



City of Carson

Report to Mayor and City Council

September 4, 2012
New Business Consent

SUBJECT: CONSIDER AN ETHICS PROGRAM TO PROMOTE ETHICAL BEHAVIOR AMONG CITY OFFICIALS AND COMMISSION, COMMITTEE AND BOARD MEMBERS

Submitted by David C. Biggs
City Manager

Approved by David C. Biggs
City Manager

I. SUMMARY

This item is on the agenda at the request of Mayor Pro Tem Ruiz-Raber.

Mayor Pro Tem has asked this item be placed on the agenda to promote additional ethics training for city officials and commissioners.

II. RECOMMENDATION

DIRECT staff to explore opportunities in partnering with The Institute for Local Government to provide additional ethics training and/or materials.

III. ALTERNATIVES

TAKE another action the City Council deems appropriate.

IV. BACKGROUND

The Mayor Pro Tem has asked that this item be placed on the agenda requesting staff look into additional materials for ethics training. Currently, the city has a Code of Ethics that was codified in Ordinance 08-1409 (Exhibit No. 1). Moreover, the City organizes and hosts a mandatory AB 1234 training every two years for elected officials, staff, commission, committee and board members. During the AB 1234 training the City's Code of Ethics is discussed.

Should the Council decide to approve this request, the City could work with the Institute for Local Government on obtaining more in depth training materials on ethics. Staff can work with the Institute in order to see what materials are available or if an in-person training could be organized to benefit the City officials, commission, committee and board members.

V. FISCAL IMPACT

None at this time.

VI. EXHIBITS

1. Ordinance No. 08-1409. (pgs. 3-16)

September 4, 2012

Prepared by: Lisa Berglund, Principal Administrative Analyst

TO: Rev04-23-12

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Development Services
Economic Development	Public Services

Action taken by City Council

Date _____ Action _____

ORDINANCE NO. 08-1409

AN ORDINANCE OF THE CITY OF CARSON,
CALIFORNIA, CODIFYING THE CARSON CODE OF
ETHICS AND ESTABLISHING HEARING AND
ENFORCEMENT PROCEDURES THEREFORE

WHEREAS, on May 4, 2004, the city of Carson adopted the city of Carson Code of Ethics ("Code of Ethics"), which is attached to this Ordinance as Exhibit "A"; and

WHEREAS, the Code of Ethics was adopted by resolution and the City Council now feels the Code of Ethics should be codified in the Carson Municipal Code and given the weight and importance of a city ordinance; and

WHEREAS, the Code of Ethics sets forth and enumerates a number of policies and duties for members of the Carson City Council and for members of the city's commissions, boards and committees; and

WHEREAS, the citizens and businesses of Carson are entitled to have fair, ethical and accountable government which has earned the public's full confidence for integrity; and

WHEREAS, the effective functioning of democratic government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws affecting the operations of government; and

WHEREAS, public officials must show that they are independent, impartial and fair in their judgment and actions; and

WHEREAS, public deliberations and processes must be conducted openly, unless legally confidential, and in an atmosphere of respect and civility; and

WHEREAS, all public resources are held in trust for the people, and must be used for the public good, not for personal gain; and

WHEREAS, nothing in this Code is intended to limit or otherwise infringe on the First Amendment rights of free speech or association of public officials, or to conflict with any other federal, state or local laws.

WHEREAS, at present, the Code of Ethics is "self-policing" in that each member of the Carson City Council and each member of the City's commissions, boards and committees, is expected to comport his or her behavior so that it meets the Code of Ethics, and the only power to enforce the Code of Ethics is the removal of a commissioner, board member or committee member, where removal is permitted without cause; and

WHEREAS, since there are limited ways to enforce the Code of Ethics, the City Council for the city of Carson wishes to create other ways to enforce the Code of Ethics; however, the chief purpose of this ordinance is to encourage compliance and promote ethical behavior, not to punish members; and

WHEREAS, by adopting this ordinance, the City Council also intends to create a method whereby allegations of violations of the Code of Ethics are investigated and discussed in a fair manner and, where appropriate, action can be taken to encourage compliance with the Code of Ethics.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 4 of Article II of the Carson Municipal Code is amended by adding a new Section 2450, to read in its entirety as follows:

"§ 2450 Code of Ethics.

A. Purpose. The city of Carson hereby adopts this Code of Ethics for members of the City Council and the city's commissions, boards and committees (collectively "members") to ensure the citizens of the city receive fair, ethical and accountable government, with adherence to both the spirit and the letter of the law affecting governmental operations. Nothing in the Code of Ethics is intended to limit or otherwise infringe on the First Amendment rights of free speech or association of public officials or members of the public, or to conflict with any federal, state or local laws.

B. Distribution of Code of Ethics. This Code of Ethics shall be included in the regular orientations for candidates for City Council, application packets to commissions, boards, and committees, and given to newly-elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the city of Carson Code of Ethics. In addition, the Code of Ethics shall be periodically reviewed and updated by the City Council upon recommendations from commissions, boards, committees, and the citizens of Carson.

C. Adherence to Principles. All members shall strive to adhere to the principles set forth in the Code of Ethics. If it appears that any member has not or is not adhering to the principles in this Code of Ethics, a hearing may be held by the City Council to discuss whether action should be taken. No hearing may be held, unless: (1) the hearing is requested by two members of the City Council, and (2) the person who is the subject of the hearing is given thirty (30) days

advance notice of the hearing, which notice shall describe the facts and reason for the hearing. The person who is the subject of the hearing shall be afforded all appropriate due process, including a meaningful opportunity to respond to allegations before any action is taken pursuant to paragraph (D), below.

D. Actions Against Members. If, after a hearing described in paragraph (C), above, the Council wishes to take action in response to any violation of the Code of Ethics, such action may include a public admonishment, a resolution of censure, removal of the member from the commission, board or committee on which he or she serves (does not apply to members of the Council), or any other action reasonably related to ensuring that member does not engage in future Code of Ethics violations, provided further that such action is consistent with all federal, state and local laws. The Council may adopt a policy of progressive remedies starting with warnings and increasing to more serious penalties to deter or prevent future violations.

E. Code of Ethics. The following principles shall constitute the Carson Code of Ethics, applicable to all members of the City Council and the city's commissions, boards and committees:

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Carson and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Carson City Council, commissions, boards and committees.

2. Comply with the Law

Members shall comply with the laws of the nation, the State of California and the city of Carson in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the Carson Municipal Code; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government. Members shall also comply with all applicable city policies and procedures.

3. Conduct of Members



The professional and personal conduct of members must be above reproach and should take steps to avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, commissions, boards and committees, the staff or public.

4. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the City Council and commissions, boards, and committees governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by city staff.

5. Conduct of Public Meetings

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

6. Decisions Based on Merit

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

7. Communication

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

8. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest.



In accordance with the law, members who are subject to the City's Conflict Code shall, in accordance with the Conflict Code, disclose investments, interests in real property, sources of income and gifts; and abstain from participating in deliberations and decision-making where conflicts may exist.

9. Gifts and Favors

Members shall not use their public office to take any special advantage of services or opportunities for personal gain that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

10. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel or affairs of the city. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

11. Use of Public Resources

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

12. Representations of Private Interests

In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any commission, board, committee, or proceeding of the city, nor shall members of commissions, boards, and committees appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies. This section shall not prevent members of commissions, boards, and committees from attending meetings of the Council or other commissions, boards or committees and advocating their views on matters of public policy provided they are not doing so as a lobbyist for compensation.

13. Advocacy



Members shall represent the official policies or positions of the City Council, commission, board, or committee to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the city of Carson, nor shall they allow the inference that they do. When representing the city on federal, state, or regional bodies, members shall advocate policies which are in the best interest of the city of Carson over their own personal interests.

14. Policy Role of Members

Members shall respect and adhere to the council-manager structure of Carson city government. In this structure, the City Council determines the policies of the city with the advice, information and analysis provided by the public, commissions, boards, committees, and city staff.

Individual members therefore shall not interfere with the administrative functions of the city or the professional duties of city staff; nor shall they impair the ability of staff to implement Council policy decisions.

15. Independence of Commissions, Boards, and Committees

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

16. Positive Work Place Environment

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

F. No effect on decisions. A violation of this Code of Ethics shall not be a basis for challenging the validity of any Council, commission, board, or committee decision."

Section 2. If any provision(s) of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

Section 3. The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and published in the manner required by law.

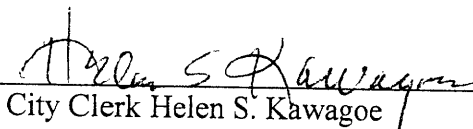
Section 4. This ordinance shall be effective thirty (30) days following its adoption.

PASSED, APPROVED, and ADOPTED this 8th day of July, 2008.

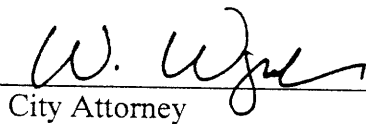


Mayor Jim Dear

ATTEST:


City Clerk Helen S. Kawagoe

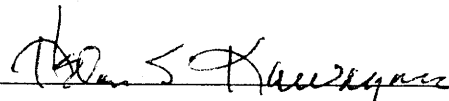
APPROVED AS TO FORM:


City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CARSON)

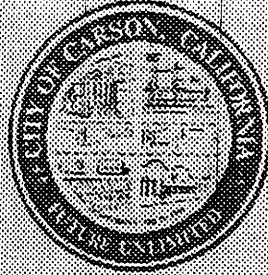
I, Helen S. Kawagoe, City Clerk of the City of Carson, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing ordinance, being Ordinance No. 08-1409 passed first reading on June 17, 2008, was duly and regularly adopted by the City Council of said City at a special meeting of said Council, held on the 8th day of July, 2008, and that the same was passed and adopted by the following roll call vote:

AYES:	COUNCIL MEMBERS:	Gipson, Santarina, and Davis-Holmes
NOES:	COUNCIL MEMBERS:	Mayor Dear, Williams
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None



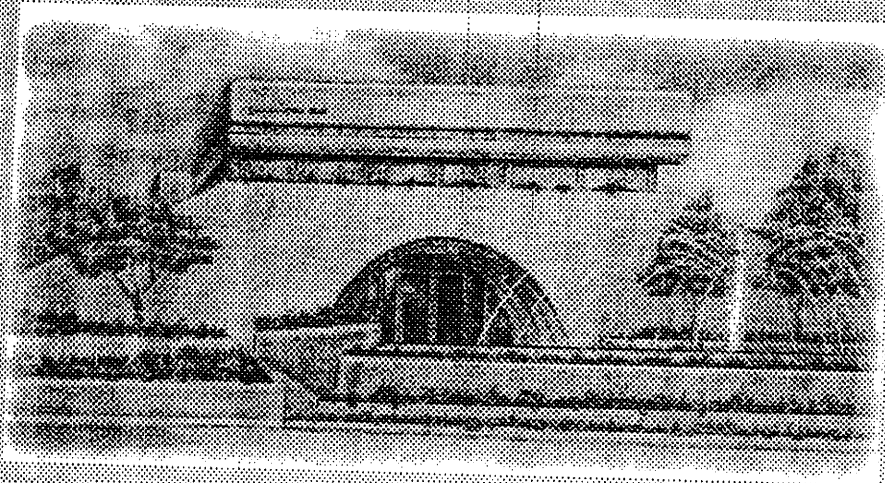
City Clerk, City of Carson, California





CITY OF CARSON

CODE OF ETHICS



City of Carson Code of Ethics

PREAMBLE

WHEREAS, the citizens and businesses of Carson are entitled to have fair, ethical and accountable government which has earned the public's full confidence for integrity; and

WHEREAS, the effective functioning of democratic government therefore requires that officials, both elected and appointed, comply with both the letter and spirit of the laws affecting the operations of government; and

WHEREAS, public officials must show that they are independent, impartial and fair in their judgment and actions; and

WHEREAS, public deliberations and processes must be conducted openly, unless legally confidential, and in an atmosphere of respect and civility.

WHEREAS, all public resources are held in trust for the people, and must be used for the public good, not for personal gain; and

WHEREAS, nothing in this Code is intended to limit or

otherwise infringe on the First Amendment rights of free speech or association of public officials, or to conflict with any other federal, state or local laws.

NOW, THEREFORE, in furtherance of the above-mentioned goals and values, the Carson City Council hereby adopts this Code of Ethics for members of the City Council and of the City's commissions, boards and committees (collectively "members") to assure public confidence in the integrity of local government and its effective and fair operation.

PASSED, APPROVED and ADOPTED this 4th day of May, 2004.

PRINCIPLES

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Carson and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Carson City Council, commissions, boards and committees.

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2. Comply with the Law

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established by the City Council and commissions, boards, and committees governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

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7. Communication

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committees, which they may have received from sources outside of the public decision-making process.

8. Conflict of Interest

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In accordance with the law, members shall disclose investments, interests in real property, sources of income and gifts; and abstain from participating in deliberations and decision-making where conflicts may exist.

9. Gifts and Favors

Members shall not use their public office to take any special advantage of services or opportunities for personal gain that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their

independence of judgment or action or give the appearance of being compromised.

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Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

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on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

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Members shall respect and adhere to the council-manager structure of Carson city government. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, commissions, boards, and committees, and City staff. Individual members therefore shall not interfere with the

administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

15. Independence of

Commissions, Boards, and Committees

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

16. Positive Work Place

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

17. Implementation

As an expression of the standards of conduct for

City of Carson Code of Ethics

members expected by the City, the Carson Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this Code of Ethics shall be included in the regular orientations for candidates for City Council, application packets to commissions, boards, and committees, and given to newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of Carson Code of Ethics. In addition, the Code of Ethics shall be periodically reviewed and updated by the City Council upon recommendations from commissions, boards, committees, and the citizens of Carson.

18. Compliance and Enforcement

The Carson Code of Ethics expresses standards of ethical conduct expected for members of the Carson City Council, commissions, boards, and committees. Members themselves have the primary responsibility to assure that ethical standards are understood and met, so that the public can continue to have full confidence in the integrity of government. In the event of violation of this Code of Conduct by a member of a commission, board, or committee, where removal by the City Council is permitted without cause, the City Council may remove that person from office.

A violation of this code of ethics shall not be a basis for challenging the validity of any Council, commission, board, or committee decision.

