and integrity in every action and statement.
- Participate in scheduled activities to increase team effectiveness and review Commission procedures such as this Code of Conduct.
- All members of each commission, including those serving as Chair, have equal votes. No Commission member has more power than any other Commission member, and all should be treated with equal respect.

Meeting Chair

- Maintains order, decorum, and the fair and equitable treatment of all speakers.
- Chair's meetings: keeps discussion and questions focused on specific agenda item under consideration.
- Leads the Commission as an effective, cohesive working team.
- Has lead responsibility of the whole Commission and the City Council, and of holding Commissioners accountable for their performance on behalf of the City.

FORMER COUNCIL MEMBERS AND COMMISSIONERS

Past members of the Grass Valley City Council and Commissions who speak to the current City Council or Commission about a pending issue should disclose whom they are speaking on behalf of (individual or organization). Past members should recognize that their privileged access to staff and facilities can no longer be provided.

CITY COUNCIL/COMMISSION GUIDING PRINCIPLES

- Serve the residents and guests of our City, as well as, our surrounding neighbors.
- Welcome and respect a variety of viewpoints.
- Encourage fair, open, honest discussion.
- Promote positive community input and participation.
- Build a cohesive vision by making prudent, fiscally sound decisions.

STATUTORY REQUIREMENTS/REGULATORY GUIDELINES

Certain state laws and other established regulations govern various responsibilities of the City Council. This protocol manual is not intended to duplicate, modify, supersede or repeat any existing statutes or regulations. City Council Members are responsible for becoming familiar with these statutes and regulations.

The Brown Act

The Ralph M. Brown Act provides that all meetings of a legislative body, whether meetings of the City Council or its appointed commissions and committees, shall be open and public and all persons shall be permitted to attend. Notices of such meetings must be made 72 hours before a regular meeting or 24 hours before a special meeting. A "meeting" takes place whenever a quorum is present and subject matter related to the City business is heard, discussed, or deliberated upon.

Political Reform Act

The Political Reform Act states that public officials shall perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. The Political Reform Act establishes regulations regarding Conflicts of Interests and Campaign Receipts and Expenditures.

City of Grass Valley Municipal Code

The City of Grass Valley Municipal Code consists of those codified ordinances of general municipal regulations and laws and may be referred to as the Municipal Code. The City Clerk is responsible for codifying ordinances as adopted by the City Council, which affect the Municipal Code, and provides supplements on an as-needed basis. The Code can be found on the city's website, as can the City Charter.

POLICIES AND PROTOCOLS RELATED TO CONDUCT

Ceremonial Events

The Mayor will ordinarily serve as the designated City representative. If the Mayor is unavailable, the Mayor will recommend which Council Member should be asked to serve as a substitute. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Council Members and Commissioners at their homes are presumed to be for unofficial, personal consideration.

Correspondence Signatures

Council Members and Commissioners do not need to acknowledge the receipt of correspondence, or copies of correspondence, during their respective meetings. City staff will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor or the Chair of the Commission unless the Mayor or Chair requests that they be signed by another member of their respective bodies or City staff. If correspondence is addressed only to one Council Member or

Commissioner, that Council Member or Commissioner should check with staff on the best way to respond to the sender.

Endorsement of Candidates

Council Members and Commissioners have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council or Commission meetings or other official City meetings and illegal to use any city resources for political purposes.

Closed Session Confidentiality

Council Members and Commissioners may not disclose confidential information, as defined in Government Code Section 54963, that has been acquired by being present in a closed session authorized by Government Code Sections 54956.7, 54956.8, 54956.86, 54956.87, 54956.9, 54957, 54957.6, 54957.8, or 54957.10 to a person not entitled to receive it, unless the City Council specifically authorizes disclosure of that confidential information. Any Council Member or Commissioner making an unauthorized release of such information shall be subject to the provisions and sanctions as provided in Government Code Section 54963.

Avoid Conflicts

- In keeping with their role as stewards of the public interest, members of Council and Commissions 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, commissions, and other advisory boards 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, except for limited exceptions, as provided for in Fair Political Practices Commission Regulation 18702.4. The Political Reform Act also regulates use of City title or position to advocate for a private interest before another government agency, like the County or the State.
- Avoid even the appearance of conflict between public duties and personal interests and activities. If elected or appointed officials have personal or financial interests in matters coming before them, they should disqualify themselves from making, participating in the making of, or seeking to influence any decision respecting such matter.
- Because of the value of the independent advice of boards, commissions, and other advisory bodies to the public decision-making process, members of Council and all appointed officials shall refrain from using their positions to advocate for or to unduly influence the deliberations or outcomes of official proceedings of boards, commissions, and other advisory bodies.

COUNCIL AND COMMISSION CONDUCT

Councils and Commissions are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office to preserve and protect the present and future of the community. In all cases, this common goal should be acknowledged even as Council Members or Commissioners may "agree to disagree" on contentious issues.

In Public Meetings

- **Dress appropriately.** Council Members and Commissioners should dress

appropriately in a manner befitting a professional person when attending meetings of the Council or Commission or any public event in a representative capacity.

- **Practice civility and decorum in discussions and debate.** Council Members and Commissioners should respect each other. Difficult questions, tough challenges to a point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council Members or Commissioners to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.
- **Honor the role of the Chair in maintaining order.** It is the responsibility of the Chair to keep the comments of Council Members and Commissioners on track during their public meetings. Council Members and Commissioners should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's action, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.
- **Avoid personal comments that could offend other Council Members or Commissioners.** You can disagree without being disagreeable.
- **Demonstrate effective problem-solving approaches.** Council Members and Commissioners have a public stage to show how individuals with different points of view can find common ground and seek a compromise that benefits the community as a whole.

COUNCIL AND COMMISSION CONDUCT WITH CITY STAFF

Governance of a City relies upon the cooperative efforts of elected officials who set policy, and City staff members who implement and administer the Council's policies, the City's charter, ordinances and other applicable laws and regulations. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- **Treat all staff as professionals.** Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.
- **Limit contact to specific City staff.** Questions of City staff and / or requests for additional background information should be directed to the City Manager, City Attorney, or Department Heads. Requests for follow-up or directions to staff should be made only through the City Manager or the City Attorney as to legal issues. When in doubt about what staff contact is appropriate, Council Members and Commissioners should ask the City Manager for direction. Materials supplied to a Council Member or Commissioner in response to a request will be made available to all members of the Council or respective Commission so that all have equal access to information.
- **Do not disrupt City staff work.** Council Members and Commissioners should be respectful of staff's time and workload by always making an appointment for any discussion or meetings longer than a half hour. Council Members and Commissioners must remain mindful of the fact that staff must tend to the day to day business of the city. City staff should not be disturbed while in meetings, on the

phone, or engrossed in performing their job functions, to meet a Council Member's or Commissioner's individual needs.

- **Never publicly criticize an individual employee.** Council Members and Commissioners should never express concerns about the performance of a City employee in public or to the employee directly. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.
- **Do not get involved in administrative functions.** Council Members and Commissioners must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, granting of City licenses and permits, or any other City administrative matter. The Council makes policy, the City Manager directs City employees.
- **Check with City staff on correspondence before taking action.** Before sending correspondence on City letterhead or otherwise on behalf of the City, Council Members and Commissioners should check with City staff to see if an official City response has already been sent or is in progress.
- **Limit requests for staff support.** Routine secretarial support will not be provided to all Council Members and Commissioners. All mail for individual Council Members and Commissioners shall remain unopened unless the individual requests other arrangements. Mail addressed to the Council as a body shall be opened by the City Clerk who will distribute copies to each Council Member. Mail addressed to a Commission as a body shall be opened by the member of staff so designated to do so by the City Manager. Requests for additional staff support- even in high priority or emergency situations should be made to the City Manager who is responsible for allocating City resources to maintain a professional, well-run City government.
- **Do not solicit political support from staff.** Council Members and Commissioners should not solicit any type of political support (financial contributions, display of posters, political buttons or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace and never in their official capacity as a city employee or by use of City resources.

COUNCIL AND COMMISSION CONDUCT WITH THE PUBLIC

In Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Council Members or Commissioners toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- Be welcoming to speakers and treat them with respect.
- Be fair and equitable in allocating public hearing time to speakers.
- Give the appearance of active listening.
- Ask for clarification but avoid debate and argument with the public.
- No personal attacks of any kind, under any circumstances.

Follow parliamentary procedure in conducting public meetings. The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret

situations according to parliamentary procedures.

In Unofficial Settings

- Make no promises on behalf of the City, Council or Commission. Council Members and Commissioners will frequently be asked to explain an action they have taken or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise City, Council or Commission action, or to promise City staff will do something specific.
- Be a ware of the insecurity of written notes, voicemail, text messages, and email. Technology allows words written or said without much forethought to be distributed wide and far. All written notes, voicemail, text messages and e-mail should be treated as potentially "public" communication.

COUNCIL AND COMMISSION CONDUCT WITH OTHER PUBLIC AGENCIES

- **Be clear about representing the City or personal interests.** If a Council Member or Commissioner appears before another governmental agency or organization to give a statement on an issue, the Council Member or Commissioner must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the City; and 2) whether this is the majority or minority opinion of the Council or Commission. If the Council Member or Commissioner is representing the City, the Council Member or Commissioner must support and advocate the official City position on an issue, not a personal viewpoint. If the Council Member or Commissioner may wish to avoid representing another organization whose position is different from the City's, and if he or she does so, to make clear the he or she is not speaking for the City. Council Members and Commissioners should be clear about which organizations they represent and inform the Mayor and Council of their involvement.
- **Correspondence also should be equally clear about representation.** City letterhead may be used when the Council Member or Commissioner is representing the City and the City's official position. A copy of official correspondence should be circulated and retained as part of the permanent public record in the City Clerk's office. City letterhead is not to be used for correspondence of Council Members or commissioners representing a personal point of view, or a dissenting point of view from an official Councilor Commission position.

COUNCIL CONDUCT WITH COMMISSIONS

The City has established several Commissions as a means of gathering more community input. Residents who serve on Commissions become more involved in government and serve as advisors to the City Council or as independent bodies. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- **If attending a Commission meeting, be careful to only express personal opinions.** Council Members may attend any Commission meeting, which are always open to any member of the public; however, they should be sensitive that 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 Council Member at a Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council. Such comments by a Council Member could preclude his or her participation in an appeal of this matter before City Council.

- **Limit contact with Commission members to questions for clarification.** It is inappropriate for a Council Member to contact a Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for Council Members to contact Commission members to clarify a position taken by the Commission.
- **Remember that Commissions serve the community, not individual Council Members.** City Council appoints individuals to serve on Commissions. It is the responsibility of Commissions to follow policy established by the Council and to serve the public. Commission members do not report to individual Council Members, nor should Council Members feel they have the power or right to threaten Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Commission appointment should not be used as a political "reward."
- **Be respectful of diverse opinions.** A primary role of Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council Members may have a closer working relationship with some individuals serving on Commissions but must be fair and respectful of all citizens serving on Commissions.
- **Keep political support away from public forums.** Commission members may offer political support to a Council Member, but not in a public forum while conducting official duties. Conversely, Council Members may support Commission members who are running for office, but not in an official forum in their capacity as a Council Member or using City resources.

COMMISSION CONDUCT WITH COUNCIL

- **Commission members appearing before the City Council.** Commissioners may attend any Council or other commission meeting, which are always open to any member of the public; however, they should be sensitive that 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 Commissioner at such a meeting should be clearly made as individual opinion and not a representation of the views of the entire Commission. Commission members shall not be permitted to offer comment, testimony or present evidence at any hearing on an appeal from a prior decision or a discussion before the City Council of any matter previously before the Commission if the Commissioner participated in that prior decision or matter. At the specific request of a Council Member, a Commission Chair or designee may provide information or clarify its decision regarding an issue that is before Council.
- **Contact with Council Members.** It is inappropriate for a Commissioner to contact a Council Member to lobby on behalf of an individual, business, or developer.
- **Inappropriate behavior can lead to removal.** Commissioners (except for the Personnel Commission) serve at the pleasure of the City Council and can be removed at any time. Personnel Commissioners can be removed by a four-fifths vote of the City Council for malfeasance, neglect of duty or inefficiency.

COUNCIL AND COMMISSION CONDUCT WITH THE MEDIA

Council Members and Commissioners are frequently contacted by the media for background and quotes.

- **The best advice for dealing with the media is to never go "off the record."** Most members of the media represent the highest levels of journalistic integrity and ethics and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.
- **The Mayor is the official spokesperson for the Council on City policy.** The Mayor is the designated representative of the Council to present and speak on the official City position. If the media contacts an individual Council Member or Commissioner, the Council Member or Commissioner should be clear about whether their comments represent the official City position or a personal viewpoint.
- **Written Disclaimer.** The following disclaimer should be used in conjunction with submission of written materials (i.e. an "Other Voices" column or a letter to the editor of The Union): *"City of Grass Valley Official Disclaimer: (name) is a member of the Grass Valley (City Council | Planning Commission | Parks and Recreation Commission | Personnel Commission | Historical Commission). This opinion is the personal viewpoint of the author and does not reflect any official City view."*
- **Choose words carefully and cautiously.** Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

CODE OF ETHICS

- The residents and businesses of Grass Valley are entitled to have fair, ethical, and accountable local government. Such a government requires that:
- Public officials comply with both the letter and spirit of the laws and policies affecting operations of the government;
- Public officials participate in ethics training every two (2) years as required by AB1234;
- Public officials be independent, impartial, and fair in their judgments and actions;
- Public office be used for the public good, not for personal gain; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.
- To this end, the City of Grass Valley City Council adopts this Code of Ethics to encourage public confidence in the integrity of local government and its operation.

Public Interest

- Council Members will work for the common good of the people of Grass Valley 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.
- Council Members shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties.

Conduct

- Council Members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of others.
- Council Members shall perform their duties in accordance with the processes and rules of order established by the City Council.
- Council Members shall inform themselves on public issues; listen attentively to public discussions before the body; and focus on current business issues.
- Council Members shall abide by the Ralph M. Brown Act and shall not hold discussions that include more than one other City Council Member, regarding City business outside of public City Council meetings, which would be considered a serial meeting.
- Council Members shall publicly share substantive information that is relevant to a matter under consideration that they may have received from sources outside of the public decision-making process.
- To ensure their independence and impartiality on behalf of the public good, Councilmembers are prohibited from using their official positions to influence government decisions in which they have a financial interest or where they have a non-City organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law.
- In accordance with State law, Councilmembers must file annual written disclosures of their economic interests.
- Councilmembers shall not take advantage of services or opportunities for personal gain by virtue of their public office that are not available to the public in general.
- Councilmembers shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They must neither disclose confidential information without proper legal authorization nor use such information to advance the personal, financial, or private interests of themselves or others.
- City Councilmembers should avoid any action that could be construed as, or create the appearance of, using public office for personal gain, including use of City stationery or other City resources to obtain or promote personal business.
- Public resources not available to the general public (e.g., City staff time, equipment, supplies, or facilities) shall not be used by Councilmembers for private gain or personal purposes.
- In keeping with their role as stewards of the public interest, Councilmembers shall not appear on behalf of the private interests of a third party before the City Council or any board, commission, or committee or proceeding of the City, except as permitted by law.
- To the best of their ability, Councilmembers shall represent the official policies and positions of the City Council. When presenting their personal opinions or positions publicly, members shall explicitly state they do not represent the Council or the City.

Conflict of Interest

- The Political Reform Act (Government Code, Title 9, Sections 81000-91015) controls conflict of interest through disclosure and prohibition of participation in decisions which there are actual conflicts of interest. The rules as set forth in the Political Reform Act are complex and not necessarily intuitive. The consequences of violating the rules can be severe, including substantial monetary penalties and possible criminal prosecution.
- Specifically, the Political Reform Act requires City Council Members and other public officials to annually disclose all financial interests that may be affected by decisions made in their official capacity; this includes interests such as investments, real property, and sources of income. Council Members must also disqualify themselves from making or participating in making or influencing any governmental decision that will have a foreseeable material financial effect on any economic interest of the Council Member or certain family members different from its impact on the general public.
- The Political Reform Act requires State and local government agencies to adopt and promulgate conflict of interest codes, which shall be reviewed bi-annually in even- numbered years.

Common Law

- The common law conflict of interest is not defined by statute or by regulation. It has developed through court decisions. The basic rule is that a public officer is bound to exercise the powers conferred on him or her with disinterested skills, zeal, and diligence and primarily for the benefit of the public. Even where no conflict is found according to statutory prohibitions, a special situation could still constitute a conflict under the common law doctrine.
- As a rule, the decision maker should not be tempted by his or her own personal interest and doctrine will apply to situations involving non-financial personal interests. The City Attorney's office can provide advice on this issue when needed. By statute, the FPPC has the primary responsibility for impartially administering and implementing the Political Reform Act. Opinions from the City Attorney's office are not binding on the FPPC. Therefore, a public officer's reliance on the City Attorney's opinion will not immunize an officer from any FPPC administrative action, or from any civil or criminal proceeding if any officer violated the Political Reform Act or other conflict of interest laws. Each officer may gain assurance by requesting a formal opinion from the FPPC. The City Attorney can help in obtaining such an opinion.
- Once the economic interests of any public official are identified, potential conflicts of interest are determined by examining whether a decision being made by the public official will either directly or indirectly have an impact on the public official's economic interests. The likelihood that the outcome of the decision will have an important impact, need not be a certainty, but it must be more than merely possible.
- When it has been determined that there is a conflict of interest, the City's policy is

that the member must recuse themselves from the discussion and the meeting (physically leave the room) to ensure that there is no influence or participation on the subject matter, except as to consent calendar matters which are not pulled for discussion.

COMPLIANCE AND ENFORCEMENT-ALL RULES

- Councilmembers take an oath when they assume their office in which they promise to uphold the laws of the State of California and the United States of America. Consistent with this oath is the requirement of this Council policy to comply with the laws as well as report violations of the laws and policy of which they become aware.
- Any suspected violation or alleged violation by a Councilmember should be reported to the Mayor. In the case of a City staff member making the report regarding a Councilmember, the report should be made to the City Manager who will then report it to the Mayor. Upon report, the City Manager and City Attorney will assist the Mayor in following one of the two (2) protocols for addressing the violation or alleged violation:
- If the Mayor, City Manager, and City Attorney all agree that the violation or alleged violation is minor in nature, the Mayor and either the City Manager or City Attorney may contact the individual Councilmember and advise the member of the concern and seek to resolve the matter
- If the Mayor, City Manager, and City Attorney do not agree that the violation or alleged violation is minor in nature, then the Mayor shall convene a special ad hoc committee of the Mayor (who will serve as Chair), Vice Mayor, and most recent Mayor who will meet with the City Manager and City Attorney and appropriate staff and/or witnesses to determine how the matter may proceed, be resolved or be reported to the appropriate authorities.
- Councilmembers wishing to report a suspected violation by a staff member should report it to both the City Manager and City Attorney.
- Nothing in this policy is intended to interfere with any official's right to contact law enforcement.

AB 1234 REQUIRED ETHICS TRAINING

AB 1234 requires elected or appointed officials who are compensated for their service or reimbursed for their expenses to take two hours of training in ethics principles and laws within a year of taking office and every two years thereafter. It is the City's policy to emphasize the importance of ethics in government and therefore requires all advisory body members to adhere to the same requirements. The training should occur within two months of assuming office and be renewed within two months of the expiration of the current certificate.

- The training must cover general ethics principles relating to public service and ethics laws including:
 - Laws relating to personal financial gain by public officials (including bribery and conflict of interest laws);
 - Laws relating to office-holder perks, including gifts and travel restrictions, personal and political use of public resources, and prohibitions against gifts of public funds;
 - Governmental transparency laws, including financial disclosure requirements and open government laws (the Brown Act and Public Records Act);
 - Laws relating to fair processes, including fair contracting requirements, common law bias, and due process.
 - Training deadlines may be temporarily postponed for advisory body members who are temporarily unable to fulfill their duties, including attending scheduled meetings. Training should be completed within 30 days of returning to service.

HANDLING OF LITIGATION AND OTHER CONFIDENTIAL INFORMATION

- All written materials and verbal information provided to Councilmembers on matters that are confidential and/or privileged under State law shall be kept in complete confidence to ensure that the City's position is not compromised. No disclosure or mention of any information in these materials may be made to anyone other than Councilmembers, the City Attorney, or City Manager.
- Confidential materials provided in preparation for and during Closed Sessions shall not be retained and electronic copies must be deleted, or documents returned to staff at the conclusion of the Closed Session.
- Confidential materials provided to Councilmembers outside of Closed Sessions must be destroyed, deleted, or returned to staff within thirty (30) days of their receipt.
- Councilmembers may not request confidential information from staff that has not been provided to all Councilmembers.

COUNCIL ADVISORY BODIES BOARDS, COMMISSIONS, AND COMMITTEES GENERALLY

- Boards, commissions, and committees should comply with all applicable open meeting and conflict-of-interest laws of the State.
- Upon appointment or reappointment, Council advisory body members shall sign a Council Advisory Body Personal Code of Conduct statement (Attachment 2) affirming they have read and understand this City of Grass Valley City Council Code of Conduct.

MEETINGS

Ralph M. Brown Act

- All meetings of the City Council, standing Councilmember committees, and Council advisory bodies are governed by the Ralph M. Brown Act (Government Code 54950 *et seq.*). The City Council views the Brown Act as a minimum set of standards and in several respects, the City's open meeting requirements exceed the requirements of the Brown Act.
- If any member of a City legislative body or City staff believes that action has been taken on an item in contravention of the Brown Act, that person may ask the city Manager or Mayor to place the item on a future agenda for reconsideration and/or action.

Regular Meetings

Regular meetings of the City Council are held on the second and fourth Tuesday of each month at 7:00 p.m. in the Council Chambers of Grass Valley City Hall, 125 East Main Street. All regular Council meetings are open to the public.

Closed Sessions

Closed Sessions are also regulated pursuant to the Ralph M. Brown Act. All written materials and oral information regarding Closed Session items must remain confidential. Written reports and/or exhibits or materials furnished to members of the Council as part of a Closed Session must not be copied or saved and must be deleted or returned to staff at the end of the Closed Session.

- No member of the Council, employee of the City, or anyone else present should disclose to any other person the intent or substance of any discussion that takes place in a Closed Session unless authorized by a majority of the Council.
- Permissible topics/issues for a Closed Session discussion include, but are not limited to: labor negotiations, pending litigation, personnel actions, real estate negotiations, and certain licensing and public security issues.
- All public statements, information, and press releases relating to Closed Session items should be handled by the City Attorney or as otherwise directed by the Council majority.
- Closed Session meetings are closed to the public and the press.
- Any suspected violation of the confidentiality of a Closed Session discussion shall be reported to the City Attorney. "Confidential information" means a communication, oral or written, made in Closed Session that is specifically related to the legal basis for conducting the Closed Session.

Special and Emergency Meetings

- Pursuant to the Ralph M. Brown Act and the City's requirements, the Council may also hold special or emergency meetings as deemed necessary.

Meeting Agendas

- Preparation of Agenda: Council agendas and supporting information are prepared by the City Manager and City Clerk

- For Council advisory bodies and Councilmember committees, agendas and supporting information are prepared by the supporting City department to the Council advisory body and City Clerk.

Placing Items on Meeting Agendas

Council Agendas

- The City Manager determines, in consultation with the Mayor, which items are placed on the agenda and the timing for scheduling such items.

PUBLIC PARTICIPATION IN COUNCIL AND COMMISSION (CITY BODY) MEETINGS

Although items on the Council's and Commission's agenda may not be noticed as public hearings, the public's participation in the affairs of government has value by keeping the public educated through the governing process. These rules of the City of Grass Valley City Council and Commission's Code of Conduct for receiving public comment shall apply to all meetings of the City Council and Commissions. Each member of the public may only address the City Council or Commissions, at a respective meeting, one time per each item on the agenda, one time on the consent agenda, and one time during public comment for matters not on the agenda.

- **Matters on the agenda:** The City Council and Commissions shall allow public comment on items appearing on the agenda when the agenda item is considered by the respective City Body. Comments by the public must relate to the item on the agenda being considered by the respective City Body.
- **Matters not on the agenda:** At regular meetings of the City Council and Commissions, members of the public shall be allowed to address the City Body on matters not appearing on the agenda which are of interest to the public and which are within the subject matter jurisdiction of the City Body. Under the Ralph M. Brown Act, the City Council and Commissions shall not take any action or discuss any matter not appearing on the agenda although staff may be asked to briefly respond to or follow up on such items.
- **Public Hearings:** All members of the public shall be allowed to address the City Council and Commissions as to any item noticed on the respective City Body's agenda as a public hearing. Any person may provide the City Body with a written statement in lieu of or in supplement to any oral statement made during a public hearing. Written statements shall be submitted to the City Clerk.
- **Public Comment:**
 - Speakers shall address the City Body from the designated podium, virtual kiosk, or other designated location, including teleconferencing system(s). Speakers are encouraged but not required to give their name and/or location of residence before addressing the City Body.
 - Speakers shall direct their comments to the City Body through the Mayor or Chair, respectively, and not to the audience or staff.
 - Speakers may comment on specific matters before the City Body with reasons for the position taken.

- iv. A speaker may not yield time to another speaker.
- v. No individual may speak more than once during general public comment or on an item on the agenda unless recognized by the Mayor or Chair, respectively as having new information.
- vi. In the interest of civil discourse, the rules as specified in this Code of Conduct and Rosenberg's Rules of Order, to the extent such rules are not in conflict with the Brown Act, shall apply at all City Body meetings. It shall be the responsibility of the Mayor or Chair to ensure that public comment is conducted in such a manner to avoid disruptive activity, promote mutual respect, keep comments focused on the item before the City Body, avoid personal attacks, and prohibit hate speech and the threat of violence.
- vii. At the start of each meeting, the Mayor or Chair shall remind the public of the rules and expectations of the public including distinguishing the process for a) public comment for items on the consent agenda; b) general public comment for items not listed on the agenda; and c) public comment for items on the agenda.
- viii. At special meetings of the City Council, public comment will be allowed only on matters appearing on the agenda.

PROMPTNESS AT MEETING TIME

Council and Commission members are requested to observe timely appearance at their respective meetings regarding the public, staff, and other City Body members. Council and Commission members are requested to notify the City Clerk or City Manager of their absence or anticipated late arrival as soon as such situation is known.

AGENDA ITEMS

The purpose of the agenda is to provide a framework within which meetings of a City Body can be conducted to effectively implement the approved Council goals, financial plan and budget, and other programs, objectives and business of the City as established by the present or earlier City Councils. Agenda items must be directly related to and affect the City of Grass Valley. Only issues, policies, projects, or concerns that fall within the City's jurisdiction, authority, or operational duties may be placed on the City Council agenda. Matters outside the City's subject-matter jurisdiction that do not directly affect City governance, infrastructure, or services will not be considered for inclusion.

USE OF E-COMMUNICATION AT PUBLIC MEETINGS

- a. E-Communication is defined as "electronic text or visual communication and attachments distributed via e-mail, instant messaging, text messaging, social media messaging, or comparable services."
- b. City Council members and Commissioners shall not use electronic communication devices during meetings, except where necessary due to an

emergency.

LAST MINUTE SUPPORTING DOCUMENTS

Last minute supporting documents by staff put City Body members and the public at a disadvantage by diluting the opportunity to study the documents. All late submissions of supporting documents must be justified with reasons for the late submission. The City Manager, City Clerk, or designated representative will apprise the City Body of the late submission of documents and their justification when appropriate. This does not apply to bona fide emergency items involving public health and safety requiring action by the City Council.

MOTIONS

Motions shall follow Rosenberg's Rules of Order which allows up to three motions on the floor before a vote must be called,

CALLING OF MEETING RECESS

The Mayor or Chair may call for a meeting recess per their discretion under the following circumstances while specifying the duration of the recess and the time of return:

- a. Request by a member of the City Body.
- b. Recommendation by the City Manager, City Attorney, City Clerk, or law enforcement.
- c. Disruption of the meeting due to technical or other logistical needs.
- d. Disruption of the meeting due to incivility:
 - i. Before taking a recess, the Mayor or Chair shall attempt to regain control of the meeting and shall provide notice and a warning to the disruptive individual(s) if that behavior impacts the City Body's ability to conduct its business.
 - ii. If the disruptive behavior continues, staff will work with applicable law enforcement or other agency partners to regain order. The Mayor or Chair has authority to order individuals removed if they do not cease their disruptive behavior following a warning. No warning is required before an individual is removed if that individual engages in a use of force or makes a true threat of force. Law enforcement, at their discretion, may take actions necessary for the safety of the City Body, staff, and public per applicable law. A willful disturbance of a City Body meeting can violate the California Penal Code.
 - iii. Upon receiving direction from law enforcement, the City Body members, City Manager, City Clerk, and City Attorney shall promptly dismiss themselves from the dais and relocate to a designated location.
 - iv. The City Manager will inform the Mayor or Chair once order has been reestablished. The Mayor or Chair will then reconvene the meeting.
 - v. Upon returning, the Mayor or Chair shall briefly acknowledge why the City Council or Commission recessed and remind the public of the rules

and expectations of a City Council or Commission Meeting.

EXPECTATIONS OF PUBLIC – CIVILITY CODE OF CONDUCT

- a. The City of Grass Valley promotes mutual respect, civility, and orderly conduct among employees, elected officials, and the public. The Civility Code of Conduct is not intended to deprive any person of their right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, productive, and harassment-free workplace for staff and a safe and non-threatening environment for visitors and customers. The City encourages professional, respectful, and courteous communication and discourages hostile, intimidating, or otherwise disruptive actions. The following are expectations of civility when interacting with a City Body, staff, or other members of the public while on City public property and during public meetings.
 - i. All interactions between the Mayor or Chair, City Body Members, staff, other elected officials, and members of the public will be conducted in a respectful manner that acknowledges mutual respect.
 - ii. Threats and hate speech, including threats of violence, will not be tolerated.
 - iii. Members of the public will refrain from any behavior that disrupts, or threatens to disrupt, the City Body from conducting City business and the conduct of government operations, including the following:
 - a) Intimidating or offensive communication.
 - b) Harassment or intimidation of any City Body member, staff, elected official, or member of the public.
 - c) Willful destruction or damage of City property.
 - d) Conduct that threatens to provoke a violent reaction.
 - e) Possession of any weapon or concealed firearm in a public meeting.
 - f) Intentional disruption of public comment.
 - g) Demonstrates a continuing pattern of disruptive behavior.
 - iv. Members of the public shall not interrupt other speakers to allow for public participation.
 - v. Members of the public shall adhere to the procedures outlined within this policy during public meetings and shall provide comment only during public comment period as called on by the Mayor or Chair and only during their allotted time.

Members of the public shall not approach the dais, or presenters, during a meeting unless otherwise specifically directed by the Mayor or Chair.

Attachment 1 to the City Council Code of Conduct
CITY OF GRASS VALLEY CITY COUNCIL PERSONAL CODE OF
CONDUCT

PREAMBLE

The residents and businesses of Grass Valley are entitled to have fair, ethical, and accountable local government. 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 Grass Valley City Council has adopted this Code of Ethics 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 upon assuming office and upon reelection to that office 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, Councilmembers shall work for the common good of the people of Grass Valley 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 Grass Valley in the performance of their public duties. These laws include but are not limited to: The United States and California constitutions; the Grass Valley City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.
3. ***Conduct of Member:*** 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.
4. ***Respect for Process:*** Councilmember duties shall be performed in accordance with the processes and rules of order established by the City Council.
5. ***Conduct of Public Meetings:*** Councilmembers shall inform themselves of public issues, listen attentively to public discussions before the body, and focus on the business at hand.
6. ***Decisions Based on Merit:*** Council decisions shall be based upon the merits and substance of the matter at hand.
7. ***Communication:*** It is the responsibility of Councilmembers to publicly share

substantive information that is relevant to a matter under consideration 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 staff informed.
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:*** To ensure 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 a non-City organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law.

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

11. ***Gifts and Favors:*** Councilmembers shall not take advantage of services or opportunities for personal gain by 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 Councilmembers for private gain or personal or political purposes.
14. ***Representation of Private Interests:*** In keeping with their role as stewards of the public trust, Councilmembers shall not appear on behalf of the private interests of a third-party before the City Council or any board, commission, or committee or proceeding of the City.
15. ***Advocacy:*** To the best of their ability, Councilmembers shall represent the official policies and positions of the City Council. When presenting their personal opinions or positions, members shall explicitly state that they do not represent the Council or the City.

16. **Improper Influence:** Councilmembers shall refrain from using 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 Grass Valley City government as provided in State law and the City Charter and ordinances.
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 read and understood the City of Grass Valley's City Council Code of Ethics.
20. **Compliance and Enforcement:** Councilmembers themselves have the primary responsibility to ensure that ethical standards are understood and met and that the public can continue to have full confidence in the integrity of City government.

This Personal Code of Conduct shall be considered a summary of the longer City Council Code of Conduct document. The City Council Code of Conduct document shall be considered the definitive document relating to ethical conduct by Grass Valley City Councilmembers.

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

Signature

Date

Attachment 2 to City Council Code of Conduct

CITY OF GRASS VALLEY COUNCIL ADVISORY BODY PERSONAL CODE OF CONDUCT

PREAMBLE

The residents and businesses of Grass Valley are entitled to have fair, ethical, and accountable local government. Such a government requires that public officials, including Council advisory body members:

- 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, Council advisory body members are expected to adhere to the Code of Conduct adopted by the Grass Valley City Council to encourage public confidence in the integrity of local government and its fair and effective operation.

Council advisory body members shall sign this Personal Code of Conduct at the first meeting of the board, commission, or committee upon assuming office and, if applicable, upon reappointment to the board, commission, or committee as a symbol of each Council advisory body member's commitment to abide by the principles of this code during his or her term.

1. ***Act in the Public Interest:*** Recognizing that stewardship of the public interest must be their primary concern, Council advisory body members shall work for the common good of the people of Grass Valley 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:*** Council advisory body members shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties. These laws include but are not limited to: The United States and California Constitutions; the Grass Valley City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.
3. ***Conduct of Council Advisory Body Members:*** Council advisory body members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of Councilmembers; other members of the Council advisory body; other boards, commissions, or committees; staff; or the public.
4. ***Respect for Process:*** Council advisory body member duties shall be performed in accordance with the processes and rules of order established by the City

Council.

5. ***Conduct of Public Meetings:*** Council advisory body members shall inform themselves of public issues, listen attentively to public discussions before the body, and focus on the business at hand.
6. ***Decisions Based on Merit:*** Council advisory body members shall base their decisions upon the merits and substance of the matter at hand.
7. ***Communication:*** It is the responsibility of Council advisory body members to publicly share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other Council advisory body members.
8. ***Coordination with City Staff:*** Appropriate City staff should be involved when Council advisory body members meet with officials from other agencies and jurisdictions to ensure proper staff support, as needed, and to keep staff informed.
9. ***Disclosure of Corruption:*** All City officials shall take an oath upon assuming office, pledging to uphold the Constitution and laws of 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:*** To ensure their independence and impartiality on behalf of the public good, Council advisory body members 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 that would present a conflict of interest under applicable State law. In accordance with the law, members shall file written disclosures of their economic interests 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:*** Council advisory body members shall not take advantage of services 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:*** Council advisory body members 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 Council

advisory body members for private gain or personal or political purposes.

14. **Representation of Private Interests:** In keeping with their role as stewards of the public trust, Council advisory body members shall not appear on behalf of the private interests of a third party before the City Council or any board, commission, or committee, or proceeding of the City.
15. **Advocacy:** To the best of their ability, Council advisory body members shall represent the official policies and positions of the City of Grass Valley. When presenting their personal opinions or positions, members shall explicitly state that they represent neither the Council advisory body nor the City.
16. **Improper Influence:** Council advisory body members shall refrain from using their position to improperly influence the deliberations or decisions of City staff, boards, commissions, or committees.
17. **Policy Role of Members:** Council advisory body members shall respect and adhere to the Council-Manager structure of Grass Valley City government as provided in State law and the City Charter and ordinances.
18. **Positive Work Environment:** Council advisory body members 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 Council advisory body members. Upon entering office and upon reappointment, Council advisory body members shall sign a statement affirming they read and understood the City of Grass Valley's City Council Code of Conduct.
20. **Compliance and Enforcement:** Council advisory body members themselves have the responsibility to ensure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of City government.

This Personal Code of Conduct shall be considered a summary of the longer City Council Code of Conduct document. The City Council Code of Conduct document shall be considered the definitive document relating to ethical conduct by Grass Valley City Council advisory body members.

I affirm that I have read and understand the City of Grass Valley City Council Code of Conduct.

Signature

Date