

**CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM**

Meeting July 20, 2021
To: Honorable Mayor and Council Members
From: Vice Mayor Gurney
Council Member Rich
Subject: Reaffirmation of City Code of Conduct Policy and Potential Amendments
Recommendation: That the City Council Reaffirm the Code of Conduct Policy and Discuss Potential Amendments and the Code's Application to Other City Bodies
Funding: Currently Budgeted: ____ Yes _____ No XXX N/A
Account Code: N/A
Amount: \$N/A

Account Code/Costs authorized in City Approved Budget (if applicable) AK_____ (verified by Administrative Services Department)

INTRODUCTION:

This item is to request that the City Council Reaffirm the City Code of Conduct Policy and Discuss any Potential Amendments and the Code's Application to Other City Bodies.

BACKGROUND:

The citizens and businesses of Sebastopol are entitled to have fair, ethical and accountable local government which has earned the public's full confidence for integrity. In keeping with the City of Sebastopol's commitment to integrity, the effective functioning of democratic government therefore requires that:

- public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- public officials be independent, impartial and fair in their judgment and actions;
- public office be used for the public good, not for personal gain; and
- public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

Collaboration among elected officials and between individual members takes effort. Finding common ground and cultivating respectful relationships early on can make for a more civil and effective governing body. The City's Code of Conduct is designed to describe the manner in which Council Members should treat one another, City Staff, constituents, and others with whom they come into contact while representing the City of Sebastopol. It defines the behavior, manners, and courtesies that are suitable for various occasions in our democracy. These actions convey respect to all.

The constant and consistent theme of the Code of Conduct is respect. Council Members experience significant workloads and considerable stress in making decisions that could impact thousands of lives. Despite these pressures, elected and appointed officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Council Members to conduct themselves appropriately and to make the better decision, even in the most difficult situations.

DISCUSSION:

Elected and appointed officials include individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of their communities. In all cases, the common goal for the good of the community should be acknowledged, even though individuals may "agree to disagree" on contentious issues.

Attitudes, words, and actions demonstrate, support, and reflect the qualities and characteristics that contribute to the well-being of the community. Adherence to the Code of Conduct helps build public confidence in the integrity of local government and its effective and fair operation. Council Members who conduct themselves with the highest levels of civility and decorum give our City residents a reason to reconsider the prevalent negative stereotypes of government leaders and to modulate their own behavior when engaging with government officials.

Not only is it important for Council Members to treat each other. City Staff, and the public respectfully pursuant to the Code of Conduct, it is also important for the public to treat their electeds and City Staff with the same courtesies. Never has that need been clearer than during the zoom experiences of the last year and one-half when the distancing and anonymity of zoom meetings attracted interruptions, vulgar language, and racist/hating comments.

Underscoring this recent development are the words currently spoken by our Mayor at the beginning of City Council meeting: "Anyone using abusive, vulgar, offensive, threatening, or harassing language, personal attacks of any kind or offensive terms that target specific individuals or groups will be muted and removed from the meeting."

The Sebastopol City Council encourages and welcomes participation and comment on any matter within its subject matter jurisdiction. It is the City Council's intent to create and maintain an environment where people feel comfortable participating in the public process and an atmosphere of respect for all who participate in the City's public meetings.

Not only does the Council adhere to the Code of Conduct, we encourage all participants of our City meetings to show respect for every speaker regardless of their viewpoint, and to refrain from conduct that may inhibit others from addressing the Council.

Disrespectful conduct, such as hissing, booing, whistling, cheering, chanting, and judgmental hand gestures, are all inappropriate. The City Council also discourages any profane remarks or personal attacks or insults to any member of the Council, staff, other attendees or speakers, or the general public.

Council and staff strive to create a meeting environment where persons can feel comfortable participating in the public process and expressing their views and opinions, and an atmosphere of respect for all.

On March 7, 2007, the City Council adopted City Council Policy Number 79, Code of Conduct City Policy for the City Council and amended the policy in 2009. A copy of the current policy is attached for reference. This policy outlines the conduct expected of Sebastopol City Council Members, including their primary responsibility to ensure that the public will continue to have full confidence in the integrity of City government.

As a nation we have seen a decline in the public's confidence in government. This requires elected and appointed officials to lead by example even more than in the past. Contrary to the nation as a whole, the community of Sebastopol has expressed its appreciation for the efforts of its electeds to collaborate more effectively, to bring more transparency to the public process, and to make decisions based upon the public good.

By re-affirming the Code of Conduct now, the Council will demonstrate that public service is a time-honored and serious responsibility.

While considering this re-affirmation of the Code of Conduct, the Council is asked to review the current policy for any recommended amendments and to discuss whether the Code of Conduct should be required for the City Boards, Commissions and Committees.

PUBLIC COMMENT:

No public comments have been received as of the writing of this staff report.

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to scheduled meeting date.

FISCAL IMPACT:

There is no direct fiscal impact associated with the recommended action tonight

RECOMMENDATION: It is recommended that the City Council Reaffirm the City Code of Conduct Policy and Discuss any Potential Amendments and its application to other City bodies.

Attachments:

Code of Conduct Policy

RESOLUTION NO. 5744

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL
APPROVING AN AMENDED CODE OF CONDUCT CITY COUNCIL POLICY FOR THE CITY
COUNCIL OF THE CITY OF SEBASTOPOL

WHEREAS, the City Council at their meeting of March 20, 2007, adopted a Code of Conduct for the City Council, Resolution Number 5591 (Council Policy Number 79); and

WHEREAS, the City Council of the City of Sebastopol have approved amendments to the Code of Conduct, to clarify the intent of Section 20 thereof ("Sanctions and Enforcement"); and

WHEREAS, the Code of Conduct shall be modified to revise Section 20 thereof, to eliminate the sanctions provisions and to make the Code of Conduct self enforcing, as more fully set forth on the attachment hereto (Section 20); and

WHEREAS, this Resolution shall henceforth constitute the Code of Conduct, and Resolution Number 5591 is hereby rescinded.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEBASTOPOL that City Council Policy Number 79 has been adopted as amended.

IN COUNCIL DULY PASSED this 7th day of April, 2009.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by City of Sebastopol City Council following a roll call vote:

City of Sebastopol City Council:

Ayes: Councilmembers Robinson, Wilson, Shaffer and Vice Mayor Kelley

Noes: None

Abstain: None

Absent: Mayor Gurney

APPROVED: _____

Linda Kelley
Linda Kelley, Vice Mayor

ATTEST: _____

Mary C. Gurney
Mary Gurney, City Clerk

City Council Policy #79

Adopted: March 20, 2007

Amended: February 3, 2009 (Resolution Number 5728)

Amended: April 7, 2009 (Resolution Number 5744)

Codes of Conduct for City Council

PREAMBLE:

The residents and businesses of Sebastopol are entitled to have fair, ethical, and accountable local government which has earned the public's full confidence for integrity. Such a government requires that public officials:

- Comply with both the letter and the spirit of the laws and policies affecting operations of the government.
- Be independent, impartial and fair in their judgment and actions.
- Use their public office for the public good, not for personal gain.
- Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Sebastopol City Council has adopted this Code of Conduct to encourage public confidence in the integrity of local government and its fair and effective operation.

City Councilmembers shall sign this personal code of conduct each year at the same meeting as the election of Mayor and Vice Mayor as a symbol of each Councilmember's continuing commitment to abide by the principles of this code.

1. Act in the Public Interest:

Recognizing that stewardship of the public interest must be their primary concern, Councilmember's shall work for the common good of the people of Sebastopol, and not for any private or personal interest, and they will endeavor to treat all persons, claims and transactions in a fair and equitable manner.

2. Comply with the Law:

Councilmembers shall comply with the laws of the nation, the State of California and the City of Sebastopol in the performance of their duties. These laws include, but are not limited to: the United States and California constitutions, financial disclosures, employer responsibilities and open processes of government; and City ordinances and policies.

3. Conduct of Members:

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

4. Respect for Process:

Councilmember duties shall be performed in accordance with the processes and rules of order established by the City Council governing the deliberation of public policy issues, the

which they have a financial interest or where they have an organizational responsibility or a personal relationship which may give the appearance of a conflict of interest.

In accordance with the law, members shall file written disclosures of their economic interest and if they have a conflict of interest regarding a particular decision, refrain from participating in that decision unless otherwise permitted by law.

11. Gifts and Favors:

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

12. Confidential Information:

Councilmembers shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial or private interests.

13. Use of Public Resources:

Public resources not available to the general public (e.g., City staff time, equipment, supplies or facilities) shall not be used by City Councilmembers for private gain or personal purposes.

14. Representation of Private Interests:

In keeping with their role as stewards of the public trust, Councilmembers shall not appear on behalf of private interests of a third-party before the City Council or any board, commission or committee or proceeding of the City.

15. Advocacy:

Councilmembers shall represent the official policies and positions of the City Council when designated as delegates for their purpose. When representing their personal opinions or positions, members shall explicitly state that they do not represent the Council or the City of Sebastopol, nor will they allow the inference that they do.

16. Improper Influence:

Councilmembers shall refrain from stating their position to improperly influence the deliberations or decisions of City staff, boards, commissions or committees.

17. Policy Role of Members:

Councilmembers shall respect and adhere to the Council-Manager structure of Sebastopol City government as provided in State Law and the City Code. In this structure, the City Council determines the policies of the City with the advice and information provided by the public and other City bodies, with analysis from City staff.

Councilmembers 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.

Councilmembers should work through the City Manager and City Attorney. City Council is welcome to have contact with any City employee; however, requests for additional information should go through the City Manager.

18. Positive Work Environment:

Councilmembers shall support the maintenance of a positive and constructive environment for residents, businesses and City employees.

19. Implementation:

Ethics standards shall be included in the regular orientations for City Council candidates. Councilmembers entering office shall sign a statement affirming they shall comply with and will comply with the Code of Ethics as provided by the League of California Cities.

As an expression of conduct for City Councilmembers of the City of Sebastopol, this Code of Conduct is intended to be self-enforcing. It therefore becomes effective when Councilmembers are thoroughly familiar with it and embrace its provisions. Councilmembers shall sign a statement affirming that they read and understand the City of Sebastopol Code of Conduct.

20. Implementation and Enforcement:

The City Council Code of Conduct document shall be considered to be the definitive document relating to ethical conduct by Sebastopol City Councilmembers. Councilmembers themselves have the primary responsibility to assure that its ethical standards are understood and met, and that the public will continue to have full confidence in the integrity of City government. As an expression of such standards, this Code of Conduct is intended to be self-enforcing. A violation shall not be considered a basis for challenging the validity of a Council decision.

I affirm that I have read and understand the City of Sebastopol City Council Personal Code of Conduct.

Signature

Printed Name of Councilmember

Adopted by the City Council on March 20, 2007 and Amended by the City Council at their meeting of February 3, 2009 by Resolution Number 5728.

Further amended by the City Council at their meeting of April 7, 2009 by Resolution 5744.