



LEGISLATIVE ANALYST REPORT

To: Members of the Board of Supervisors
From: Shauna Johnson, Office of the Legislative Analyst
Date: September 12, 2007
Re: **Elected Officials' Code of Conduct** (BOS File No. 070945) (OLA No. 030-07)

SUMMARY OF REQUESTED ACTION

The Board of Supervisors approved a motion introduced by Supervisor McGoldrick requesting that the Office of the Legislative Analyst (OLA) research the best practices on elected officials' code of conduct.

EXECUTIVE SUMMARY

A code of conduct (also known as a code of ethics) can be a management tool for establishing ethical ambitions of an organization and the way it functions. Codes of conduct apply to a variety of organizations including government, businesses, and professional associations and are generally developed to 1) encourage high standards of behavior, 2) increase confidence in an institution, and 3) assist officials with decision-making.¹ Codes of conduct differ by jurisdictions and typically reflect the concerns and issues of a particular governing body.

Codes of conduct generally fall under two categories: 1) rules-based and 2) behavior-based. Rules-based codes have clearly defined regulations and penalties for violation, whereas behavior-based codes generally don't have specific penalties or processes. This report will focus on behavior-based policies in other jurisdictions, as well as compliance and enforcement issues, and the general process for adopting a code of conduct.

In 2007, the Institute for Local Government (ILG) compiled a list of ethics codes from 25 jurisdictions throughout California. In addition to a brief review of all jurisdictions assembled by ILG, the OLA more closely examined conduct policies from the cities of Los Angeles, Mountain View, New York, Oakland, Sacramento, San Jose, Santa Clara, Seattle, and Sunnyvale (see Attachment 1 for a complete listing of agencies reviewed). We found that many jurisdictions have a behavior-based code of conduct. Some jurisdictions apply penalties for code violations including admonition (disapproval), sanction, censure, and loss of seniority or committee assignment. While these penalties are reserved for both behavior- and/or rules-based violations, they are more commonly used in connection with rules-based offenses. Behavior-based codes in most jurisdictions are self-enforcing. The majority of jurisdictions reported that compliance was good and that they had not exercised the use of penalties.

¹ Institute for Local Government, Developing a Local Agency Ethics Code: A Process-Oriented Guide.

BACKGROUND

Governing bodies are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Often times, difficult questions, tough challenges to a particular point of view, and criticism of ideas will occur. A code of conduct is used to assist jurisdictions in upholding a standard of integrity and competence when dealing with challenging, ethical issues.² Codes of conduct are generally mindful of public officials' First Amendment rights and therefore, do not intend to violate their right to freedom of speech.

In June 2007, Supervisor Alioto-Pier introduced a motion (BOS File No. 070946) to amend the Rules of Order governing the Board of Supervisors to adopt a code of conduct. Similarly, Supervisor Daly requested that the City Attorney draft legislation promoting ethical workplace standards for city officials and employees.

Codes of conduct are considered either rules-based or behavior-based. The first type emphasizes rules or standards. Rules-based codes specifically prohibit certain activities and have specific penalties for violation. In California, officials are required to comply with an extensive set of rules-based laws with related penalties.³ Common elements of these laws include:⁴

- Restrictions on the receipt of gifts;
- Regulations on outside private employment and outside earned income, including honoraria;
- Provisions bearing upon the holding of financial assets and other income-producing property, including conflict of interest regulations and requirements for personal financial disclosure of such assets; and
- Restrictions on the private employment of former legislators.

The second type of code relates to behavior and/or values. Behavior-based codes are based on attributes that have been identified by public officials to reflect the core values of the community.⁵ Unlike rules-based codes, behavior-based codes are more difficult to enforce because most goals are aspirational, making it hard to determine when an official has violated the code. While some jurisdictions reserve the right to enforce established penalties, most do not.

Like most jurisdictions, San Francisco's ethics codes are primarily rules-based. The codes are spelled out in the City Charter and the San Francisco Campaign and Governmental Conduct Code, and apply to both City employees and elected officials. Conversely, the San Francisco Board of Supervisor's Rules of Order Section 4.16 (Conduct of Supervisors) speaks to the conduct of Supervisors in a general fashion. It states, "No Supervisor in debate shall, directly or indirectly, by any form or words impute to another supervisor or to other Supervisors any conduct or motive unworthy or unbecoming a Supervisor." Additionally, according to Section

² Institute for Local Government, *Developing a Local Agency Ethics Code: A Process-Oriented Guide*.

³ Laws include the Federal and State Constitutions, California Political Reform Act, and Fair Political Practices Commission regulations.

⁴ Simmons, C., Roland, H. and Kelly-DeWitt, J. *California Research Bureau, California State Library, Local Government Ethics Ordinances in California*, March 1998.

⁵ City of Campbell Statement of Values, City Council Report, March 21, 2006.

6.8 (Disorderly Conduct), the presiding officer may remove from the meeting room anyone who is disorderly or insolent toward Supervisors; boisterous or violent; or disobedient of any lawful order of the presiding officer. However, neither rule specifies what words or actions are deemed inappropriate.

CODE OF CONDUCT POLICIES IN OTHER JURISDICTIONS

The OLA examined conduct policies in the cities of Los Angeles, Mountain View, New York, Oakland, Sacramento, San Jose, Santa Clara, Seattle, and Sunnyvale. Table 1 is a description of the code of conduct policies in other jurisdictions, including where the code can be found and whom it applies.

Table 1: Code of Conduct Policies in Other Jurisdictions

| Jurisdiction | Code of Conduct Policy | Governing Authority | Applies to: |
|---------------------|--|---|---------------------------------------|
| Los Angeles, CA | All elected officials are expected to conform to the highest standards of personal and professional conduct. | Administrative Code Volume I, Article II, Section 209 | Elected officials |
| Mountain View, CA | Council members 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. | Personal Code of Conduct | City Council Members |
| New York, NY | The New York City Council has the authority to determine the rules of its own proceedings. The OLA did not find any specific rules that regulate the behavior of individual council members. However, the City Charter allows the City Council’s sergeant-at-arms to punish its members for disorderly behavior, and to expel any member, after charges and a hearing, with the concurrence of two-thirds of all the council members. The City Charter does not define the term “disorderly behavior,” nor does it outline the procedures for the required hearing prior to expulsion. | City Charter, Chapter 2, Section 45 | City Council |
| Oakland, CA | Each council member has a duty to refrain from abusive conduct, personal charges or verbal attacks upon the character, motives, ethics or morals of other members of the Council, staff or public, or other personal comments not germane to the issues before the Council. | Resolution No. 78307 | Elected officials |
| Sacramento, CA | Council members adhere to the following rules: value each other’s time; attempt to build consensus on an item through an opportunity for dialogue; have the right to dissent from, protest, or comment upon any action of the City Council; respect each other’s opportunity to speak and, if necessary, agree to disagree; avoid offensive negative comments and shall practice civility and decorum during discussions and debate; and assist the Mayor’s with his/her duty to maintain order. | Council Rules of Procedure, Chapter 3, Section A | Mayor, Council, staff, and the public |
| San Jose, CA | All members shall abide by federal and state law, City ordinances and City policies, including the Code of Ethics. The OLA did not find any specific rules that regulate the behavior of individual council members. However, the City Council adopted a censure policy that imposes penalties that vary depending on the circumstances of the alleged violation. | City Council Conduct Policy 0-28 | Mayor and City Council |
| Santa Clara, CA | The City of Santa Clara has adopted a Code of Ethics and Values to promote and maintain the highest standards of | Code of Ethics and Values | Elected and appointed |

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|---------------|---|---|---|
| | personal and professional conduct in the City's government. All elected and appointed officials, City employees, volunteers, and others who participate in the city's government are required to subscribe to this Code, understand how it applies to their specific responsibilities, and practice its eight core values in their work. The eight core values include 1) ethical; 2) professional; 3) service-oriented; 4) responsible; 5) organized; 6) communicative; 7) collaborative; and 8) progressive. | | officials, City employees, and volunteers |
| Seattle, WA | City Council members are subject to personnel workplace expectations that include: working honorably, professionally with colleagues; refraining from the use of insulting, threatening, or otherwise offensive language; refraining from participation in negative gossip, the spread of rumors, or from revealing personal information that may be hurtful; using humor wisely to lighten a tense situation to put things into perspective, or to gain a different point of view, but without offending co-workers or customers; and resolving conflict through private and respectful discussion of the problem. | Legislative Division, Workplace Expectations Policy | Elected and appointed officials, and City employees |
| Sunnyvale, CA | Council members are required to serve as a model of leadership and civility to the community and demonstrate honesty and integrity in every action and statement. Additionally, council members should not engage in shouting or physical actions that could be construed as threatening. | City Charter, RTC 05-361 | Elected officials |

Compliance and Enforcement

In general, inappropriate official behavior ranges along a continuum from bad judgment to unethical behavior and corruption.⁶ Most codes are not punitive and appear to promote ethical behavior and standards (rather than focusing on what not to do). Accordingly, the majority of jurisdictions surveyed did not have penalties in place for behavior-based violations. Some jurisdictions, however, provide enforcement measures in their code of conduct policy that apply to both behavior- and rules-based codes (i.e. Cities of Los Angeles, Oakland, and San Jose). In some instances, when a code is violated public officials are subject to penalties such as admonition (disapproval), sanction, censure, and loss of seniority or committee assignment.

In San Jose, for example, the City Council can take three types of actions against its members in response to code of conduct violations:⁷

1. Admonition: generally directed to all members of the City Council reminding them that a particular type of behavior is in violation of law or City policy;
2. Sanction: generally directed to a member of the City Council based on a particular action (or set of actions) that is determined to be in violation of law or City policy, but is not considered serious enough to require censure; and
3. Censure: a formal statement of the Council officially reprimanding one of its members. Censure is a punitive action, reserved for serious offenses, that carries no fines or suspension of the rights of the elected official.

⁶ Simmons, C., Roland, H. and Kelly-DeWitt, J. California Research Bureau, California State Library, Local Government Ethics Ordinances in California, March 1998.

⁷ City of San Jose, Censure Policy, November 2004.

The Council has only exercised its censure policy (which is considered the most severe of the three penalties) twice, and both times were in connection with rules-based violations and ethical misconduct (including unlawfully receiving gifts and campaign contributions, failure to report campaign contributions, and bribery).⁸ Generally, the procedures for censure and other penalties require a request to be made by a member of the governing body and submitted to the Clerk. See Attachment 2 for censure procedures from the Cities of Los Angeles and San Jose.

It is important to note that most jurisdictions did not specifically define inappropriate behavior. Additionally, among the jurisdictions with penalties established, none were enforced in connection with behavior-based offenses. None of the jurisdictions surveyed were aware of problems with the compliance of behavior-based codes. A common theme among the jurisdictions we surveyed is that behavior-based codes are self-enforcing. While some behavior-based codes of ethics are generically codified, most are general policies outlined in the other official documents (i.e. Employee Handbook, Rules of Decorum, Rules of Order, etc.) As a statement of good faith, some jurisdictions request their public officials to sign the code of conduct (i.e. Cities of Fresno, Mountain View, Santa Clara, and Sunnyvale).

Apart from a code of conduct, some jurisdictions have chosen other, similar methods to hold public officials responsible for their behavior. This includes implementing a code of civility or adopting rules of decorum. Civility refers to the way people treat each other with respect – even when they disagree.⁹ This is considered a more specific commitment to behavior-based codes with respect to civility. Codes of civility are not legally enforced and generally do not carry penalties for violation.

Rules of decorum, which are used by Congress and other legislative bodies, are rules used for the conduct of members towards each other and towards the institution as a whole. For example, the City of Campbell's policy, which applies to both the Council Members and the public, reads:

While the council is in session, all persons shall preserve order and decorum. Any person making personal, impertinent or slanderous remarks, or who becomes boisterous while addressing the council, shall be forthwith, by the presiding officer, barred from further audience before the council, unless permission to continue is granted by a majority vote of the council. Any person who is so disorderly or who so persistently disrupts the business meeting so as to interfere with the proper conduct of the business may be ordered removed from the meeting place. (Ord. 1199 (part), 1978). Title 2, Chapter 2.06.160.

Unlike codes of civility, rules of decorum are enforceable (generally by a sergeant-at-arms) and can apply to both public officials and the public. The League of California Cities compiled a list

⁸ In 2004, the San Jose City unanimously voted to Censure Council Member Terry Gregory for numerous counts of unethical behavior. As a result, Gregory was stripped of all council responsibilities, and he resigned shortly after. In 2005, Mayor Ron Gonzales became the second City official to be censured for his dealings with the Norcal garbage scandal. The censure resulted in Gonzales' resignation from several committees he chaired.

⁹ Institute for Local Government, Promoting Civility at Public Meetings, August 2003, http://www.cacities.org/resource_files/25372.promotingpart1.pdf.

of sample decorum rules including those from the Cities of Campbell, Hayward, Modesto, Pittsburg, and Rocklin.¹⁰

ADOPTING A CODE OF CONDUCT

The process of adopting a code of conduct enables agency officials to clarify values and link them with standards of conduct.¹¹ The Institute for Local Government (ILG), the nonprofit research affiliate of the League of California Cities, prepared an ethics process guide, *Developing a Local Agency Ethics Code*. The guide suggests that there should be three dimensions to any value expressed in an agency's ethics code:

1. A core value;
2. An expression of that value or what that value looks like in practice; and
3. Opportunities to put that value into practice.

This process helps translate values into behavioral principles, making the code a useful source of guidance for officials. The guide also advises that each ethics code include a preamble, which serves as an introduction to the code (see Attachment 3 to view the City of Santa Clara's preamble to their Code of Ethics and Values). The preamble helps answers these questions:

- Why is the code important?
- What is the code's purpose?
- To whom does the code apply?
- What will happen as a result of this code?

Two other useful provisions are an implementation section that 1) requests that each official covered by the code sign a statement agreeing to the code; and 2) commits the agency to periodically reviewing the code. Additionally, prior to adopting a code of conduct, officials should weigh the pros and cons as well as establish clear goals. See Table 2 for a summary of the common opportunities and risks that adopting a behavior-based code of conduct presents.

Table 2: Opportunities and Risks of Adopting a Behavior-Based Code of Conduct

| Opportunities | Risks |
|--|---|
| - Creating an environment in which ethical behavior is the norm and ethical considerations are routinely considered in evaluating alternative courses of action. | - Diminishing public trust in government if officials' behavior is at odds with the values expressed in the code. |
| - Demonstrating a commitment to ethics. | - The code can be used as an instrument to embarrass political rivals. |
| - Establishing priorities among competing values and identify those values that are particularly important in a community. | - The sustained effort required to implement an ethics code can exceed the resources available within an agency. |

¹⁰ League of California Cities, Organization and Government, City Council Organization, <http://www.cacities.org/samplerules>.

¹¹ Speers, JoAnne, "Developing a Local Agency Ethics Code: A Process-Oriented Guide," 2003 Institute for Local Government.

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|--|---|
| - Collective reflection and discussion on the values that ought to form the basis of a public official's behavior and decision-making. | - Adopting a broad code out of a desire to demonstrate commitment to ethics (this can diminish the code's ability to guide behavior and decision-making). |
| - Create a positive public identity for agency officials, which can lead to more public trust. | |

Source: *Institute for Local Government*.

Case Study: City of Santa Clara Adopts New Code of Ethics and Values

In 2000, the City of Santa Clara adopted a new Code of Ethics and Values that focuses on encouraging ethical behavior and deterring unethical behavior by commitment to the values. Santa Clara's code is a good example of how the steps in the ILG ethics guide could be implemented. In preparation for the Code, Santa Clara established a committee to study the feasibility of creating a new Ethics Ordinance, consisting of three elected officials, nine City commissioners, two community members, the City Manager and the City Attorney. Santa Clara formed a partnership with Santa Clara University's Markkula Center for Applied Ethics to identify the City's "core values."¹²

Since the Code's adoption, workshops have been held for elected officials and department heads in the City to familiarize them with the Code and identify how it can be a practical tool in fulfilling their roles and responsibilities in government. The City's use of values and guidelines for public service has received national attention and become a model for other communities. To view the full text of the Santa Clara Code of Ethics and Values see Attachment 3.

CONCLUSION

Many jurisdictions have adopted a behavior-based code of conduct in order to establish and maintain high standards of personal and professional conduct in government. According to ILG, the process of creating a code is not "a one-time event, but rather an on-going process that includes revising the code of ethics on a regular basis to reflect the current issues."¹³ One of the challenges of having a behavior-based code is that it is difficult to enforce. Codes of conduct often contain similar statements of broad principles that encourage positive behavior. However, as the California Research Bureau notes, "...no code can cover the scope and complexity of decisions and actions required of individuals who serve in the public sector."

Having a code of conduct is only part of the solution. It can only be effective and practically useful with committed dissemination, implementation, and monitoring at all levels so that behavior is influenced. Other factors to consider are whether or not existing behavior-based code of conduct laws have been tested or used to determine their efficiency. Most jurisdictions surveyed indicated that compliance with the code was good and they were unaware of violations or instances requiring the use of penalties.

¹² Eight core values were adopted (ethical, professional, oriented, fiscally responsible, organized, communicative, collaborative, and progressive). City of Santa Clara, Ethics Model for Other Communities, http://ci.santa-clara.ca.us/city_gov/city_gov_values.html.

¹³ Speers, JoAnne, "Developing a Local Agency Ethics Code: A Process-Oriented Guide," 2003 Institute for Local Government.

If the Board of Supervisors believes that the City's existing ethics policies should be strengthened, it has a variety of options to choose from including creating a behavior-based ethics policy (and implementing penalties for violations, if necessary), creating a code of civility, or adopting rules of decorum. This is a policy decision for the Board of Supervisors.

Attachment 1: Local Agencies Codes of Ethics

- Calistoga
- Campbell
- Elk Grove
- Folsom
- Fresno
- Goleta
- Highland
- Huntington Beach
- Los Angeles
- Los Angeles County Metropolitan Transportation Authority
- Los Angeles World Airports
- Modesto
- Mountain View
- Murrieta
- New York
- Oakland
- Ojai
- Oxnard
- Pittsburgh
- Pismo Beach
- Sacramento
- San Diego
- San Jose
- Santa Clara
- Santa Maria
- Seattle
- Simi Valley
- Sonoma
- Sunnyvale
- Thousand Oaks
- Watsonville
- Woodside

Attachment 2: Sample Censure Procedures

Los Angeles City Council - Disapproval and Censure Policies¹⁴

Disapproval (Council Rule 87)

The Council may adopt a resolution of disapproval in the same way as provided for the adoption of any resolution, provided that the Councilmember who is the subject of the resolution is permitted to speak in his or her defense prior to action on the motion for adoption of the resolution. However, the fact that the Councilmember who is the subject of a disapproval resolution does not choose to respond to the resolution or does not attend the meeting at which the resolution is to be adopted shall not prevent the Council from adopting the resolution, provided the Councilmember had actual notice of the inclusion of the resolution on the agenda and had a reasonable opportunity to attend the meeting.

Censure (Council Rule 88)

A request for censure of a member of the Council may be submitted to the City Clerk by any member of the Council. The request shall contain the specific charges on which the proposed censure is based. The request for censure shall be considered by a five member ad hoc committee of the Council established by the President of the Council or, if the President is the subject of the censure, then established by the President Pro Tempore. The ad hoc committee shall not include the member making the request or the member who is the subject of the request. The City Clerk shall deliver a copy of the request for censure and the charges to each member of the Council at least 72 hours prior to the first meeting of the ad hoc committee at which the request will be first considered. The committee shall permit testimony from both the member making the request and the member subject to the request and shall determine whether: (a) further investigation of the charges is required in order to determine if a censure hearing is warranted; or (b) the matter is to be set for censure hearing; or (c) no further action should be taken with respect to the request. The committee shall present its recommendations to the Council for its consideration and action as provided below.

If the ad hoc committee determines no further action should be taken with respect to the request, the committee shall report that to the Council at its earliest opportunity. If the committee determines that further investigation is required, the committee shall conduct an investigation, arrive at its recommendation, and report its conclusions, findings and a summary of its proceedings to the Council at its earliest opportunity. If the ad hoc committee does not report its recommendations and findings to the Council within 30 days of the formation of the committee and receipt of the request for censure, the matter shall automatically be sent to the Council for its consideration.

Upon receipt of the report of the ad hoc committee, or at the expiration of the time for the ad hoc committee to report, Council shall place the matter on its agenda to determine whether or not a censure hearing is warranted. If the Council decides to set the matter for a censure hearing, it shall schedule it no sooner than two weeks after its determination to hear the matter. It may not

¹⁴ Source: Rules of the Los Angeles City Council, As Amended January 2007, <http://cityclerk.lacity.org/cps/pdf/CouncilRules.pdf>.

schedule the matter during any previously scheduled excused absence of the subject Council Members. Written notice of the hearing shall be delivered in person to the member of the Council subject to the censure hearing or to the member's City office as least ten (10) days in advance of the scheduled hearing.

At the censure hearing, the member of the Council who is the subject of the request for censure shall be given the opportunity to make an opening and a closing statement, to call witnesses on his or her behalf and to question his or her accusers. The member subject to the charges may be represented by a person or persons of his or her choice whether or not an attorney at law and may have that representative speak or question witnesses on his or her behalf. The questioning or cross-questioning of witness may be reasonably limited by the person chairing the hearing.

Testimony shall be taken only from witnesses having direct knowledge of facts or circumstances relevant to the specific charges under consideration. However, the rules of evidence and judicial procedure applicable in courts of law shall not be application to this hearing, and the procedures shall be generally informal.

City of San Jose – Admonition, Sanction, and Censure Policies¹⁵

Admonition

1. A request for an admonition must be submitted to the Rules Committee in writing by a member of the Council. The request should contain the specific language of the proposed admonition.
2. The Rules Committee shall determine whether to forward the proposed admonition to the full Council for consideration as part of the Rules Committee report agenda item at the appropriate subsequent Council meeting.
3. An admonition can be approved by a majority vote of the Council.

Sanction

1. A request for sanction must be submitted to the Rules Committee in writing by a member of the Council. The request should contain specific allegations of conduct in violation of federal or state law, City ordinances, and City policies, including the Code of Ethics.
2. A copy of the request for sanction shall be provided to the Council Member accused of the conduct prior to the Rules Committee meeting at which it will be considered.
3. The Rules Committee shall determine that either:
 - a) The proposed sanction should be forwarded to the City Council for consideration as part of the Rules Committee report agenda item at the appropriate subsequent Council meeting; or
 - b) No action is required.
4. This determination is subject to confirmation by the City Council as part of the Rules Committee report at the next Council meeting.
5. A sanction is based on the Council's review of the written record and approved by a majority vote of the Council.

¹⁵ Source: City of San Jose, City Council Conduct Policy, November 8, 2004.

Censure

1. A request for a censure hearing must be submitted to the Rules Committee in writing by a member of the Council. The request must contain the specific allegations of conduct in violation of federal or state law, City ordinances, and City policies, including the Code of Ethics, upon which the proposed censure is based.
2. A copy of the request for censure and the charges shall be served on the Council Member accused of the conduct at least twenty-four (24) hours prior to the Rules Committee meeting at which it will be considered.
3. The Rules Committee shall determine that either:
 - a) Further investigation of the charges is required; or
 - b) The matter is to be set for a separate public hearing; or
 - c) No action is required.
4. This determination is subject to confirmation by the City Council as part of the Rules Committee report at the next Council meeting.
5. Depending on the determination of the Rules Committee and the confirmation of the City Council;
 - a) If further investigation is required, it shall be done by an ad hoc committee appointed by the Mayor. If the Mayor is the subject of the charges, the committee shall be appointed by the Vice Mayor. The following guidelines apply to ad hoc committee investigations:
 - i) The committee may be staffed by administrative and legal staff.
 - ii) If authorized by City Council, the committee may subpoena witnesses and documents.
 - iii) In making a determination, the committee should determine if taking all of the facts and evidence into consideration, there are reasonable grounds to believe or not believe that the conduct, violation, or offense occurred.
 - iv) The committee shall issue a final report and recommendations to the City Council. The final report shall be made available to the public.
 - b) If a separate public hearing is set, it must be set far enough in advance to give the member of Council subject to the charges adequate time to prepare a defense, and that member shall be given the opportunity to make an opening and closing statement and to question his or her accusers. The member subject to the charges may be represented and may have the representative speak or question on his or her behalf. The Mayor, or Vice Mayor if the Mayor is the subject of the charges, would preside at the hearing. The rules of evidence shall not apply to the hearing, which is not a formal adversarial proceeding. The City Attorney or designee shall provide legal advice to the City Council during the hearing.
6. A decision to censure requires the adoption of a Resolution making findings with regard to the specific charges, based on substantial evidence, and approved by a two-thirds vote of the Council.

Attachment 3: City of Santa Clara Code of Ethics and Values

Preamble

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of Santa Clara has adopted this Code of Ethics & Values to promote and maintain the highest standards of personal and professional conduct in the City's government. All elected and appointed officials, City employees, volunteers, and others who participate in the city's government are required to subscribe to this Code, understand how it applies to their specific responsibilities, and practice its eight core values in their work. Because we seek public confidence in the City's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this code.

1. As a Representative of the City of Santa Clara, I will be ethical.

In practice, this value looks like:

- a. I am trustworthy, acting with the utmost integrity and moral courage.
- b. I am truthful, do what I say I will do, and am dependable.
- c. I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, and financial and other personal interests that impair my independence of judgment or action.
- d. I am fair, distributing benefits and burdens according to consistent and equitable criteria.
- e. I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting decisions.
- f. I show respect for persons, confidences, and information designated as "confidential."
- g. I use my title(s) only when conducting official City business, for information purposes, or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority.

2. As a Representative of the City of Santa Clara, I will be professional.

In practice, this value looks like:

- a. I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
- b. I approach my job and work-related relationships with a positive attitude.
- c. I keep my professional knowledge and skills current and growing.

3. As a Representative of the City of Santa Clara, I will be service-oriented.

In practice, this value looks like:

- a. I provide friendly, receptive, courteous service to everyone.
- b. I am attuned to, and care about, the needs and issues of citizens, public officials, and city workers.
- c. In my interactions with constituents, I am interested, engaged, and responsive.

4. As a Representative of the City of Santa Clara, I will be fiscally responsible.

In practice, this value looks like:

- a. I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the City, especially its financial stability.
- b. I demonstrate concern for the proper use of City assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.
- c. I make good financial decisions that seek to preserve programs and services for City residents.

5. As a Representative of the City of Santa Clara, I will be organized.

In practice, this value looks like:

- a. I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long term goals.
- b. I follow through in a responsible way, keeping others informed, and responding in a timely fashion.
- c. I am respectful of established City processes and guidelines.

6. As a Representative of the City of Santa Clara, I will be communicative.

In practice, this value looks like:

- a. I convey the City's care for and commitment to its citizens.
- b. I communicate in various ways that I am approachable, open-minded and willing to participate in dialog.
- c. I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response, which adds value to conversations.

7. As a Representative of the City of Santa Clara, I will be collaborative.

In practice, this value looks like:

- a. I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
- b. I work towards consensus building and gain value from diverse opinions.
- c. I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.
- d. I consider the broader regional and State-wide implications of the City's decisions and issues.

8. As a Representative of the City of Santa Clara, I will be progressive.

In practice, this value looks like:

- a. I exhibit a proactive, innovative approach to setting goals and conducting the City's business.
- b. I display a style that maintains consistent standards, but is also sensitive to the need for compromise, "thinking outside the box," and improving existing paradigms when necessary.
- c. I promote intelligent and thoughtful innovation in order to forward the City's policy agenda and City services.