

RESOLUTION NO. 7098

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, ESTABLISHING A CODE OF ETHICS AND CONDUCT POLICY

WHEREAS, the City of Pico Rivera's Vision and Values are to safeguard the public's trust through open and transparent business practices that consistently maintain a credibility of strong ethical stewardship of all resources. The City strives to provide responsive and consistent customer service to the community and its employees, whom are trusted to always own the problem and solution to all business challenges. The City recognizes that it must engage its workforce in productive and respectful dialogue as its success internally hinges on the dynamic and interdependent partnerships within, thus improving its chances of external success; and

WHEREAS, the City and the City Council recognize the importance of consistently conducting fair, ethical and transparent business practices as a local government in an effort to earn the public's full confidence and trust. The City of Pico Rivera's strong desire to fulfill its mission requires:

- public officials, both elected and appointed, to comply with both the letter, spirit and intent of the law and policies affecting the operations of government;
- public officials to be independent, impartial and fair in their judgement 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.

To this end, the Pico Rivera City Council has adopted this Code of Ethics and Conduct ("Code") for elected officials and members of appointed boards, commissions, and committees, and City staff ("Members") to assure public confidence in the integrity of local government and to ensure its effective and fair operation. The City Council of the City of Pico Rivera finds and adopts the following concepts which are fundamental to a representative democratic system of government and to good public administration.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pico Rivera as follows:

SECTION 1: *Act in the Public Interest.* The institutions of government and the officials and agencies of government exist for the public, to unconditionally serve the interests of the public. Recognizing that government is constitutionally obliged to act in the public's best interest must be the Members primary concern. Members will work for the common good of the people of Pico Rivera in ways that promote and preserve the public interest and not for any private or personal interest or gain, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Pico Rivera City Council, boards, commissions and committees.

SECTION 2: *Comply with the Law.* Members shall comply with the laws of the United States of America, the State of California, and the City of Pico Rivera in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; all applicable Federal and State statutes, codes, laws and regulations pertaining to the service in and operation of government, including, but limited to, conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government, Government Code sections 54950 through 54963, more commonly known as the Brown Act; and City ordinances and policies.

SECTION 3: *Conduct of Members.* The professional and personal conduct of members must be above reproach and 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 the Council, boards, commissions, committees, city staff or general public. Members are servants of the public whose primary objective is to address the needs of the community and residents they serve. As such, they are entrusted with upholding and adhering to the highest standards of integrity in the conduct of their official duties and to faithfully fulfill the responsibilities of their office, regardless of their personal or financial interests.

SECTION 4: *Respect for Process.* Members shall perform their duties in accordance with this Code, the rules of order established by the City Council and boards, commissions, 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.

All Members recognize the responsibility of the Mayor or Chair to accurately communicate the decisions of the Council or boards, commissions or committees, even if other Members disagree with such decisions, such that respect for the decision-making processes of Council or other bodies are fostered

SECTION 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 on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings. Members shall respect the Mayor or Chair, their colleagues, staff and the public present during the Council meetings or other proceedings of the municipality, so as to provide an environment for transparent and open discussion on matters requiring collaborative and healthy debate. All Members shall be familiar with the Ralph M. Brown Act, California Government Code 54950, and the statutes pertaining to public meetings.

SECTION 6: *Decisions Based on Merit.* Members shall base their decisions on the merits and substance of the matter at hand.

SECTION 7: *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 personal relationship which may give the appearance of a conflict of interest. In accordance with the law, Members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts ***or the perception of conflicts*** may exist. While the receipt of campaign contributions or donations may not require recusal or disqualification by any Member, it is required that Members shall disclose all campaign contributions received from contractors/vendors, including Political Action Committees (PAC) or Independent Expenditure Committees (IE), that supported a candidate's campaign when voting on an item that pertains to the particular contractor/vendor, PAC or IE, being awarded an agreement/contract with the City.

SECTION 8: *Gifts and Favors.* Members shall comply with the requirements of the Political Reform Act relating to the acceptance and reporting of gifts Form 700 <http://www.fppc.ca.gov/Form700.htm>. No Member shall show favoritism or bias toward any vendor, contractor or other persons doing business with the municipality. Members are prohibited from accepting gifts or favors from any vendor, contractor or others doing business with the municipality personally, or through a family member or friend, in excess of the limits established by the Fair Political Practices Commission ("FPPC") regulations or which could give rise to a reasonable suspicion of influence to show favor or disadvantage to any individual or organization.

SECTION 9: *Confidential Information.* Members shall respect the confidentiality of information concerning City property, personnel or proceedings of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal or political interests, views or position.

SECTION 10: *Use of Public Resources.* Members shall not request or permit the use of public resources not generally available to the public, such as City staff time, equipment, supplies or facilities, for personal convenience, profit, or private gain. Members shall ensure that the business of the municipality is conducted with efficiency and shall avoid waste, abuse and extravagance in the provision or use of municipal resources. Members shall also refrain from using the City's name, seal or logo for the purpose of endorsing any political candidate or business. No Member shall grant any special consideration, treatment, or advantage to any citizen or group of citizens beyond that which is accorded to all citizens.

SECTION 11: *Representation of Private Interests.* In keeping with their role as stewards of the public interest, Members shall not appear on behalf of the private interests of third parties before the Council or any board, commission, committee, or proceeding of the City, nor shall Members of boards, commissions, 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, except as explicitly allowed by law.

SECTION 12: Advocacy. Members shall represent the official policies or positions of the City Council, board, commission, or committee to the best of their ability when designated as delegates for this purpose. When presenting their individual, personal opinions, views and/or positions, Members shall explicitly state they do not represent the City of Pico Rivera, in their official capacity, nor will they allow the inference that they do.

SECTION 13: Council General Powers and Responsibility. Members accept that effective governance of the municipality is critical to ensuring that decisions are taken in the best interest of all stakeholders and to enable the municipality to function as a good corporate citizen. Therefore, the Mayor is to preside at all meetings of the Council and perform such other duties consistent with the office as may be imposed by the Council or by vote of the people. At Council meetings, the Mayor assists the Council in focusing on the agenda, discussions and deliberations. The Mayor does not possess any power of veto. As presiding officer of the Council, the Mayor is to faithfully communicate the will of the Council majority in matters of policy. The Mayor is also recognized as the official head of the City for all ceremonial purposes.

The Vice Mayor shall perform the duties of the Mayor during the Mayor's absence or disability. The Vice Mayor shall serve in this capacity at the pleasure of the Council.

All Members shall respect and adhere to the council-manager structure of Pico Rivera City government as outlined in the City's policies and procedures and follow Pico Rivera Municipal Code Section 2.04 with respect to the City Manager's administrative responsibilities of the City. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City Staff, the public, boards, commissions, and committees. Except as provided by City ordinance, policies or procedures, individual Members shall not interfere with the administrative functions of the City or the professional duties of the City Manager and his/her staff; nor shall they impair the ability of staff to implement Council policy decisions. Nothing set forth herein shall be intended to deny or prohibit the collective decision of a majority of the City Council, boards, commissions or committees from providing direction or taking action as allowed and authorized by law or as part of their duties and responsibilities as Members of their respective Legislative Body. In addition, nothing contained herein, shall prohibit any individual Member from requesting and obtaining reports, information or documents within the City's possession and which currently exist at the time of the request subject to the authorization and scope of the California Public Records Act.

SECTION 14: Council Administrative Support. Councilmembers may request information or research from a department head on a given topic directly when it is anticipated that the request can be completed by staff in less than (1) hour. Councilmember requests for research or information that are anticipated to take staff more than one (1) hour to complete should be directed to the City Manager. Requests for new information or policy direction will be brought to the full Council for consideration at a regular meeting. All written products will be copied to the full Council.

RESOLUTION NO. 7098

Page 5 of 9

The City Council and its members shall address all administrative or municipal service questions or concerns, including personnel and employee union matters, of the City directly to the City Manager, and neither the City Council nor any member thereof shall give orders to any subordinates of the City Manager. All Members must adhere to the Pico Rivera Municipal Code Section 2.04.120, in accordance with the provisions of Section 34856 of the Government Code of the State of California, which states that the City Manager is the Personnel Officer for the City and holds sole responsibility over the hiring, firing, appointing, promoting, disciplining, and demoting of all subordinates. The City Manager shall appoint competent and qualified officers and employees, with the exception of the City Attorney, and shall be responsible to the City Council as the Chief Administrative Officer for the exercise of all powers and duties.

The City Manager shall take his/her orders and instructions from the City Council only when sitting in a duly convened meeting of the City Council and no individual Councilmember shall give any orders or instructions to the City Manager. However, the City Council has ultimate oversight responsibility for the overall operations of the municipal city government and may take any lawful action which shall be deemed necessary to ensure that the City Manager and the municipal organization are fulfilling their respective responsibilities.

SECTION 15: Council Communications. Members shall publicly share substantive information that is relevant to a matter under consideration by the Council or boards, commissions, and committees which they may have received from sources outside the public decision-making process prior to the meeting at which it is discussed.

When Councilmembers are requested to speak to groups or are asked about the Council's position on an issue, the response should reflect the position of the Council as a whole. Of course, a Councilmember may clarify their vote on a matter by stating "While I voted against X, the Council voted in support of it." When representing the City at meetings or other venues, it is important that those in attendance gain an understanding of the Council's position rather than that of an individual member.

Members of the Council will often be called upon to write letters to citizens, businesses or other public agencies. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the Council. Individual members of Council will often prepare letters for constituents in response to inquiries or to provide requested information.

SECTION 16: Nepotism. The City will not hire relatives of Public Officials. If a Public Official's relative presents a matter to the City, then that Public Official cannot participate in or attempt to influence decision-making regarding that matter. For purposes of this policy a "relative" is defined by blood or marriage within the second degree of any one or more of the member of such Council, by-adoption, or step parent, spouse or registered domestic partner, sibling, child or in-law, and their children and children-in-law and neither shall any department head or other officer having appointive power appoint any relative which such degree to any salaried position.

SECTION 17: Independence of Boards, Commissions, and Committees. Because of the value of the independent advice of boards, commissions, and committees to the public decision-making process, members of Council shall refrain from using their position to influence unduly the deliberations or outcomes of board, commission, and committee proceedings.

SECTION 18: 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 dealing with City employees and refrain from creating the perception of inappropriate direction to staff including invasion of privacy, becoming involved in personnel matters outside the Brown Act and taking unilateral action against an employee.

SECTION 19: Respect for Diversity. Members shall be committed to the principle of treating each community member with respect and dignity. The City prohibits discrimination and harassment and provides equal opportunities for all community members and applicants regardless of race, color, national origin, religion, sex, gender identity, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), ancestry, marital status, age, sexual orientation, citizenship, or status as a covered veteran.

SECTION 20: Implementation. As an expression of the standards of conduct for members expected by the City, the Pico Rivera Code of Ethics and Conduct 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, ethical standards shall be included in the regular orientations for candidates for City Council, applicants to boards, commissions, and committees and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the City of Pico Rivera Code of Ethics and Conduct (Exhibit A). In addition, the Code of Ethics and Conduct shall be reviewed biennially by the City Council, boards, committees, and the City Council shall consider recommendations from boards, commissions, and committees and update it as necessary in November of even-numbered years.

SECTION 21: Compliance and Enforcement. The Pico Rivera Code of Ethics and Conduct expresses standards of ethical conduct expected for Members of the Pico Rivera City Council, boards, commissions, and committees. In addition, all Members shall be required to take all training mandated by law, including AB 1234 training, anti-sexual harassment training, anti-discrimination training and other applicable training or courses required by law.

Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of boards, commissions, and committees and the Mayor have the additional responsibility to intervene when Members' actions appear to be in violation of the Code of Ethics and Conduct or when these actions are brought to their attention. The City Council may impose sanctions on members who refuse to sign the Statement of

RESOLUTION NO. 7098

Page 7 of 9

Commitment and whose conduct does not comply with the City's ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment. The City Council may also act to remove members of boards, commissions, and committees from office or position for failing to sign this Code or who violates the provisions or the spirit of this Code. Any disciplinary action may not impede upon the freedom of speech of any Council Member.

Disciplinary action or sanctions are considered when a serious violation of City policy has occurred by a Council Member. The definition of a "serious violation" is not set forth by law, but in determining the type of sanction to be considered or imposed, the following factors may be considered:

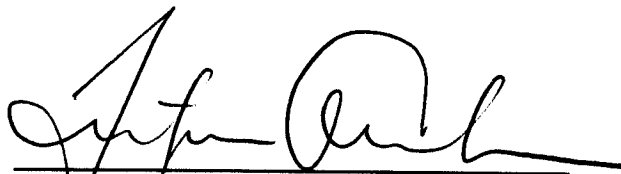
- a. Nature of the violation (*conflict of interest, election campaigns, financial disclosures, employer responsibilities, actions of sexual or discriminatory harassment, open process of Government, Brown Act, City ordinances and policies, failure to disclose campaign contributions when voting on an item to award an agreement/contract, abusive conduct, etc.*)
- b. Prior violations by the same individual.
- c. Other factors which bear upon the seriousness of the violation (*failure to comply with the laws of the United States of America, State of California, and the City of Pico Rivera in the performance of their public duties, etc.*)

Based upon the above factors, Members may be subject to public reprimand, censure, removal from committees, outside boards or commissions, removal from internal offices (i.e. Mayor or Mayor Pro Tem) or as applicable, removal the City's Boards, Commissions or Committees. Members of the City Council cannot be removed from their position as a member of the City Council for violation(s) of this Code, but may only be removed as authorized by law.

The City shall post on the City's website, the names of all City Council Members, Boards, Commission or Committee Members and City Officials/Staff who have signed the Statement of Commitment below. In addition, the names of those Members who refuse or fail to sign the Statement of Commitment will also be designated on the City's website.

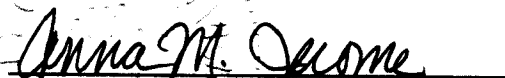
SECTION 22: The City Clerk shall attest to the passage of this resolution and it shall thereupon be in full force and effect.

APPROVED AND PASSED this 11th day of August, 2020.



Gustavo V. Camacho, Mayor

ATTEST:



Anna M. Jerome, City Clerk

APPROVED AS TO FORM:



Arnold M. Alvarez-Glasman, City Attorney

AYES: Elias, Salcido, Sanchez, Tercero, Camacho
NOES: None
ABSENT: None
ABSTAIN: None

STATEMENT OF COMMITMENT

As a member of the Pico Rivera City Council or of a Pico Rivera board, commission, or committee, I agree to uphold the Code of Ethics and Conduct for elected and appointed officials adopted by the City Council and conduct myself by the following model of behavior. As such, I will:

- Recognize the work of individual members and appreciate their individual talents, perspectives and contributions;
- Help create an atmosphere of respect and civility where individual members, City staff and the public are free to express their ideas and work to their full potential;
- Conduct my personal and public affairs with honesty, integrity, fairness, and respect for others;
- Respect the dignity and privacy of individuals and organizations;
- Keep the common and public good as my highest purpose and focus on achieving constructive solutions for the public benefit and the representative I serve and represent;
- Avoid and discourage conduct which is divisive or harmful to the best interests of Pico Rivera;
- Treat all people with whom I come in contact in the way I wish to be treated;
- Before I speak or act I will ask myself the following four questions:
 1. Is it the truth?
 2. Is it fair to all concerned?
 3. Will it build goodwill and better friendships?
 4. Will it be beneficial to all concerned?

I affirm that I have read and that I understand, accept and support the City of Pico Rivera Code of Ethics and Conduct and agree to serve consistent with the terms, conditions and mandates set forth herein.

Name of City Council, Board, Commission, Committee, Staff Member

Position

Signature

Date



To: Mayor and City Council
From: City Manager
Meeting Date: August 11, 2020
Subject: RESOLUTION ADOPTING A CODE OF ETHICS AND CONDUCT POLICY

Recommendation:

1. Approve a resolution adopting a Code of Ethics and Conduct Policy for elected officials and members of appointed boards, commissions, and committees.

Fiscal Impact:

There is no fiscal impact to the budget.

Background:

City staff in collaboration with the Code of Ethics and Conduct Ad Hoc Committee represented by Mayor Pro Tempore Elias and Councilmember Tercero researched Code of Ethics models focusing on: commitment and accountability; compliance and enforcement; disciplinary action; nepotism; and council-manager relations. The goal in developing the document was to avoid attempting to address every eventuality by keeping it general and in terms that everyone could easily understand. Members entering office shall sign a statement affirming they have read and understood the City of Pico Rivera Code of Ethics and Conduct (Exhibit A).

A self-assessment for reflection, learning and continuous improvement is essential and shall take place biennially to take stock and evaluate performance with respect to the Code of Conduct in November of even-numbered years. Members shall be required to take mandatory training including AB 1234, anti-sexual harassment, anti-discrimination training and other applicable training courses required by law.

Discussion:

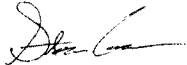
On July 28, 2020, City staff presented to City Council a draft of the policy for review and discussion (Enclosure 2). Councilmember Dr. Sanchez suggested adding language that

CITY COUNCIL AGENDA REPORT – MEETING OF AUGUST 11, 2020
RESOLUTION ADOPTING A CODE OF ETHICS AND CONDUCT POLICY
Page 2 of 2

would include “respect for diversity” that is incorporated in the resolution being presented for approval. In terms of enforcement methods, it was agreed upon that Council Members should not expect the City Manager or City Attorney to apply enforcement and/or accountability measures for them as imposing this expectation on staff would be unreasonable.

Conclusion:

Approval of the attached resolution will implement the Code of Ethics and Conduct Policy for all for elected officials and members of appointed boards, commissions, and committees.



Steve Carmona

SC:aj

Enclosures: 1) Resolution (Exhibit A)
2) Draft Policy

CITY OF PICO RIVERA CODE OF ETHICS AND CONDUCT

For Elected Officials and Members of
Appointed Boards, Commissions, and Committees

Vision & Values

The City of Pico Rivera's vision and values are to safeguard the public's trust through open and transparent business practices that consistently maintain a credibility of strong ethical stewardship of all resources. The City strives to provide responsive and consistent customer service to the community and its employees, whom are trusted to always own the problem and solution to all business challenges. The City recognizes that it must engage its workforce in productive and respectful dialogue as its success internally hinges on the dynamic and interdependent partnerships within, thus improving its chances of external success.

Statement of Purpose

The City and the City Council recognize the importance of consistently conducting fair, ethical and transparent business practices as a local government in an effort to earn the public's full confidence and trust. The City of Pico Rivera's strong desire to fulfill its mission requires:

- public officials, both elected and appointed, to comply with both the letter, spirit and intent of the law and policies affecting the operations of government;
- public officials to be independent, impartial and fair in their judgement 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.

To this end, the Pico Rivera City Council has adopted this Code of Ethics and Conduct ("Code") for elected officials and members of appointed boards, commissions, and committees, and City staff ("Members") to assure public confidence in the integrity of local government and to ensure its effective and fair operation. The City Council of the City of Pico Rivera finds and adopts the following concepts which are fundamental to a representative democratic system of government and to good public administration.

1. Act in the Public Interest

The institutions of government and the officials and agencies of government exist for the public, to unconditionally serve the interests of the public. Recognizing that government is constitutionally obliged to act in the public's best interest must be the Members primary concern. Members will work for the common good of the people of Pico Rivera in ways that promote and preserve the public interest and not for any private or personal interest or gain, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Pico Rivera City Council, boards, commissions and committees.

2. Comply with the Law

Members shall comply with the laws of the United States of America, the State of California, and the City of Pico Rivera in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; all applicable Federal and State statutes, codes, laws and regulations pertaining to the service in and operation of government, including, but limited to, conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government, Government Code sections 54950 through 54963, more commonly known as the Brown Act; and City ordinances and policies.

3. Conduct of Members

The professional and personal conduct of members must be above reproach and 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 the Council, boards, commissions, committees, city staff or general public. Members are servants of the public whose primary objective is to address the needs of the community and residents they serve. As such, they are entrusted with upholding and adhering to the highest standards of integrity in the conduct of their official duties and to faithfully fulfill the responsibilities of their office, regardless of their personal or financial interests.

4. Respect for Process

Members shall perform their duties in accordance with this Code, the rules of order established by the City Council and boards, commissions, 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.

All Members recognize the responsibility of the Mayor or Chair to accurately communicate the decisions of the Council or boards, commissions or committees, even if other Members disagree with such decisions, such that respect for the decision-making processes of Council or other bodies are fostered.

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 on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings. Members shall respect the Mayor or Chair, their colleagues, staff and the public present during the Council meetings or other proceedings of the municipality, so as to provide an environment for transparent and open discussion on matters requiring collaborative and

healthy debate. All Members shall be familiar with the Ralph M. Brown Act, California Government Code 54950, and the statues pertaining to public meetings.

6. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand.

7. 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 personal relationship which may give the appearance of a conflict of interest. In accordance with the law, Members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts *or the perception of conflicts* may exist. While the receipt of campaign contributions or donations may not require recusal or disqualification by any Member, it is recommended that Members shall disclose all campaign contributions received from contractors/vendors who contributed to their personal campaign when voting on an item that pertains to the particular contractor/vendor being awarded an agreement/contract for the City.

8. Gifts and Favors

Members shall comply with the requirements of the Political Reform Act relating to the acceptance and reporting of gifts Form 700 <http://www.fppc.ca.gov/Form700.htm>. No Member shall show favoritism or bias toward any vendor, contractor or other persons doing business with the municipality. Members are prohibited from accepting gifts or favors from any vendor, contractor or others doing business with the municipality personally, or through a family member or friend, in excess of the limits established by the Fair Political Practices Commission ("FPPC") regulations or which could give rise to a reasonable suspicion of influence to show favor or disadvantage to any individual or organization.

9. Confidential Information

Members shall respect the confidentiality of information concerning City property, personnel or proceedings of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal or political interests, views or position.

10. Use of Public Resources

Members shall not request or permit the use of public resources not generally available to the public, such as City staff time, equipment, supplies or facilities, for personal convenience, profit, or private gain. Members shall ensure that the business of the municipality is conducted with efficiency and shall avoid waste, abuse and extravagance in the provision or use of municipal resources. Members shall also refrain from using the City's name, seal or logo for the purpose of endorsing any political candidate or business. No Member shall grant any special consideration, treatment, or advantage to any citizen or group of citizens beyond that which is accorded to all citizens.

11. Representation of Private Interests

In keeping with their role as stewards of the public interest, Members shall not appear on behalf of the private interests of third parties before the Council or any board, commission, committee, or proceeding of the City, nor shall Members of boards, commissions, 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, except as explicitly allowed by law.

12. Advocacy

Members shall represent the official policies or positions of the City Council, board, commission, or committee to the best of their ability when designated as delegates for this purpose. When presenting their individual, personal opinions, views and/or positions, Members shall explicitly state they do not represent the City of Pico Rivera, in their official capacity, nor will they allow the inference that they do.

13. Council General Powers and Responsibility

Members accept that effective governance of the municipality is critical to ensuring that decision are taken in the best interest of all stakeholders and to enable the municipality to function as a good corporate citizen. Therefore, the Mayor is to preside at all meetings of the Council and perform such other duties consistent with the office as may be imposed by the Council or by vote of the people. At Council meetings, the Mayor assists the Council in focusing on the agenda, discussions and deliberations. The Mayor does not possess any power of veto. As presiding officer of the Council, the Mayor is to faithfully communicate the will of the Council majority in matters of policy. The Mayor is also recognized as the official head of the City for all ceremonial purposes.

The Vice Mayor shall perform the duties of the Mayor during the Mayor's absence or disability. The Vice Mayor shall serve in this capacity at the pleasure of the Council. All Members shall respect and adhere to the council-manager structure of Pico Rivera City government as outlined in the City's policies and procedures and follow Pico Rivera Municipal Code Section 2.04 with respect to the City Manager's administrative

responsibilities of the City. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City Staff, the public, boards, commissions, and committees. Except as provided by City ordinance, policies or procedures, individual Members shall not interfere with the administrative functions of the City or the professional duties of the City Manager and his/her staff; nor shall they impair the ability of staff to implement Council policy decisions. Nothing set forth herein shall be intended to deny or prohibit the collective decision of a majority of the City Council, boards, commissions or committees from providing direction or taking action as allowed and authorized by law or as part of their duties and responsibilities as Members of their respective Legislative Body. In addition, nothing contained herein, shall prohibit any individual Member from requesting and obtaining reports, information or documents within the City's possession and which currently exist at the time of the request subject to the authorization and scope of the California Public Records Act.

14. Council Administrative Support

Councilmembers may request information or research from a department head on a given topic directly when it is anticipated that the request can be completed by staff in less than (1) hour. Councilmember requests for research or information that are anticipated to take staff more than one (1) hour to complete should be directed to the City Manager. Requests for new information or policy direction will be brought to the full Council for consideration at a regular meeting. All written products will be copied to the full Council.

The City Council and its members shall address all administrative or municipal service questions or concerns, including personnel and employee union matters, of the City directly to the City Manager, and neither the City Council nor any member thereof shall give orders to any subordinates of the City Manager. All Members must adhere to the Pico Rivera Municipal Code Section 2.04.120, in accordance with the provisions of Section 34856 of the Government Code of the State of California, which states that the City Manager is the Personnel Officer for the City and holds sole responsibility over the hiring, firing, appointing, promoting, disciplining, and demoting of all subordinates. The City Manager shall appoint competent and qualified officers and employees, with the exception of the City Attorney, and shall be responsible to the City Council as the Chief Administrative Officer for the exercise of all powers and duties.

The City Manager shall take his/her orders and instructions from the City Council only when sitting in a duly convened meeting of the City Council and no individual Councilmember shall give any orders or instructions to the City Manager. However, the City Council has ultimate oversight responsibility for the overall operations of the municipal city government and may take any lawful action which shall be deemed necessary to ensure that the City Manager and the municipal organization are fulfilling their respective responsibilities.

15. Council Communications

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

When Councilmembers are requested to speak to groups or are asked about the Council's position on an issue, the response should reflect the position of the Council as a whole. Of course, a Councilmember may clarify their vote on a matter by stating "While I voted against X, the Council voted in support of it." When representing the City at meetings or other venues, it is important that those in attendance gain an understanding of the Council's position rather than that of an individual member.

Members of the Council will often be called upon to write letters to citizens, businesses or other public agencies. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the Council. Individual members of Council will often prepare letters for constituents in response to inquiries or to provide requested information.

16. Nepotism

The City will not hire relatives of Public Officials. If a Public Official's relative presents a matter to the City, then that Public Official cannot participate in or attempt to influence decision-making regarding that matter. For purposes of this policy a "relative" is defined by blood or marriage within the second degree of any one or more of the member of such Council, by-adoption, or step parent, spouse or registered domestic partner, sibling, child or in-law, and their children and children-in-law and neither shall any department head or other officer having appointive power appoint any relative which such degree to any salaried position.

17. Independence of Boards, Commissions, and Committees

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

18. 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 dealing with City employees and refrain from

creating the perception of inappropriate direction to staff including invasion of privacy, becoming involved in personnel matters outside the Brown Act and taking unilateral action against an employee.

19. Implementation

As an expression of the standards of conduct for members expected by the City, the Pico Rivera Code of Ethics and Conduct 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, ethical standards shall be included in the regular orientations for candidates for City Council, applicants to boards, commissions, and committees and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the City of Pico Rivera Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be reviewed bi-annually by the City Council, boards, committees, and the City Council shall consider recommendations from boards, commissions, and committees and update it as necessary in November of even-numbered years.

20. Compliance and Enforcement

The Pico Rivera Code of Ethics and Conduct expresses standards of ethical conduct expected for Members of the Pico Rivera City Council, boards, commissions, and committees. In addition, all Members shall be required to take all training mandated by law, including AB 1234 training, anti-sexual harassment training, anti-discrimination training and other applicable training or courses required by law.

Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of boards, commissions, and committees and the Mayor have the additional responsibility to intervene when Members' actions appear to be in violation of the Code of Ethics and Conduct or when these actions are brought to their attention. The City Council may impose sanctions on members who refuse to sign the Statement of Commitment and whose conduct does not comply with the City's ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment. The City Council may also act to remove members of boards, commissions, and committees from office or position for failing to sign this Code or who violates the provisions or the spirit of this Code. Any disciplinary action may not impede upon the freedom of speech of any Council Member.

Disciplinary action or sanctions are considered when a serious violation of City policy has occurred by a Council Member. The definition of a "serious violation" is not set forth by law, but in determining the type of sanction to be considered or imposed, the following factors may be considered:

CITY OF PICO RIVERA CODE OF ETHICS AND CONDUCT for Elected Officials and
Members of Appointed Board, Commissions, and Committees

May 29, 2020

Page 8 of 9

- a. Nature of the violation (*conflict of interest, election campaigns, financial disclosures, employer responsibilities, actions of sexual or discriminatory harassment, open process of Government, Brown Act, City ordinances and policies, failure to disclose campaign contributions when voting on an item to award an agreement/contract, abusive conduct, etc.*)
- b. Prior violations by the same individual.
- c. Other factors which bear upon the seriousness of the violation (*failure to comply with the laws of the United States of America, State of California, and the City of Pico Rivera in the performance of their public duties, etc.*)

Based upon the above factors, Members may be subject to public reprimand, censure, removal from committees, outside boards or commissions, removal from internal offices (i.e. Mayor or Mayor Pro Tem) or as applicable, removal the City's Boards, Commissions or Committees. Members of the City Council cannot be removed from their position as a member of the City Council for violation(s) of this Code, but may only be removed as authorized by law.

The City shall post on the City's website, the names of all City Council Members, Boards, Commission or Committee Members and City Officials/Staff who have signed the Statement of Commitment below. In addition, the names of those Members who refuse or fail to sign the Statement of Commitment will also be designated on the City's website.

STATEMENT OF COMMITMENT

As a member of the Pico Rivera City Council or of a Pico Rivera board, commission, or committee, I agree to uphold the Code of Ethics and Conduct for elected and appointed officials adopted by the City Council and conduct myself by the following model of behavior. As such, I will:

**CITY OF PICO RIVERA CODE OF ETHICS AND CONDUCT for Elected Officials and
Members of Appointed Board, Commissions, and Committees
May 29, 2020
Page 9 of 9**

- Recognize the work of individual members and appreciate their individual talents, perspectives and contributions;
- Help create an atmosphere of respect and civility where individual members, City staff and the public are free to express their ideas and work to their full potential;
- Conduct my personal and public affairs with honesty, integrity, fairness, and respect for others;
- Respect the dignity and privacy of individuals and organizations;
- Keep the common and public good as my highest purpose and focus on achieving constructive solutions for the public benefit and the representative I serve and represent;
- Avoid and discourage conduct which is divisive or harmful to the best interests of Pico Rivera;
- Treat all people with whom I come in contact in the way I wish to be treated;
- Before I speak or act I will ask myself the following four questions:
 1. Is it the truth?
 2. Is it fair to all concerned?
 3. Will it build goodwill and better friendships?
 4. Will it be beneficial to all concerned?

I affirm that I have read and that I understand, accept and support the City of Pico Rivera Code of Ethics and Conduct and agree to serve consistent with the terms, conditions and mandates set forth herein.

Name of City Council, Board, Commission, Committee, Staff Member

Position

Signature

Date