

**CITY OF EL CAJON
CITY COUNCIL POLICY**

SUBJECT:

CODE OF ETHICS AND CONDUCT FOR ELECTED AND APPOINTED OFFICIALS

POLICY

A-23

REFERENCE:

Adopted 9/23/2019

EFFECTIVE

9/23/2019

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PURPOSE

To establish a policy to assure public confidence in the integrity of all Elected and Appointed Officials (“Officials”) and to instill public confidence and trust in the fair operation of El Cajon’s municipal government. Appointed Officials are defined as appointees to boards, committees, and commissions.

ETHICS & CONDUCT

The citizens and those doing business in and with the City of El Cajon are entitled to fair, ethical, and accountable local government. It is imperative that the City’s Officials adhere to the following principles:

Stewardship of Public Interest

Elected and Appointed Officials recognize that their stewardship of the public interest must be their primary concern. Officials shall work for the common good of the people of El Cajon and not for any private or personal interest, continually guiding the City to its greatest potential. Officials shall assure fair and equal treatment of all persons and transactions.

Above Reproach

The professional and personal conduct of Elected and Appointed Officials must be above reproach, with respect to duties with the City, professionally, and personally. Officials should avoid even the appearance of impropriety. Officials shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other Officials and the public.

Honor, Integrity, and Wisdom

Elected and Appointed Officials shall comply with both the letter and spirit of the laws; they are independent, impartial, and strive to be fair in their judgment; they conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility; and they represent the City with honor, integrity, and wisdom.

To meet the objectives of these principles, Officials shall conduct themselves in accordance with the following ethical standards and expectations of conduct:

1. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, Officials will work for the common good of the people of El Cajon and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.

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2. **Comply with the Letter and Spirit of the Law and City Policy.** Officials shall comply with the Constitutions and the laws of the nation and the State of California, and ordinances of the City of El Cajon in the performance of their public duties.
3. **Conduct of Officials.** The professional and personal conduct of Officials while exercising their office must be above reproach and avoid even the appearance of impropriety. Officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards, Committees and Commissions, the staff, or public. This includes respect for the processes established by the City and in a manner in which Officials treat each other, the public, and staff with respect and fairness at public meetings.
4. **Decisions Based on Merit.** Officials shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations and shall exercise fairness, honesty, and independent judgment as decision makers and advisors. When making adjudicative decisions (those decisions where the Official is called upon to determine and apply facts peculiar to an individual case), Officials shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented at the hearing along with facts which may be commonly known to the public, and applicable law. Officials can consider the interrelatedness of decisions and the long-range consequences of present actions.
5. **Communication.** For adjudicative matters pending before the body, Officials shall refrain from receiving information outside of an open public meeting or the agenda materials, except on advice of the City Attorney. Officials shall publicly disclose substantive information that is relevant to a matter under consideration by the body which they may have received from sources outside of the public decision-making process, including the Official's own personal knowledge.
6. **Conflict of Interest.** In order to assure their independence and impartiality on behalf of the common good and compliance with conflict of interest laws, Officials shall use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Officials shall not use their official positions to influence government decisions in which they have (a) a material financial interest, (b) an organizational responsibility or personal relationship which may give the appearance of a conflict of interest, or (c) a strong personal bias. An Official who has a potential conflict of interest regarding a particular decision shall disclose the matter to the City Attorney and reasonably cooperate with the City Attorney to analyze the potential conflict. If advised

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by the City Attorney to seek advice from the Fair Political Practices Commission (FPPC) or other appropriate state agency, an Official shall not participate in a decision unless and until he or she has requested and received advice allowing the Official to participate. An Official shall diligently pursue obtaining such advice. The Official shall provide the Mayor and the City Attorney a copy of any written request or advice, and conform his or her participation to the advice given. In providing assistance to Official, the City Attorney represents the City and not individual Officials. In accordance with the law, Officials shall disclose investments, interests in real property, sources of income, and gifts; and if they have a conflict of interest regarding a particular decision, shall not, once the conflict is ascertained, participate in the decision and shall not discuss or comment on the matter in any way to any person including other Officials unless otherwise permitted by law.

7. **Gifts and Favors.** Officials shall not take any special advantage of services or gifts and favors. Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting gifts, favors, or promises of future benefits which might compromise their objectivity or give the appearance of being compromised.
8. **Confidential Information.** Officials must maintain the confidentiality of all written materials and verbal information provided to Officials which is confidential or privileged. Officials shall neither disclose nor use confidential information, without proper legal authorization, to further a personal interest or interest for a private party.
9. **Use of Public Resources and Advocacy.** Officials shall not use public resources which are not available to the public in general (e.g., City staff time, equipment, supplies or facilities) for private gain, political advantage, or for personal purposes not otherwise authorized by law. Further, in keeping with their role as stewards of the public interest, Officials shall not appear or advocate on behalf of private interest or third parties before City. When presenting their individual opinions and positions, Officials shall explicitly state they do not represent their body or the City of El Cajon.
10. **Positive Work Place Environment.** Officials shall support a positive and constructive work environment for City employees and for the citizens and businesses interacting with the City. Officials shall recognize their special role in dealing with City employees to in no way create the perception of inappropriate direction to employees and shall treat City employees in a respectful manner. Further, Officials shall respect and adhere to the council-manager structure of the City's government, as defined in the Municipal Code.

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ADMONITION & CENSURE

The City Council, acting as a whole, may adopt a resolution of admonition or censure expressing the City Council's disapproval of the conduct of an Official, if the City Council finds, subject to the procedures set forth herein, that an Official's conduct violates federal, state, or local law, or any by-law, standing order, or this "Code of Ethics and Conduct for Elected and Appointed Officials."

Depending on the circumstances of alleged violations of law or policy, the City Council may initiate an investigation of the allegations prior to the filing of a request for any of the actions described in this policy.

Nothing in this policy shall preclude individual Councilmembers from making public statements regarding such alleged conduct.

At any point during any of the processes described in this policy, the City Council may refer the matter, as appropriate, to the San Diego County District Attorney for investigation. Following such a referral, the City Council may proceed with any actions it chooses to undertake under the provisions of this policy. While the City Council has broad discretion in deciding actions it may choose to take in response to violations of law or policy, this policy provides definitions and procedures related to two types of action: admonition and censure.

1. **Admonition.** An admonition may typically be directed to all members of the City Council, commission, board, or committee, reminding them that a particular type of behavior is in violation of law or City policy, and that, if it occurs or is found to have occurred, could make a member subject to censure. An admonition may be issued in response to a particular alleged action or actions, although it would not necessarily have to be triggered by such allegations. An admonition may be issued by the City Council prior to any findings of fact regarding allegations, and because it is a warning or reminder, would not necessarily require an investigation or separate hearings to determine whether the allegation is true. An admonition may also be treated as taking action to criticize an Official's conduct. The right to criticize is protected by the First Amendment, and may be done individually, or as a whole by motion.
2. **Informal Admonition.** An individual Councilmember can make an admonition at any Council meeting during the Public Presentations or Reports of Members and Special Committees portion of the meeting.

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3. **Censure.** Censure is an official reprimand or condemnation made by City Council in response to specified conduct by one of its own members or that of a member of a board, commission, or committee. Censure is disciplinary in nature, and requires the formal adoption of a resolution setting forth the Official's alleged violations of law or policies. Censure may require an investigation, and must protect the due process rights of the Official. Censure carries no fine or suspension of the rights of a council member as an elected official but a censure is a punitive action that serves as a punishment for wrongdoing. Possible penalties of a censure may include loss of committee assignments or other privileges afforded to Officials. For non-elected Officials, a censure could include termination of appointment.

The City Council may request a formal censure action be placed on a Council agenda. The City Clerk shall provide notice of the possible censure to the Councilmember who is the subject of the action. The notice shall contain the specific charges on which the proposed censure is based and the date and time that the matter will be heard. Upon hearing the testimony, the Council may take action by resolution setting forth its findings and stating the terms of the censure.