

CITY OF KERMAN CODE OF CONDUCT

For the City Council and Appointed Members of City Boards and Commissions (Adopted by Council Resolution No. _____)

A. Policy Purpose.

The purpose of this Code of Conduct is to:

1. Encourage the highest standards of behavior, going beyond the requirements of the law;
2. Promote and maintain public trust and confidence;
3. Provide an ongoing source of guidance to members of the City Council and members of boards and commissions in their day-to-day service to the City; and
4. Provide a seamless integration process for new members of the City Council.

B. Applicability.

This Code of Conduct applies to the Mayor and City Council Members and to members of City boards, commissions, and committees.

1. The term “Member” as used in this Code of Conduct means any member of the City Council and any member of any Board, Commission, or Committee of the City.
2. The term “City Council” includes the Mayor and Council Members.
3. The Mayor and Council Members are at times referred to collectively as “Council Members” or “Elected Officials.”
4. Members of boards, commissions, and committees are at times referred to as “appointed officials.”

C. Ethical Considerations.

Elected officials and appointed officials shall strive to abide by ethical principles relating to fairness, openness, honesty, and integrity in City government.

1. Acts in the Public Interest.

Members will work for the common good of the residents of the City of Kerman and not for any private or personal interest, and they will assure fair and equal treatment of all persons, transactions, and claims coming before the Council, boards, and commissions.

2. Compliance with the Law.

Members shall comply with Federal, State, and the City laws and City policies in the performance of their public duties. In particular, these laws include but are not limited to:

the United States and California constitutions; the Political Reform Act including regulations adopted by the Fair Political Practices Commission (“FPPC”) pertaining to conflicts of interest, election campaigns, and financial disclosures; employer responsibilities; the Brown Act; the Public Records Act; and City ordinances and policies.

3. Conduct of Members.

- The conduct of members must be above reproach and avoid the appearance of impropriety.
- Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the City Council, boards and commissions, the public, and staff.

4. Respect for Process.

Members shall perform their duties in accordance with the processes and rules of order established by the City Council and/or boards and commissions governing the deliberation of issues before them.

5. Conduct of Public Meetings.

- Members shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand.
- Members shall refrain from interrupting other speakers and making personal comments not germane to the business of the body or otherwise interfering with the orderly conduct of meetings.

6. Decisions Based on Merit.

Members shall base their decisions on the merits and substance of the matter at hand rather than on unrelated considerations.

7. Communication.

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

8. Form 700.

Every elected official and appointed official required to file a Statement of Economic Interests (Form 700) shall disclose on that form all information required by the Political Reform Act and the applicable conflict of interest code approved by the City Council in its role as the code reviewing body.

9. Conflict of Interest.

- In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a financial interest as defined by applicable laws.
- In such cases, Members shall recuse themselves.
- Members should consider voluntary recusal where they have an organizational responsibility or personal relationship to the issue under consideration which may give the appearance of a conflict of interest.

As required by the Political Reform Act, members are personally responsible for disclosing conflicts of interest and recusing themselves from participating in the decision-making process and in deliberations where financial conflicts of interest may exist. At meetings, they shall publicly announce any financial interest and leave the room, except that leaving the room is not required on consent agenda items.

10. Gifts and Favors.

Members should refrain from receiving or accepting, directly or indirectly, any gift, favor, or promise of future benefits from anyone doing business with the City under circumstances which might compromise their independence of judgment or action or give the appearance of being compromised.

11. Confidential Information.

- Members shall respect the confidentiality of information concerning real property, personnel, labor negotiations, claims and litigation, and matters authorized to be included in closed session.
- Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or private interests.
- Members are precluded from using official information not available to the general public for private gain or advantage.

12. Use of Public Resources.

Members shall not use public resources unavailable to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

13. Representation of Public Interests.

- In keeping with their role as stewards of the public interest, members shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City.
- Members of boards and commissions shall not 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 the bodies they represent.

14. Advocacy.

- Members shall represent the official policies or positions of the Council and board or commissions they represent to the best of their ability when designated as delegates for this purpose.
- When presenting their individual opinions and positions, members shall explicitly state they do not represent the City or boards or commissions and they should not allow an inference that they do.

15. Policy Role of Members of the City Council.

- Council Members shall respect and adhere to the Council-Manager form of government.
- The Council appoints a City Manager to implement policy, enforce its laws, to direct the daily operations of city government, and to prepare and monitor the municipal budget. Council Members work through the City Manager in dealing with City staff.
- The City Manager is responsible to the City Council as a body rather than to individual Council Members.

16. Independence of Boards and Commissions.

Because of the value of the independent advice of boards, commissions, and committees to the public decision-making process, members of the City Council shall refrain from using their position to unduly influence the deliberations or outcomes of board, commission, and committee proceedings.

17. Positive Work Place Environment.

Members shall support the maintenance of a positive and constructive work place for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

D. Conduct Guidelines.

1. Elected and Appointed Officials' Conduct with one another in Public Meetings.

a. Honor the role of the presiding officer in maintaining order.

- It is the responsibility of the Mayor or Chairperson to keep the comments of Members on track during public meetings.
- If there is disagreement about the agenda or the presiding officer's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

b. Practice civility and decorum in discussions and debate.

- Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. However, free debate does not require nor justify public officials making belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.

c. Avoid personal comments that could offend other members.

- If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a “point of personal privilege” that challenges the other member to justify or apologize for the language used.
- The presiding officer will maintain control of this discussion.

d. Demonstrate effective problem-solving approaches.

Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

2. Elected and Appointed Officials’ Conduct with the Public in Public Meetings.

a. Be welcoming to speakers and treat them with care and respect.

While questions of clarification may be asked, the official’s primary role during public testimony is to listen.

b. Be fair and equitable in allocating public hearing time to individual speakers.

The presiding officer will determine and announce limits on speakers at the start of the public hearing process and treat speakers fairly.

c. Maintain an open mind.

Members of the public deserve an opportunity to plea and voice an opinion in order to influence the thinking of elected and appointed officials. Elected and appointed officials may consider some, all, or none of an opinion, necessary to render a determination on a matter.

d. Ask for clarification but avoid debate and argument with the public.

Only the presiding officer may interrupt a speaker during a presentation. However, a Member may ask the presiding officer for a point of order if the speaker is off the topic

or exhibiting behavior or language the Member finds disturbing.

3. Elected and Appointed Officials' Conduct with City Staff.

a. Treat all staff as professionals.

Clear, honest communication that respects the abilities, experience, and dignity of everyone is expected. Professional courtesy should be extended towards staff at all times.

b. Do not disrupt City staff from their jobs.

Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.

c. Do not publicly criticize an individual employee.

Elected and appointed officials should not express concerns about the performance of a City employee in public, to the employee directly, or to the employee's colleagues. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.

d. Do not get involved in administrative functions.

Elected and appointed officials acting in their individual capacity shall 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 other administrative function.

e. Do not solicit political support from staff.

Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters 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.

f. No Attorney-Client Relationship.

Members shall not have a personal attorney-client relationship with the City Attorney, including their staff, including attorneys contracted to work on behalf of the City. The City Attorney represents the City and not individual members.

4. Elected Officials Conduct with Boards, Commissions, and Committees.

a. If attending a Board or commission meeting, be careful to only express personal

opinions.

Council Members may attend any Board or Commission meeting, which are open to any member of the public. However, they should be sensitive to the way their participation could be viewed as unfairly affecting the process. Public comments by a Council Member at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the Council. Public comments by a Council Member at a Board or Commission adjudicatory hearing may not be made and may prohibit the Council Member from participating at City Council hearing on the same matter.

b. Limit contact with Board and Commission members to questions of clarification.

It is inappropriate for a Council Member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Council Members to contact Board, Commission, or Committee members in order to clarify a position taken by that body.

c. Respect that Boards and Commissions serve the community, not individual Council Members.

The Council approves appoint of individuals to serve on Boards, Commissions, and Committees and it is those bodies' responsibility to follow policy established by the Council. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board, Commission, or Committee appointment should not be used as a political reward.

d. Be respectful of diverse opinions.

A primary role of Boards, Commissions, and Committees 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 Boards, Commissions, and Committees but must be fair and respectful of all persons serving on Boards and Commissions.

e. Keep political support away from public forums.

Board, Commission, and Committee members may offer political support to a Member of the Council, but not in a public forum while conducting official duties. Conversely, the Mayor and Council Members may support Board and Commission members who are running for office, but not while conducting official duties in their capacity as the Mayor or Council Member.

5. Elected and Appointed Officials' Conduct on Social Media.

Members shall honor the conduct guidelines in this Section D and the Ethical Considerations in Section C of this Code of Conduct when posting on Social Media. Council Members will be cognizant of the Brown Act which prohibits a member from responding directly to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the City Council that is made, posted, or shared by any other member of the legislative body. Members of boards, commissions, and committees are also subject to this limitation on matters within the jurisdiction of their respective board, commission, and committee.

E. Implementation.

1. Compliance and Enforcement.

- The City of Kerman Code of Conduct expresses standards of ethical conduct expected for members of the Kerman City 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.
- The chairs of board and commissions and the Mayor and Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Conduct are brought to their attention.
- The Code of Conduct is an expression of the standards of conduct for members expected by the City. It, therefore, becomes most effective when members are thoroughly familiar with it and embrace its provisions.
- Ethical standards shall be included in orientations for newly elected officials and appointed officials.
- Members shall take AB 1234 within 60 days of taking office.
- Members entering office shall sign a statement affirming they have read and understand the City of Kerman Code of Conduct.

2. Distribution and Posting.

This Code of Conduct shall be distributed to and signed by all elected and appointed officials;; posted and made available to members of the public by the City Clerk's Office.

3. Sanctions.

The Council may impose sanctions on members who intentionally and repeatedly do not comply with the City's Code of Conduct. For elected officials, this may include reprimand or censure. For appointed officials, sanctions may include but are not limited to reprimand, formal censure, or removal from the Commission, Board, or Committee. A violation of this Code of Conduct shall not be considered as a basis for challenging the validity of a Council, board, commission, or committee decision.

EXHIBIT A

I affirm that I have read and understood the City of Kerman Code of Conduct for the City Council and Appointed Officials.

Signature

Date

Name