



City of Santa Clara

Meeting Agenda

Governance and Ethics Committee

Monday, December 2, 2024

1:00 PM

City Hall – Council Chambers
1500 Warburton Avenue
Santa Clara, CA 95050

The City of Santa Clara is conducting Governance and Ethics Committee meetings in-person and continues to have methods for the public to participate remotely or in-person.

- Via Zoom: <https://santaclaraca.zoom.us/j/98559951444>
- Webinar ID: 985 5995 1444
- By phone: +1 669 444 9171

To submit written public comment before meeting:

Send email to mayorandcouncil@santaclaraca.gov by 9 a.m. the day of the meeting. Those emails will be forwarded to Committee members and will be uploaded as supplemental meeting material.

Note: Emails received as public comment will not be read aloud during the meeting.

CALL TO ORDER AND ROLL CALL

CONSENT CALENDAR

- 1A. 24-863 [Approval of the October 4, 2024 Governance and Ethics Committee Special Meeting Minutes](#)

Recommendation: Approve the minutes of the October 4, 2024
Governance and Ethics Committee Special Meeting

PUBLIC PRESENTATIONS

[This item is reserved for persons to address the body on any matter not on the agenda that is within the subject matter jurisdiction of the body. The law does not permit action on, or extended discussion of, any item not on the agenda except under special circumstances. The governing body, or staff, may briefly respond to statements made or questions posed, and appropriate body may request staff to report back at a subsequent meeting.]

GENERAL BUSINESS

- 2. **24-705** [Presentation by Outside Consultant of the Review of and Recommendations Regarding Existing City’s Ethics Policies and Solicitation of Committee Input on Appropriate Next Steps](#)

Recommendation: Receive Consultant’s Report and Provide Any Input to the Consultant’s Recommendations

- 3. **24-772** [Discussion and Direction on District Communication Options](#)

Recommendation: Provide Direction on District Communication Options Recommendations by the Governance and Ethics Committee and Forward for Consideration and Approval by the City Council.

STAFF REPORTS

COMMITTEE MEMBER REPORTS / FUTURE REFERRAL ITEMS FOR CONSIDERATION

ADJOURNMENT

MEETING DISCLOSURES

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Santa Clara, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

If a member of the public submits a speaker card for any agenda items, their name will appear in the Minutes. If no speaker card is submitted, the Minutes will reflect "Public Speaker."

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Santa Clara will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities, and will ensure that all existing facilities will be made accessible to the maximum extent feasible. The City of Santa Clara will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities including those with speech, hearing, or vision impairments so they can participate equally in the City's programs, services, and activities. The City of Santa Clara will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Agendas and other written materials distributed during a public meeting that are public record will be made available by the City in an appropriate alternative format. Contact the City Clerk's Office at 1 408-615-2220 with your request for an alternative format copy of the agenda or other written materials.

Individuals who require an auxiliary aid or service for effective communication, or any other disability-related modification of policies or procedures, or other accommodation, in order to participate in a program, service, or activity of the City of Santa Clara, should contact the City's ADA Coordinator at 408-615-3000 as soon as possible but no later than 48 hours before the scheduled event.



Agenda Report

24-863

Agenda Date: 12/2/2024

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Approval of the October 4, 2024 Governance and Ethics Committee Special Meeting Minutes

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

There is no fiscal impact to the City other than administrative staff time.

PUBLIC CONTACT

Public contact was made by posting the Governance and Ethics Committee agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Approve the minutes of the October 4, 2024 Governance and Ethics Committee Special Meeting

Reviewed by: Maria Le, Assistant to the City Manager, City Manager's Office

Approved by: Jovan D. Grogan, City Manager

ATTACHMENTS

1. October 4, 2024 Governance and Ethics Committee Meeting Minutes



City of Santa Clara

Meeting Minutes

Governance and Ethics Committee

10/04/2024

10:00 AM

City Hall – Council Chambers
1500 Warburton Avenue
Santa Clara, CA 95050

Special Meeting

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- Via Zoom: <https://santaclaraca.zoom.us/j/98559951444>
- Webinar ID: 985 5995 1444
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CALL TO ORDER AND ROLL CALL

Chair Chahal called the meeting to order at 10:09 a.m.

Present 3 - Chair Raj Chahal, Member Suds Jain, and Member Kevin Park

CONSENT CALENDAR

1A. [24-706](#) Approval of the July 2, 2024 Governance and Ethics Committee Special Meeting Minutes

Recommendation: Approve the minutes of the July 2, 2024 Governance and Ethics Committee Special Meeting

Committee Member Jain motioned, seconded by Committee Member Park to approve the meeting minutes for the July 2, 2024 Governance and Ethics Committee meeting.

Aye: 3 - Chair Chahal, Member Jain, and Member Park

PUBLIC PRESENTATIONS

None.

GENERAL BUSINESS

2. [24-437](#) Review and Discussion of Text Message Retention

Recommendation: Consider and direct staff to develop possible modifications to Council Policy 046 regarding the City's text message retention policy, for consideration and approval by the full City Council

Staff presented information on potential options for a text messaging archive platform, Smarsh, for City-issued mobile phones. The Committee discussed various options for maintaining text messages as public records on both City and personal mobile devices for City business matters.

Committee Member Park motioned, seconded by Committee Member Jain and motioned approved to: 1) Adopt the 2-year retention policy for text messages in Council Policy 046 and forward to full City Council for consideration and approval. 2) The Committee directed staff to return to the Governance and Ethics Committee with additional options for other applications for text message retention, in addition to SMARSH for consideration by the Committee.

Aye: 3 - Chair Chahal, Member Jain, and Member Park

3. [24-707](#) Action on a Council Policy for Meeting Management Procedures and Protocols for Recommendation to the City Council for its Consideration and Approval

Recommendation: Consider proposed new Council Policy 054, entitled Council Meeting Management Procedures and Protocols, and provide direction to staff as the Committee deems appropriate to forward the policy, with any approved modifications, for consideration and approval by the City Council

City Attorney Glen Googins presented on Agenda item #3 - Action on a Policy for Meeting Management protocols. City Attorney Googins presented information on a recommended formal policy and procedure, Council Policy 054 ("City Council Meeting Management Procedures and Protocols") for consideration by the Committee.

City Attorney Googins stated some rules are consistent with current Council practices that had not been formalized, other proposed rules and procedures are taken directly by Rosenberg's Rules of Order, or are based on "best practice" rules used by other cities. The policy is expressly subject to the requirements of the Brown Act and the terms of the City Charter.

The Committee discussed the draft policy for consideration to be forwarded to the full City Council for its consideration. **Committee Member Park** commented the policy should not discourage debate or additional rounds of questions.

Committee Member Jain motioned, seconded by **Committee Member Park** and motion passed to approve the staff recommendations as presented for Council Policy 054 for Meeting Management Procedures.

Aye: 3 - Chair Chahal, Member Jain, and Member Park

4. [24-704](#) Review and Discussion of Mayoral Certificates of Recognition and Possible Recommendations to bring forth to the City Council for Consideration

Recommendation: Discuss and provide direction regarding Mayoral Certificates of Recognition

Staff presented background on Item #4 for the Review and Discussion of Mayoral Certificates of Recognition and possible revisions to the policy. Staff presented background that on the June 10, 2024, the Committee requested further discussion on Mayoral Certificates of Recognition. On September 10, 2024, the City Council approved amendments to Council Policy 020 (“Proclamations, Commendations and Certificates of Recognition”) which included substantial changes to the policy to include City Council signatures on Proclamations & Commendations, and the addition of a new City Council District Certificates of Recognition which bear the signature of the Mayor and the particular City Councilmember.

The Committee had a discussion on Council Policy 020. Committee members discussed potentially including a process in the policy to change the guidelines specifically for Mayoral Cert to include the signature of a City Councilmember when requested, in addition to the Mayor, on the Mayoral Certificates of Recognition.

Committee Member Jain motioned, seconded by Committee Member Park to amend Council Policy 020 for Mayoral Certificates of Recognition, if requested by a Councilmember of particular Council district and if Councilmember has interest in the organization, the Mayoral Certificate of Recognition also bear the signature of the Mayor and City Councilmember. The action was to bring this forth to the full City Council for consideration.

Aye: 2 - Chair Chahal, and Member Jain

Nay: 1 - Member Park

STAFF REPORT

None.

COMMITTEE MEMBER REPORTS / FUTURE REFERRALS FOR CONSIDERATION

None.

ADJOURNMENT

Chair Chahal adjourned the meeting at 2:41 p.m.

Committee Member Jain motioned to adjourn the meeting, seconded by Committee Member Chahal to adjourn at 2:41 p.m.

The next regular Special Governance and Ethics Committee meeting is on December 2, 2024 at 1 p.m.

MEETING DISCLOSURES

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Agenda Report

24-705

Agenda Date: 12/2/2024

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Presentation by Outside Consultant of the Review of and Recommendations Regarding Existing City's Ethics Policies and Solicitation of Committee Input on Appropriate Next Steps

BACKGROUND

In June 2023, the Governance and Ethics Committee discussed the City's ethics program and referred the matter to the full Council. In July 2023, the City Council heard the item and directed staff to: Conduct a special meeting with the City Council to include AB1234 Ethics annual training with the City Attorney. The AB 1234 training took place on October 26, 2023, and another session is being scheduled for early 2025. The Council also directed staff to explore hiring a consultant for the review of existing City Ethics documents. LCW has been retained to review existing City Ethics documents after a Request for proposal process was completed to solicit qualified firms to review current behavioral standards and existing ethics documents per the City Council direction. Documents identified for review include the City Code of Ethics and Values (Attachment 1), Behavioral Standards for Councilmembers (Attachment 2), the City Council Admonition and Censure Policy (Council Policy 047) (Attachment 3), and the City's "revolving door" ordinance (Attachment 4).

The City received three proposals and selected Liebert Cassidy Whitmore (LCW), a law firm with a 40+ year history providing employment law services to public sector clients. LCW's background in the evaluation of ethical conflicts and the provision of ethics training made them a strong candidate to conduct this work in the City of Santa Clara.

LCW is working on this project, and **Morin I. Jacob, the San Francisco Office's Managing Partner**, is the lead. Ms. Jacob has an extensive employment law advice and counsel practice wherein she works with clients to develop solutions to challenges and legal issues designed to help prevent litigation. She also advises public agencies on issues involving ethics and the conduct of elected officials. In addition, she is a defense-side employment litigator, with experience ranging from pre-litigation through jury trial and appeal. Her jury trial experience includes defense against claims of harassment, discrimination, retaliation and whistleblower allegations. In addition to trials and arbitrations, she represents clients in administrative proceedings and agencies in binding arbitrations and other disciplinary appeal hearings. She also conducts workplace investigations and holds a certificate from the Association of Workplace Investigators.

Morin Jacob's will be present at the December 2, 2024 Governance and Ethics Committee meeting for an update on her efforts.

In addition to the above referral, there were two additional findings and recommendations that resulted from the Grand Jury Report titled, "Irreconcilable Differences". The City Council directed that

the scope of work for the Ethics document review effort be expanded to include one of the referrals regarding adopting robust ethics training strategies supported by policy. This referral has been added to LCWs scope of work.

The other recommendation called for *establishing an Independent Ethics Commission to oversee the behavior of Councilmembers and to ensure they model positive engagement with the public and reclaim the public's trust.*

In response to this referral, the City has released an RFP to solicit assistance from a qualified consultant to identify options and best practices for the structure, powers and duties for such commissions and/or program. Staff will report out on the RFP at a later date since this procurement process is not yet completed.

DISCUSSION

LCW has conducted a review of the following Ethics documents:

1. City Code of Ethics and Values
2. Behavioral Standards for Councilmembers
3. City Council Admonition and Censure Policy (Council Policy 047)
4. Chapter 2.145, Restrictions on activities of City officials and certain City employees

Ms. Jacob will meet with the Governance and Ethics Committee on December 2, 2024 to discuss her review and potential recommendations and efforts pertaining to the aforementioned Ethics documents.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

There is no fiscal impact to the City other than staff time.

COORDINATION

This report was coordinated with the City Attorney's Office and the City Manager's Office.

PUBLIC CONTACT

Public contact was made by posting the Committee agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Receive Consultant's Report and Provide Any Input to the Consultant's Recommendations

ATTACHMENTS

1. City Code of Ethics and Values
2. Behavioral Standards for Councilmembers
3. City Council Admonition and Censure Policy (Council Policy 047)
4. Chapter 2.145, Restrictions on activities of City officials and certain City employees

Code of Ethics & Values

Santa Clara's Code of Ethics & Values, adopted by the City Council in March of 2000 and modified by Council in August of 2001, is designed to provide clear, positive statements of ethical behavior reflecting the core values of the community. The Code includes practical strategies for addressing ethical questions and a useful framework for decision-making and handling the day-to-day operations of the municipality.

The current Code of Ethics & Values was developed in 1999 by a Committee composed of three elected officials, nine City commissioners, two community members, the City Manager and the City Attorney. A previous Code was adopted in the 1960s and periodically updated, but the Committee took a fresh approach by working with the [Markkula Center for Applied Ethics](#) at Santa Clara University to create a new Code of Ethics & Values for the City that would better reflect the issues and concerns of today's complex and diverse society.

ETHICAL STANDARDS FOR CONTRACTORS SEEKING TO ENTER INTO AN AGREEMENT WITH THE CITY OF SANTA CLARA, CALIFORNIA

Goals of the Code of Ethics & Values

- To make Santa Clara a better community, built on mutual respect and trust
- To promote and maintain the highest standards of personal and professional conduct among all involved in City government elected officials, City staff, volunteers, and members of the City's boards, commissions and committees

The Code of Ethics & Values is a touchstone for members of boards, commissions and committees in fulfilling their roles and responsibilities.

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.

Last Updated:

03-22-2019

**City of Santa Clara
PROGRAM IN ETHICS & VALUES**

BEHAVIORAL STANDARDS FOR CITY COUNCIL MEMBERS¹

INTRODUCTION

Ten years ago, the City of Santa Clara began its ethics and values program to foster public trust by promoting and maintaining the highest standards of personal and professional conduct. Since the adoption of the Code of Ethics & Values in 2000, the City Council has promised the people of Santa Clara that Council Members, all elected and appointed officials, candidates for public office, and City Staff will meet the most demanding ethical standards and demonstrate the highest levels of achievement in practicing eight core values identified in the Code.

Those values, which are fundamental to public trust, were adopted to guide the decisions and actions of individual Council Members and the Council as a whole. City Council and City Staff have worked hard to integrate these values into the everyday operating culture of City Hall. The City has conducted extensive outreach to residents encouraging them to hold public officials accountable at the ballot box for being credible role models for these values, in word and in deed, in public or in private.

To help the Council make these values real in their regular work with the City, the Code describes for each value a basic set of character traits and actions residents can expect to see Council Members meet and exceed.

This document translates these traits and actions into concrete behavioral standards for the City Council. These standards describe what impeccable leadership ethics looks like in the everyday work of the Council. They reflect commonly accepted “best practices,” rather than specific issues or problems the Council has faced. The list seeks to include enough positive behaviors to practice (and negative behaviors to avoid) that a reasonable person can assess how credible he or she is as a role model and ethical leader.

This information is presented in four columns. Columns 1 and 2 reproduce the approved Code of Ethics. Columns 3 and 4 list the behavioral standards.

¹ This document is based on the *Behavioral Standards for Commissioners, Boards, and Other Appointed Officials*, developed during 2000-2002, and approved by the City Council in February 2003. A representative committee of Board Members and Commissioners, working with the City’s initial Ethics Ordinance Committee, drafted that document. It was then revised based on extensive feedback from all Board Members, Commissioners, and Staff Liaisons. In a working session in April, 2008, the Council used that document to develop the first draft of its own standards. The City’s Ethics Consultant, Dr. Tom Shanks, and City Staff drafted the final version for City Council review on May 6, 2008. Approved by City Council on May 20, 2008.

**City of Santa Clara
PROGRAM IN ETHICS & VALUES**

BEHAVIORAL STANDARDS FOR CITY COUNCIL MEMBERS

<i>The Code of Ethics & Values</i>		<i>Behavioral Standards</i>	
1 City Core Value	2 Basic Actions and Character Traits	3 Council Members Engage in Positive Behaviors Like	4 Council Members Avoid Negative Behaviors Like
<i>As a Santa Clara representative, I will be:</i>			
<i>Ethical</i>	<i>I am trustworthy, acting with the utmost integrity and moral courage</i>	<ul style="list-style-type: none"> • Making careful decisions, advancing the best long-term interests of the City, after considering all available facts, City Staff recommendations, and public comment 	<ul style="list-style-type: none"> • Making hasty, ill-informed decisions based on politics, bias, faulty assumptions, prejudice, self-interest, gossip, and half-truths
		<ul style="list-style-type: none"> • Voting my honest conviction, explaining my ethical reasoning, respecting the minority, and upholding the majority as the decision of the Council 	<ul style="list-style-type: none"> • Promising my vote before facts are known in order to gain favor with a crony, endorser, lobbyist, or special interest
		<ul style="list-style-type: none"> • Vigorously debating an issue, listening carefully to all sides, making my best judgment call, even if it's not popular, and taking responsibility for my actions 	<ul style="list-style-type: none"> • Saying whatever the vocal public wants to hear, dodging criticism of an unpopular vote, shifting the blame to the majority, other members, or City Staff
		<ul style="list-style-type: none"> • Preparing to vote by assessing how various options advance or harm the best interests of the City as well as the City's Mission and Core Values, working to minimize any harm 	<ul style="list-style-type: none"> • Always taking the short-term view, representing few stakeholders, believing ethics and City values have no bearing on decisions
		<ul style="list-style-type: none"> • Finding an imaginative solution that is in the best interests of the City, is fair, respects individual rights and the Council's duties, and advances City values 	<ul style="list-style-type: none"> • Saying and doing whatever it takes, no holds barred, to advance one's personal position, power, influence or political career

The Code of Ethics & Values		Behavioral Standards	
1 City Core Value	2 Basic Actions and Character Traits	3 Council Members Engage in Positive Behaviors Like	4 Council Members Avoid Negative Behaviors Like
Ethical (continued)	<i>I am truthful, do what I say I will do, and am dependable</i>	<ul style="list-style-type: none"> • Giving complete, factual, unbiased information to colleagues, public, and the press 	<ul style="list-style-type: none"> • Concealing, fabricating, overstating, understating, or denying the truth; spinning the truth; leaving out context
		<ul style="list-style-type: none"> • Making promises to the public, City Staff, and Council members which can be kept and do not exceed the authority of any individual Council Member 	<ul style="list-style-type: none"> • Promising more than can be delivered, overextending oneself, or taking sole credit for the work of the Council and others
	<i>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</i>	<ul style="list-style-type: none"> • Seeking advice from the City Attorney and City Manager when confronting a real or potential conflict of interest, and making a full public disclosure when the Council considers the agenda item 	<ul style="list-style-type: none"> • Helping a friend get a project through the Council in return for a donation to a campaign fund, school or charity, or the gift of tickets or another perk
		<ul style="list-style-type: none"> • Having declared a conflict, leaving the dais and Council Chambers, so other Council members are free of any undue influence 	<ul style="list-style-type: none"> • Talking to fellow Council Members prior to declaring a conflict, and asking them to take care of the item in a way that advances personal interests
	<i>I am fair, distributing benefits and burdens according to consistent and equitable criteria</i>	<ul style="list-style-type: none"> • Listening attentively to all sides, keeping an open mind and avoiding even the appearance of bias, following precedents consistently, treating equals equally 	<ul style="list-style-type: none"> • Paying more attention to friends' and supporters' projects • Making "back room" deals and decisions • Giving preferential treatment to special interests, consultants, and former Council Members

The Code of Ethics & Values		Behavioral Standards	
1 City Core Value	2 Basic Actions and Character Traits	3 Council Members Engage in Positive Behaviors Like	4 Council Members Avoid Negative Behaviors Like
Ethical (continued)	<i>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</i>	<ul style="list-style-type: none"> • Being available to anyone who wants to discuss an issue, keeping an open mind and not committing to vote for or against an item until after hearing the full public discussion 	<ul style="list-style-type: none"> • Promoting the interests of the business community without first considering the interests of all stakeholders • Giving special treatment to the companies that pay the most in taxes and to my largest campaign donors
	<i>I show respect for persons, confidences, and information designated as “confidential”</i>	<ul style="list-style-type: none"> • Referring media questions on Closed Session or other confidential matters to the City Manager’s Office, rather than saying “No Comment” 	<ul style="list-style-type: none"> • Telling others about Closed Session proceedings, especially when it is an important issue and I want input on how to decide • Confirming a rumor, remaining silent, communicating non-verbally, or in other ways providing information that is confidential or that the Council Member has promised not to reveal
		<ul style="list-style-type: none"> • Treating the public and City Staff, at all times, the way I treat highly regarded colleagues in businesses or professions 	<ul style="list-style-type: none"> • Acting based on stereotypes, rumors, “ancient history,” and prior negative experiences with an individual or groups
		<ul style="list-style-type: none"> • Bringing to the attention of the City Manager any concern about the actions or work of City Staff, or any complaint from the public 	<ul style="list-style-type: none"> • Criticizing or embarrassing the City Manager or other City Staff in public • Failing to publicly recognize extraordinary City Staff work

The Code of Ethics & Values		Behavioral Standards	
1 City Core Value	2 Basic Actions and Character Traits	3 Council Members Engage in Positive Behaviors Like	4 Council Members Avoid Negative Behaviors Like
Ethical (continued)		<ul style="list-style-type: none"> • Showing courtesy and interest in word and action to City Staff, public, and elected and appointed officials 	<ul style="list-style-type: none"> • Complimenting the work of a single City Staff member when a staff team actually did the work
		<ul style="list-style-type: none"> • Speaking and acting out of the belief that City Staff and all members of the Council are on the same team and committed to doing their best to serve residents 	<ul style="list-style-type: none"> • Engaging publicly or privately in personal verbal attacks against Council colleagues or City Staff; interrupting while they are speaking, rolling eyes, demeaning them, or in other ways treating them inappropriately
Professional	<i>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</i>	<ul style="list-style-type: none"> • Using City titles for identification at League meetings or when on other official City business, or when seeking information directly related to a Council matter from appropriate sources 	<ul style="list-style-type: none"> • Using a City title when making dinner reservations or making purchases • Referring friends to City businesses and suggesting they mention the name of a Council Member to get the best prices
	<i>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</i>	<ul style="list-style-type: none"> • Preparing by reading the agenda packet before meetings • Asking the City Manager informational questions ahead of time to assist in being prepared • Arriving on-time to meetings, paying attention and listening actively 	<ul style="list-style-type: none"> • Rushing into meetings late and being obvious about opening the agenda packet for the first time or speed-reading the packet while City Staff or the public are presenting information

<i>The Code of Ethics & Values</i>		<i>Behavioral Standards</i>	
1 City Core Value	2 Basic Actions and Character Traits	3 Council Members Engage in Positive Behaviors Like	4 Council Members Avoid Negative Behaviors Like
<i>Professional (continued)</i>		<ul style="list-style-type: none"> • Asking questions that will advance the discussion, contribute to decision-making, and have not been covered in the agenda packet 	<ul style="list-style-type: none"> • Taking no notes, remembering little, if any, of the information in the agenda packet, asking to have information repeated constantly
		<ul style="list-style-type: none"> • Listening attentively to the public, City Staff, and other Council members who may speak at meetings 	<ul style="list-style-type: none"> • Making little or no eye contact with any speaker during the meeting • Leaving during public comment and returning only after it is over • Making comments to someone else while the public is speaking
	<i>I approach my job and work-related relationships with a positive attitude</i>	<ul style="list-style-type: none"> • Approaching Council work informed of issues, enthusiastic, energized, interested, ready to participate, and focused 	<ul style="list-style-type: none"> • Approaching Council work half-heartedly, coming to meetings eager to leave • Short-circuiting a discussion; being perceived as rude by other Council Members, City Staff, or the public
		<ul style="list-style-type: none"> • Making guests feel welcomed at meetings • Treating new Council Members as colleagues, encouraging them to express their opinions, and offering them positive feedback 	<ul style="list-style-type: none"> • Acting in a superior manner with newly elected Council members • Never making time to be responsive to residents who want to discuss issues
	<i>I keep professional knowledge and skills current and growing</i>	<ul style="list-style-type: none"> • Making it a priority to attend League meetings, Electric Joint Powers Agency meetings, and committees 	<ul style="list-style-type: none"> • Assuming there is nothing new to learn • Going to League meetings and conferences to be seen, but never attending any training

The Code of Ethics & Values		Behavioral Standards	
1 City Core Value	2 Basic Actions and Character Traits	3 Council Members Engage in Positive Behaviors Like	4 Council Members Avoid Negative Behaviors Like
Professional (continued)		<ul style="list-style-type: none"> • Reading background materials for general preparation including professional journals, books, and articles 	<ul style="list-style-type: none"> • Skipping meetings with the City Manager, assuming you know as much, if not more, than she does on this issue
Service-Oriented	<i>I provide friendly, receptive, courteous service to everyone</i>	<ul style="list-style-type: none"> • Not just answering questions, but sharing helpful knowledge of Council or government functions, even if the person asking isn't sure what they need to know 	<ul style="list-style-type: none"> • Acting like it's a bother anytime a resident asks a question or when they make inquiries about Council/government business
		<ul style="list-style-type: none"> • Seeking the opinions of those who are hesitant or unwilling to come forward with their ideas, but trying not to force anyone to speak in a public forum if they are uncomfortable or unprepared 	<ul style="list-style-type: none"> • Making guests or others feel stupid, intimidated, dismissed, manipulated, or demeaned by reading the newspaper, falling asleep, laughing at a private joke with another Council Member, or repeatedly leaving the room during discussions
	<i>I am attuned to, and care about, the needs and issues of residents, public officials, and city workers</i>	<ul style="list-style-type: none"> • Talking with residents and actively listening at City gatherings to be aware of what is going on in this community and other communities 	<ul style="list-style-type: none"> • Being arrogant or uninterested when responding to residents outside of City Hall about their concerns and debating with them to prove them wrong or misinformed
		<ul style="list-style-type: none"> • Attending City events and interacting effectively with the public, aware that others expect Council Members to be role-models 	<ul style="list-style-type: none"> • Showing up late to City events, leaving early, and spending most of the time talking only to one or two friends

The Code of Ethics & Values		Behavioral Standards	
1 City Core Value	2 Basic Actions and Character Traits	3 Council Members Engage in Positive Behaviors Like	4 Council Members Avoid Negative Behaviors Like
Service-Oriented (continued)		<ul style="list-style-type: none"> Relaying things heard or provided to the Council or the City Manager or other appropriate parties for follow-up 	<ul style="list-style-type: none"> Withholding important information to use it for narrow personal purposes at a later time
	<i>In my interactions with constituents, I am interested, engaged, and responsive</i>	<ul style="list-style-type: none"> Acting in a pleasant and friendly manner and encouraging people to speak their mind; welcoming constructive criticism as well as compliments 	<ul style="list-style-type: none"> Through word and action, discouraging people from proposing what they believe are solutions or expressing their concerns
		<ul style="list-style-type: none"> Focusing on the speaker and trying to see the world as they do in order to understand their needs 	<ul style="list-style-type: none"> While seeming to be engaged in one conversation, scanning the environment for someone more interesting or important to speak with; abruptly stopping the previous conversation to speak with the more important person
Fiscally Responsible	<i>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</i>	<ul style="list-style-type: none"> Before deciding how to vote, reviewing cost/benefit analysis and all related studies, along with City Staff recommendations 	<ul style="list-style-type: none"> Allowing other Council members who have more expertise in budgeting to take the lead in budget discussions, trusting that they know better, and never improving personal expertise
		<ul style="list-style-type: none"> Consider the City's short and long term financial condition prior to proposing new or expanded City projects 	<ul style="list-style-type: none"> Ignoring the constraints of the City budget when making decisions Citing "budget constraints" as the reason for not supporting a motion, when the real reason is how it will look in the next election

The Code of Ethics & Values		Behavioral Standards	
1 City Core Value	2 Basic Actions and Character Traits	3 Council Members Engage in Positive Behaviors Like	4 Council Members Avoid Negative Behaviors Like
Fiscally Responsible (continued)	<i>I demonstrate concern for the proper use of City assets (e.g., personnel, time, property, equipment, funds) and follow established procedures</i>	<ul style="list-style-type: none"> • Allocating resources according to the City’s plan and in compliance with the law and the City’s goals to provide residents with a better environment in which to live 	<ul style="list-style-type: none"> • Taking advantage of any opportunity to get something “free” from the City • Seeking discounts from the City’s vendors solely because of my position
		<ul style="list-style-type: none"> • Using City equipment only for Council work, not for personal use or for my business 	<ul style="list-style-type: none"> • Coming to City Hall regularly and asking City Staff to make just a few copies for personal use
		<ul style="list-style-type: none"> • Respecting City Staff time and being especially careful to ask the City Manager to take on special research or other projects only if convinced that this work is critical and necessary for the Council to better serve the needs of residents 	<ul style="list-style-type: none"> • Asking a lot of questions that focus on non substantive details, being unable to separate what’s important from what’s not
		<ul style="list-style-type: none"> • Representing the public’s interests to the best of my ability • Balancing long-term impacts and short-term goals 	<ul style="list-style-type: none"> • Acting as if I “own” the City or my seat on the Council
	<i>I make good financial decisions that seek to preserve programs and services for City residents</i>	<ul style="list-style-type: none"> • Being fully aware of and understanding the approved City budget, having solicited explanations from the City Manager, if necessary 	<ul style="list-style-type: none"> • Taking as many trips as possible at the City’s expense because of a personal feeling that the compensation is not sufficient and some reward for City work is deserved

The Code of Ethics & Values		Behavioral Standards	
1 City Core Value	2 Basic Actions and Character Traits	3 Council Members Engage in Positive Behaviors Like	4 Council Members Avoid Negative Behaviors Like
Organized	<i>I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long-term goals</i>	<ul style="list-style-type: none"> • Being cognizant of the importance of scarce meeting time and preparing accordingly, with the result that the Council spends time on the important issues and deals efficiently with other issues 	<ul style="list-style-type: none"> • Relying solely on prior knowledge and spending a great deal of the Council's time proving to everyone how much I know on all issues, large and small
	<i>I follow through in a responsible way, keeping others informed, and responding in a timely fashion</i>	<ul style="list-style-type: none"> • Sharing my research and experience with others on the Council, making worthwhile contributions and welcoming alternative viewpoints 	<ul style="list-style-type: none"> • Using hear-say from a third party as the sole basis for making a decision
		<ul style="list-style-type: none"> • Returning phone calls and email promptly, if at all possible; if unable, letting the person know when to expect a response 	<ul style="list-style-type: none"> • Failing to acknowledge receipt of requests for information • Responding only to people who can help with personal political goals • Eventually getting around to sending information, but never in a timely manner
	<i>I am respectful of established City processes and guidelines</i>	<ul style="list-style-type: none"> • Participating fully in orientation sessions and other sessions in order to understand how the City's policies and procedures impact the effectiveness of the Council 	<ul style="list-style-type: none"> • Criticizing City policies in public without first expressing concerns to City Staff or gaining knowledge necessary in order to offer constructive criticism
		<ul style="list-style-type: none"> • Helping to establish reasonable timetables and then following them • Being flexible in setting meeting dates and times 	<ul style="list-style-type: none"> • Ignoring deadlines, not keeping people informed, and making excuses which damage public trust

The Code of Ethics & Values		Behavioral Standards	
1 City Core Value	2 Basic Actions and Character Traits	3 Council Members Engage in Positive Behaviors Like	4 Council Members Avoid Negative Behaviors Like
Organized (continued)		<ul style="list-style-type: none"> • Being able to explain to residents, businesses, and visitors how the City's policies and procedures are examples of the City's Core Values in practice 	<ul style="list-style-type: none"> • Being cynical about policies and cavalier about following procedures because of a failure to see how these are related to fairness and the common good
Communicative	<i>I convey the City's care for and commitment to its residents</i>	<ul style="list-style-type: none"> • Being able to explain the City's goals to anyone and describe personal commitment to them • Supporting superb, affordable City services and conveying that commitment effectively to residents 	<ul style="list-style-type: none"> • Plotting and scheming to accomplish personal agendas • Deciding how you will vote and writing out those reasons prior to any public comment • Becoming angry at a resident who is critical of the Council
	<i>I communicate in various ways that I am approachable, open-minded and willing to participate in dialog</i>	<ul style="list-style-type: none"> • Being available to the public in person, at events, and through telephone and written correspondence to provide both answers to questions and dissemination of important information 	<ul style="list-style-type: none"> • Confusing residents, spreading rumors and gossip, or slandering elected or appointed officials, City Staff, or anyone • Interrupting someone who has the floor
		<ul style="list-style-type: none"> • Listening attentively, being open to multiple perspectives, and allowing the possibility of changing opinions and points of view 	<ul style="list-style-type: none"> • Listening solely to find flaws, to spot differences, and to counter arguments • Going out of my way during meetings to show why I am always right and others are not
		<ul style="list-style-type: none"> • Making it a practice to communicate equally well to all stakeholders, regardless of their influence, power, or campaign donations 	<ul style="list-style-type: none"> • Dominating meetings and asking many more questions than time allows, effectively excluding the input of others

The Code of Ethics & Values		Behavioral Standards	
1 City Core Value	2 Basic Actions and Character Traits	3 Council Members Engage in Positive Behaviors Like	4 Council Members Avoid Negative Behaviors Like
Communicative (continued)	<i>I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response which adds value to conversations</i>	<ul style="list-style-type: none"> • During meetings, giving residents and others the benefit of the doubt and listening to identify needs and interests • Asking questions to clarify, to understand, and to augment, in order to hear the truth as the resident sees it • Making the best decision to advance the community's values and goals 	<ul style="list-style-type: none"> • Considering people on the other side of issues as enemies, rather than as colleagues or fellow residents • Weakening public debate by belittling or mocking someone's viewpoint • Demonizing anyone who disagrees with a personal conviction or viewpoint
Collaborative	<i>I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding</i>	<ul style="list-style-type: none"> • Submitting one's best thinking, respecting all other participants and inviting their thoughts in order to develop better solutions • Seeing value in working with other agencies to develop consistent policies, where appropriate 	<ul style="list-style-type: none"> • Describing people who hold different viewpoints as "them" • Failing to recognize personal biases, prejudices, stereotypes, and their influence on language and attitudes toward residents and others
	<i>I work towards consensus building and gain value from diverse opinions</i>	<ul style="list-style-type: none"> • Approaching meetings and discussions assuming that many people have pieces of answers and that cooperation will lead to workable solutions for the most difficult problems 	<ul style="list-style-type: none"> • Approaching discussions as if there's already a single right answer that needs to be defended against opposing viewpoints
	<i>I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team</i>	<ul style="list-style-type: none"> • Understanding that what I do speaks more loudly than what I say • Showing respect for Council Members, Staff, and residents by giving priority to my City commitment, doing my homework 	<ul style="list-style-type: none"> • Focusing first on satisfying a personal or hidden agenda • Actively weakening the team that the Council and City Staff have devoted efforts to build

<i>The Code of Ethics & Values</i>		<i>Behavioral Standards</i>	
1 City Core Value	2 Basic Actions and Character Traits	3 Council Members Engage in Positive Behaviors Like	4 Council Members Avoid Negative Behaviors Like
<i>Collaborative (continued)</i>		<ul style="list-style-type: none"> • Understanding that each Council decision either builds public trust or detracts from it 	<ul style="list-style-type: none"> • Dismissing any idea proposed by a Council colleague who supported someone else in the last election
		<ul style="list-style-type: none"> • Working hard to develop among Council Members, other officials, City Staff, and the public a kindred spirit of cooperation when working toward implementing City values 	<ul style="list-style-type: none"> • Reaching conclusions based on satisfying personal or special interests and refusing to change one's position despite good reasons to reconsider • Holding grudges and considering some people as permanent enemies
	<i>I consider the broader regional and State-wide implications of the City's decisions and issues</i>	<ul style="list-style-type: none"> • While serving on County-wide committees, acting in a professional manner and approaching the tasks responsibly 	<ul style="list-style-type: none"> • Making derogatory remarks about other cities, feeling that Santa Clara is superior
		<ul style="list-style-type: none"> • Serving on County or State-wide panels, freely sharing information and resources so everyone may benefit from the City's experience 	<ul style="list-style-type: none"> • Having tunnel vision and ignoring anything beyond the City, depriving the City of the benefit of a broader, regional perspective

The Code of Ethics & Values		Behavioral Standards	
1 City Core Value	2 Basic Actions and Character Traits	3 Council Members Engage in Positive Behaviors Like	4 Council Members Avoid Negative Behaviors Like
Progressive	<i>I exhibit a proactive, innovative approach to setting goals and conducting the City's business</i>	<ul style="list-style-type: none"> • Contributing personal experiences and expertise to advance the goals of the Council and the City as a whole • Anticipating future problems or opportunities, raising the issues at the appropriate time for City Staff to investigate and for Council to consider 	<ul style="list-style-type: none"> • Being dogmatic in approaching decision-making and only doing things the way they've always been done • Never taking a forward looking, principled or values-centered stand, but preferring to solve issues in an ad hoc manner • Focusing on the short term, being concerned only about meeting minimum requirements of law, politics, or efficiency
	<i>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</i>	<ul style="list-style-type: none"> • Being able to explain how a decision is consistent with ethical standards and the City's Core Values • Committing to ongoing improvement, progressive government, and moral imagination in solving problems 	<ul style="list-style-type: none"> • Lying about personal mistakes and downplaying their importance • Manipulating discussions and decisions to advance personal, political aspirations • Speaking and listening only to one's friends on the Council
		<ul style="list-style-type: none"> • Taking responsibility for actions, making appropriate apologies or restitution when a mistake is made, and implementing a plan to develop practical skills to avoid such mistakes in the future • Actively listening, asking clarifying questions, and giving careful consideration to all 	<ul style="list-style-type: none"> • Holding on to opinions and viewpoints so stubbornly that mistakes are made, impacting public trust • Letting personal limitations impede progress or the work of the Council • Playing the role of pessimist whenever a new idea is presented, trying to bulldoze personal ideas

<i>The Code of Ethics & Values</i>		<i>Behavioral Standards</i>	
1 City Core Value	2 Basic Actions and Character Traits	3 Council Members Engage in Positive Behaviors Like	4 Council Members Avoid Negative Behaviors Like
<i>Progressive (continued)</i>		comments and viewpoints, even if they are expressed by people who think differently, have different beliefs, and have different groups of supporters	despite budget limitations, prior agreement, or consensus, and undermining new ideas by gossiping with others before the idea has a chance to be explored
	I promote intelligent and thoughtful innovation in order to forward the City's policy agenda and City services	<ul style="list-style-type: none"> • Encouraging talented and diverse individuals to become involved in City service, as well as recognizing and celebrating talent and new ideas that help the City reach its goals, improve City services, and implement City Core Values in best practice 	<ul style="list-style-type: none"> • Pushing change in the City without ample thought, and causing change only for the sake of change, or only to fulfill a campaign promise



ADMONITION AND CENSURE POLICY

PURPOSE

This policy applies only to the Mayor and City Council members for improper conduct that may result in admonition or censure.

POLICY

It is the policy of the City Council that all of its members shall abide by federal and state law, City ordinances, and City policies, including the Code of Ethics and Values. Violations of such law or policy tends to injure the good name of the City and to undermine the effectiveness of the City Council as a whole.

Depending on the circumstances of alleged violations of law or policy, the 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 Council Members from making public statements regarding such alleged conduct.

At any point during any of the processes described in this policy, the Council may refer the matter, as appropriate, to the Santa Clara County District Attorney for investigation. Following such a referral, the Council may proceed with any actions it chooses to undertake under the provisions of this policy. While the 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.

Admonition

An admonition may typically be directed to all members of the City Council, 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 a council member's conduct. The right to criticize is protected by the First Amendment, and may be done individually, or as a whole by motion.

Censure

Censure is an official reprimand or condemnation made by City Council in response to specified conduct by one of its own member. Censure is disciplinary in nature, and requires the formal adoption of a resolution setting forth the council member's alleged violations of law and/or

ADMONITION AND CENSURE POLICY (cont.)

policies. Censure may require an investigation, and must protect the due process rights of the council member. Censure carries no fine or suspension of the rights of the council member as an elected official but a censure is a punitive action that serves as a punishment for wrongdoing.

PROCEDURE

Informal Admonition

An individual Council Member can make an admonition at any Council meeting during the Public Presentations or Reports of Members and Special Committees portion of the meeting.

Censure

The 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.

Reference: *City Council-approved policy dated 5/15/2018*

Chapter 2.145

RESTRICTIONS ON ACTIVITIES OF CITY OFFICIALS AND CERTAIN CITY EMPLOYEES

Sections:

- 2.145.010 Purpose.**
- 2.145.020 Definitions.**
- 2.145.030 Prohibitions – Post service activities for compensation.**
- 2.145.040 Exceptions.**
- 2.145.050 Applicability.**
- 2.145.060 Waiver.**
- 2.145.070 Sanctions.**

2.145.010 Purpose.

The purposes of this chapter are:

- (a) To prevent former City officials and designated City employees from using their influence with the City or agency for personal gain.
- (b) To prevent private for-profit business entities from obtaining a real or perceived unfair advantage in dealing with the City or agencies by hiring former City or agency officials and/or designated City employees.
- (c) To comply with the City “Code of Ethics and Values.”
- (d) To attempt to assure the independence, impartiality and integrity of City and agency officials and designated City employees in making governmental actions and decisions. (Ord. 1755 § 2, 7-18-00).

2.145.020 Definitions.

For purposes of this chapter, the terms below shall have the following meaning:

- (a) “Agency official” shall mean, respectively, the Chairperson and agency members of (1) the Redevelopment Agency of the City of Santa Clara (“RDA”), (2) the Sports and Open Space Authority of the City of Santa Clara (“SOSA”), (3) the City of Santa Clara Housing Authority (“HA”) and (4) the Santa Clara Stadium Authority (“SA”). The RDA, SOSA, HA and SA may be referred to individually or collectively as “agency” as the context indicates.
- (b) “City official” shall mean the Mayor and City Council members.

(c) "Commission" shall mean any body (commission, board, etc.) created by the City Charter, City Code or action of the City Council whose members are required to file statements of economic interest pursuant to the State Political Reform Act of 1974 (Government Code Section 81000 et seq.)

(d) "Commission official" shall mean any member of a City commission.

(e) "Designated City employee" shall be those City employees designated from time to time by the City Manager as subject to the provisions of this chapter. Annually, the City Manager will provide the City Council with a list of designated City employees.

(f) "Nonprofit organization" shall mean an entity which would qualify as such under the Federal Internal Revenue Code and has engaged in programs or projects which have received financial or other formal support from the City Council or agency board within the past five years.

(g) "Transitional services" shall mean services involving technical or specialized knowledge required to complete a project or to provide temporary consulting services to the City or agency.

(h) "Work" shall mean any activity, for which compensation is received from any source, including compensation received as an independent contractor. Work includes the supervision or direction of others performing work, except as provided in SCCC 2.145.050. Work for the City or an agency also includes any action of any sort whatsoever taken in one's official capacity. Service by a City or an agency official or designated City employee on any type of board, committee, subcommittee or similar body as a representative of the City or agency is deemed to be work for the City or an agency. (Ord. 1755 § 2, 7-18-00; Ord. 1884 § 1, 4-19-11).

2.145.030 Prohibitions – Post service activities for compensation.

Except as provided otherwise in this chapter, for one year immediately following the termination of City, agency or commission office or employment, former City officials, agency officials, commission officials (collectively referred to as "affected City official(s)") and designated City employees shall not, for compensation:

(a) Work on any matter which the affected City official or designated City employee previously worked on for the City.

(b) Represent anyone else before the City Council, a City agency, a City commission or staff of the City.

(c) Receive any gift or payment in excess of the amount determined from time to time by the Fair Political Practices Commission from any person who was, in any way, involved in or affected by the work of the affected City official or designated City employee. (Ord. 1755 § 2, 7-18-00).

2.145.040 Exceptions.

The following work shall not be subject to the prohibitions of SCCC 2.145.030:

(a) As an employee or volunteer of a nonprofit organization, as defined in SCCC 2.145.020(f).

(b) As an employee of a governmental entity.

(c) As an employee pursuant to City Charter Section 802 which, subject to the civil service provisions of the City Charter, grants authority to the City Manager to make personnel appointments.

(d) As an independent contractor of the City or agency where it has been determined that it is in the best interest of the City or agency to retain the former affected City official or City employee to provide transitional services. Such determination shall be made by the person or body authorized to enter into such a contract. In the independent contractor situation, the City or agency shall contract directly with the former affected City official or City employee. The rate of compensation for such services shall not exceed the former official or employee's rate of pay, including benefits, at the time City or agency service terminated. (Ord. 1755 § 2, 7-18-00).

2.145.050 Applicability.

(a) The provisions of this chapter shall not apply to prevent a former affected City official or designated City employee from testifying as a percipient witness in any legal proceeding.

(b) The provisions of this chapter shall not apply to prevent a former affected City official or designated City employee from working as a supervisor of a person or persons performing work that would be prohibited by this chapter, so long as the supervisor is screened from any personal participation in the work and receives no part of the fee therefrom. (Ord. 1755 § 2, 7-18-00).

2.145.060 Waiver.

The City Council, RDA, SOSA, HA or SA may waive the prohibitions of SCCC 2.145.030, upon full disclosure of the facts surrounding the proposed activity, if the City Council, RDA, SOSA, HA or SA finds that such waiver is in the best interest of the City or agency and that such waiver is not inconsistent with the purposes of this chapter as set forth in SCCC 2.145.010. (Ord. 1755 § 2, 7-18-00; Ord. 1884 § 2, 4-19-11).

2.145.070 Sanctions.

In addition to any other remedy provided in this Code, the following sanctions shall also apply to any violations of this chapter where appropriate:

(a) Upon the petition of any person, a court or the presiding officer of any proceeding shall, after providing notice and an opportunity for hearing, exclude any person found to be in violation of this chapter from further participation, or from assisting or counseling any other participant, in the matter then pending before such court or body.

(b) The City or agency shall be entitled to recover from any former City or agency official or designated City employee the monetary value of any compensation or thing of value provided to such person in violation of the provisions of this chapter. (Ord. 1755 § 2, 7-18-00).



Agenda Report

24-772

Agenda Date: 12/2/2024

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Discussion and Direction on District Communication Options

BACKGROUND

City Hall News started in 2019 as a monthly digital publication featuring City news, initiatives, events, and a message from the City Manager. In 2021, City Councilmembers expressed an interest in sending regular communications to their District constituents. To that end, the publication was rebranded to include a message from the Mayor instead of the City Manager, and Councilmembers were given the option of including a message with the same City Hall News monthly content. On any given month, if the Councilmember submitted a City Hall News message, the digital publication was made available to the public during that month.

City Hall News is distributed via the GovDelivery platform to approximately 50,000 eNews subscribers each month and is archived on the City website where it is viewable in both Flipbook and PDF formats. Currently, each version of City Hall News with councilmember messages are also promoted on the City's social media channels.

DISCUSSION

As background, the Governance and Ethics Committee included the topic of District Communication options as part of their 2024 work plan. Through the review of our current communication options, staff proposes decoupling City Hall News from Mayor and District Councilmember messages to the community, and provide each District Councilmember the ability to send newsletters to subscribers in their districts. The Mayor, as the ceremonial head of the City, would continue to utilize the citywide distribution list to send her/his message to the community.

Mayor and Council Distribution Lists

The City uses GovDelivery as its email distribution platform. Staff is proposing to develop distribution lists for each council district on the City's eNews platform. Since the Mayor is not assigned a district and is considered the ceremonial head of the City, she/he would be able to send her message citywide which is already the current practice Councilmembers will be able to communicate directly with their District news subscribers. This will allow councilmembers to provide specific information about their district that is relevant to those who live in that district.

Newsletter Guidelines

To manage workload due to citywide communication efforts, city staff proposes the following for Mayor and Council:

- Submit a message up to 500-700 words
- Submit up to three to five images
- Message sent to eNews subscribers on a monthly basis
- Content submissions due the second the week of each month

Content and images should be sent via email to the Communications Team. After staff review, the messages will be formatted in Gov Delivery and sent out to the distribution lists.

The City Communications team will promote the eNews subscription lists via social media and other City publications. Prior to implementation, City Communications will promote to the public that they can subscribe to the District distribution lists via social media and City publications.

By decoupling City Hall News from Council District newsletters, City Halls News would stand on its own as the official source of monthly news for the City. Communications staff would launch a campaign to rebrand City Hall News to generate more subscribers and unveil a new look.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

There is no fiscal impact associated with the approval of the recommendation other than staff time.

COORDINATION

This report was coordinated by the City Manager’s Office

PUBLIC CONTACT

Public contact was made by posting the Committee agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email clerk@santaclaraca.gov or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Provide Direction on District Communication Options Recommendations by the Governance and Ethics Committee and Forward for Consideration and Approval by the City Council.

Reviewed by: Janine De la Vega, Director of Communications/PIO, City Manager’s Office

Approved by: Jovan Grogan, City Manager