

2

LCW'S PROPOSED CITY CODE OF ETHICS AND VALUES

REPLACEMENT TO: CITY CODE OF ETHICS & VALUES

Title: City Council Code of Ethics and Values

Preamble

The residents of the City of Santa Clara are entitled to responsible, fair, honest, and ethical City government. Elected officials should conduct their official and private affairs so as not to give a reasonable basis for the impression that any such official can be improperly influenced in the performance of their public duties. It is also important that elected officials maintain an environment where all those involved in the governing process feel welcome to participate because they will be treated ethically and respectfully.

Values of Elected Officials

- **Accountability**—the willingness to accept responsibility and account for one's actions.
- **Fairness**—ensuring equity and due process.
- **Impartiality**—loyalty to the public good.
- **Diversity**—embracing histories, values, and ideas from all backgrounds, and recognizing their contribution to improving the City's operations, services, and programs.
- **Transparency**—policies and procedures that are open to public observation and scrutiny.
- **Integrity**—the practice of being truthful, seeking truth, and adherence to the City's values.

Responsibilities of Elected Officials

It is incumbent for every elected official to uphold this City Council Code of Ethics and Values. The elected officials commit to undertaking their responsibilities with the highest ethical principles, placing the public's interest above their own. The elected officials pledge to uphold the following principles:

1. **As an elected official, I will act in the public's interest.** Elected officials must work for the common good of the residents of the City and not for any private or personal interest. Elected officials will not permit personal interests to impair their judgment or action. Elected officials will be impartial, ensuring that decisions are free of bribes,

unlawful gifts, or other improper influence. Elected officials will disclose, and if necessary, recuse themselves from the decision-making process and any activities, dealings, and transactions on behalf of the City that may relate to my personal, financial, or outside activities. Elected officials will not use their position with the City for private gain, for the endorsement of any product, person or enterprise, or for private gain of relatives or friends.

2. **As an elected official, I will be accountable.** Elected officials must comply with all federal, State, and City laws and regulations as well as applicable policies and procedures in the performance of their duties.

3. **As an elected official, I will act above reproach.** The professional and personal conduct of elected officials must be above reproach and avoid even the appearance of impropriety. Elected officials must refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other elected officials, Boards or Board members, Commissions or Commission members, Committees or Committee members, City volunteers, City staff, and members of the public. Elected officials will be accurate, courteous, civil, and honest in all written and oral interactions with others. Respect for each other, the municipality, other City elected and appointed officials, City staff, and members of the public is critical to maintaining an environment where there is free and open discussion. Such an environment leads to better decision-making for the City. Accordingly, elected officials will act above reproach at all times.

4. **As an elected official, I will place the public's trust before my personal interests.** Elected officials must not accept any gifts or favors which might compromise their independence of judgment or action, or give the appearance of being compromised. Elected officials will abide by all applicable requirements pertaining to gifts or favors and gratuities, including donations and honoraria.

5. **As an elected official, I will properly use public and City resources.** Elected officials will be fiscally responsible. Elected officials will adhere to all policy and procedures and contractual commitments to safeguard the integrity of the City's procurement and bidding and competitive processes. Elected officials must not use public resources unavailable to the public in general, such as City staff time, equipment, supplies, or facilities, for private gain or personal purpose.

6. **As an elected official, I will safeguard data and information entrusted to me.** Elected officials will safeguard City data to preserve confidentiality and privacy

concerning the property, personnel, or other affairs of the City. Elected officials will handle and safeguard all non-public and proprietary information as protected under agreement or public law. Elected officials protect all City assets, resources, and information from loss, theft, and misuse. Elected officials will protect the interests of the City and those who have placed their trust in them.

- 7. As an elected official, I will avoid conflicts of interest.** To assure their independence and impartiality on behalf of the common good, elected officials must not use their official positions on the Council to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

(CONSIDER A FORM FOR ELECTED OFFICIALS TO SIGN):

I affirm that I have read and understand the above City Council Code of Ethics and Values.

My signature on this form certifies that I have received and read this City Council Code of Ethics and Values and that I will abide by this Code:

SIGNATURE LINE

Council's Relation with City Staff

Elected officials must respect the Council-Manager form of government. The City Manager implements Council's vision, policies, and goals through the City staff and is responsible for directing the day-to-day operations of the City. Elected officials value partnering and collaborating with the City Manager and the City organization to achieve the community's vision. The Council-Manager relationship is affected by the expectations, styles, and personalities of the Council and City Manager who are in place at the time. Despite the value of partnership and collaboration, these policies are intended to establish boundaries and expectations based upon the role of the City Manager and the Council-Manager form of government structure. As such, they transcend individual personalities and styles that might affect their implementation.

To enhance their working relationship with staff, elected officials should be mindful of the support and resources needed to accomplish City goals. When communicating and working with staff, elected officials should follow the guidelines below.

1. Elected officials must treat staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Elected officials must practice civility and decorum in all interactions with City staff.

2. Elected officials must be professional in all situations and circumstances, conducting themselves in a consistent, confident, competent, and productive manner.
3. Following the Council-Manager form of government, elected officials should direct routine questions of City staff to the City Manager, City Attorney, department head, or designee (i.e. staff assigned to support a subcommittee, project, or specific task). Elected officials should not set up meetings with staff directly but work through the City Manager, City Attorney, department head, or designee. When in doubt about appropriate staff contact, elected officials should ask the City Manager.
4. The Council must understand that the City Manager and staff are responsible for implementing City and/or City Council action. The Council should not direct program administrative functions and implementation; rather it should provide policy guidance to the City Manager.
5. Elected officials should attempt to communicate questions, corrections, and/or clarifications about reports requiring official action to staff prior to Council meetings. Early feedback will enable staff to address such questions before the meeting, resulting in a more efficient meeting discussion.
6. Elected officials should not direct the City Manager or City staff to initiate any action, change a course of action, or prepare any report without the approval of the Council. The City Manager's responsibility is to advise on resources available and required for a particular course of action as it relates to Council direction.
7. Elected officials should not attend department staff meetings unless invited or requested by the City Manager.
8. Elected officials should direct any concerns related to the behavior or work of a City employee to the City Manager. Elected officials should not reprimand employees directly nor should they communicate their concerns publicly.