



**CITY OF SAN CARLOS**

**CODE OF CONDUCT & ETHICS POLICY**

**FOR ELECTED & APPOINTED OFFICIALS**

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# **CITY OF SAN CARLOS CODE OF CONDUCT & ETHICS POLICY**

## **For Elected & Appointed Officials**

*“Leadership is an action, not a word.”*

*Richard Cooley -*

### **1. Introduction**

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of San Carlos has adopted this Code of Conduct and Ethics Policy to promote and maintain the highest standards of personal and professional conduct in the City’s government. All elected and appointed officials of the City subscribe to this Policy and understand how it applies to their specific responsibilities and actions. 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 Policy.

This Policy shall be deemed to set forth the minimum ethical standards to be followed by all elected and appointed officials serving on the City Council, Commissions, Boards and Committees or as the City Treasurer of the City of San Carlos, hereinafter collectively referred to as “City Officials” unless otherwise specified. This policy will be periodically reviewed by City Council.

### **2. Form of Government**

The City of San Carlos operates under a Council-Manager form of government as prescribed by City Policy as set forth by City Council. Accordingly, Members of the Council who are elected at-large, provide legislative direction, set City policy, and ultimately answer to the public. The City Manager serves as the City’s chief administrative officer and is responsible for directing the day-to-day operations of the City and implementing policy as directed by City Council.

Neither the City Council, nor any member thereof, shall direct or request the hire or appointment of any person to or removal of any person from office or in any manner take part in the appointment or removal of an officer or employee in the administrative service of the City except the City Manager and City Attorney. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative services solely through the City Manager, and neither the City Council nor any member thereof shall give orders to any City Employees or contract employees of the City, other than the City Manager and City Attorney.

### **3. City Council Roles and Responsibilities**

Public officials are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the United States and State Constitution and to carry out impartially the laws of the nation, State and the City and thus to foster respect for all governments. They are bound to observe, in their official acts, the highest standards of performance and to discharge faithfully the duties of their office, regardless of personal considerations.

A Council is a collection of diverse individuals who come together to constitute and act as an entity, and only when operating as an entity can they exercise authority and perform the fulfillment of their purpose. Working together as a Council involves acknowledging and balancing the unique interests,

expertise, and abilities of individual Council Members, and Council Members shall accept final decisions of the Council as the official City position on such matters.

The City Council provides the policy direction that guides the operation of the City, adopts ordinances and resolutions that constitute the legislative intent of the City, and sets the City's priorities through the adoption of an annual budget and the provision of direction to the City Manager. The City Council represents the City's residents through these actions and through the conveyance of constituent requests and concerns to the City staff. The City Council also appoints members to its commissions and advisory committees.

#### **4. City Treasurer Roles and Responsibilities**

The City Treasurer is an elected position entrusted to ensure safe management of funds, increase investment potential, minimize risk, and consider the financial needs of the community. The position oversees the internal control and safety of the City's funds and works closely with the City's Finance Division to meet the shared goals of appropriate internal control, prudent investments, and cost effective financial services. Additionally, the City Treasurer reviews and signs payroll and vendor warrants, provides investment advice, responds to rating agencies and public inquiries on financial data, and participates in professional development training focused on City Treasurer's duties, responsibilities, and operational efficiency programs. The City Treasurer also researches and prepares lien release notices, participates in special financial projects with the Finance Division, and conducts internal control and financial efficiency reviews.

#### **5. Mayoral & Vice Mayoral Selection Process**

Serving as Mayor or Vice Mayor is considered to be a privilege, not a right. The Mayor and Vice Mayor serve at the pleasure of the City Council and may be replaced at any time by a majority vote of the council. At the time of selection (as described in the Municipal Code), any member of the City Council may be nominated to serve as Mayor or Vice Mayor. Individuals who are elected to serve as Mayor or Vice Mayor should be chosen because of their ability to fulfill the roles and responsibilities of these positions, establish a respectful and collegial working relationship with the Council, and ultimately, serve the community.

#### **6. Mayoral, Vice Mayoral, Chair & Vice Chair Roles, Responsibilities, & Relationships**

The following outlines some of the key roles, responsibilities, and relationships as they relate to the position of Mayor and Vice Mayor:

##### **A. Mayor**

The Mayor is the presiding officer of the City Council. In this capacity, the Mayor is responsible for reviewing and providing input to Council agendas in cooperation with the City Manager, and leading Council meetings. The Mayor is also responsible for recommending City Council Members to standing or ad hoc committees and to county and regional boards and committees.

As the presiding officer of the City Council, the Mayor is responsible for establishing a professional and respectful working relationship with the Council and public through cooperation and collaboration. This includes an obligation to listen and consider issues, questions, and concerns of the public and Council Members as they relate to Council meetings and the agenda setting process.

The title of Mayor carries with it the responsibility of communicating with the City Council, City Manager, and members of the public. In this capacity, the Mayor serves as the City Council's 'spokesperson' representing the Council in official and ceremonial occasions.

As the official City spokesperson, the Mayor performs special duties consistent with the Mayoral office, including, but not limited to: signing of documents on behalf of the City Council, issuing proclamations, serving as the official voting delegate for various municipal advocacy groups, such as the League of California Cities, and delivering the State of the City Address. The City Council will determine any additional authority or duties that the Mayor shall perform.

Special duties consistent with the Mayoral office may be delegated to the Vice Mayor or any other member of the City Council.

It is the responsibility of the Mayor to interpret and investigate complaints of potential violations of this Code of Ethics Policy. The Mayor may, based on his/her initial investigation, recommend to the Council that either an attorney from the City Attorney's office or an outside Investigator be selected to conduct a more formal investigation. The Mayor may counsel those City Officials covered by this Code of Ethics Policy about their behaviors or actions as applied to the rules set forth herein.

**B. Vice Mayor**

In the Mayor's absence, the Vice Mayor shall perform the formal duties of the Mayor as noted elsewhere in this document.

When the Vice Mayor performs the duties of the Mayor in his/her absence, the Vice Mayor also carries the responsibility of communicating with the City Manager, City Council, and members of the public. This responsibility includes establishing a professional and respectful working relationship with the Council, City Manager and public through cooperation and collaboration.

In the event there is an alleged violation of the Code of Ethics Policy by the Mayor, the Vice Mayor shall interpret and investigate the alleged violation. The Vice-Mayor may, based on his/her initial investigation, recommend to the Council that an outside Investigator be selected to conduct a more formal investigation.

**C. Chair Person(s)**

The principal qualification to be Chair Person of a Board, Commission, or Committee of the City of San Carlos should be the ability to preside at meetings. This requires tact, courtesy, and familiarity with parliamentary procedures. The responsibility of the Chair Person of the body is to direct the discussion of and deliberation over the matters at hand. The Chair Person should encourage the input of ideas, clarify ideas, and re-state motions in order that all members understand the item on which they are voting. It is the Chair Person's responsibility to insure that the body is operating within the confines of all applicable rules and regulations, and to act as the key liaison between the body and the City Council and City

Staff. The Chair Person should ensure that all members of the body have an opportunity to express their thoughts and opinions and should not allow any individual member or members to dominate the proceedings to the detriment of the remaining members or the members of the public.

Since the Chair Person must preside over meetings, he or she must maintain a certain degree of impartiality and be sure to allow all views on an issue to be expressed. However, the Chair Person may also participate in debate, expressing his or her own views, and may make or second motions.

It is the responsibility of the Chair Person to report complaints of potential violations of this Code of Ethics Policy to the Mayor in a timely manner.

**D. Vice Chair Person(s)**

All of the City's Boards, Commissions and Committees shall elect a Vice Chair Person at the time elections for Chair Persons are held. The Vice Chair Person acts in the absence of the Chair Person. For all bodies, if neither the Chair Person nor Vice Chair Person is present at a meeting then the body should immediately elect a Chair Person Pro Tem to preside during the current session.

## 7. Discrimination in Appointments

The City Council shall not appoint, remove, or in any way favor or discriminate against any applicant of appointive position on the basis of race, color, age, religion, gender, sexual orientation, national origin, affiliations, or functional limitation as defined by applicable State or Federal laws. In evaluation of applications for appointive positions, this policy prohibits imposing unenforceable conditions on appointments, such as promises not to run for elective office in a future election or promises to vote in a particular manner on a matter likely to come before the Treasurer, Council or Commission. This provision shall not be construed to impair administrative discretion in determining the requirements of a position subject to review by the City Council.

## 8. Legal and Ethical Standards

Understanding that the City Officials' primary concern is the public interest, such officials should work for the common good, rather than for private or personal interests. City Officials are expected to serve as a model of leadership and civility to the community and to treat all members of the public, each other, and the issues before them with respect, in order to promote open and effective government.

In order to promote the highest standards of respect and integrity, City Officials should:

- A. Practice civility and decorum in discussions and debate.** Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. This does not allow, however, City Officials to make abusive, slanderous, and personal comments, and/or take physical actions that could be construed as threatening. City Officials should be respectful of each other and diverse opinions.
- B. Honor the role of the presiding officer in maintaining order and equity.** Respect the Mayor/Chair's efforts to focus discussion on current agenda items. Objections to the Mayor/Chair's actions should be voiced politely and with reason.

- C. *Demonstrate effective problem-solving approaches.*** City Officials have a public stage to show how individuals with disparate points of view can find common ground and seek compromise that benefits the community as a whole. City Officials are role models for residents, business people, and other stakeholders involved in public debate.
- D. *Base decisions on the best available information.*** Decisions should be made upon the merits and substance of the matter at hand, and not through established coalitions or well-defined voting blocks.
- E. *Be prepared and knowledgeable.*** To effectively lead and inform the public, City Officials should be prepared and informed about issues on the agenda.
- F. *In public discourse,*** it is not uncommon for there to be a ***difference of opinion***. When there is a difference of opinion, the goal is to disagree without being disagreeable, and to avoid making personal attacks on one's colleagues, staff, members of the public and others.
- G. *Be respectful of other people's time.*** City Officials should stay focused, listen attentively, and act efficiently during public meetings.
- H. *Treat others as you would like to be treated.*** To maintain effective interpersonal relationships, City Officials should treat others the way they would expect to be treated. City Officials should be professional in all situations and circumstances, conducting themselves in a consistent, confident, competent, and productive manner. City Officials shall treat all persons fairly, free of discrimination and of personal and sexual harassment, per the City of San Carlos Anti-Harassment Policy. For additional information, please request a copy of the policy from the Human Resources Office.
- I. *Refrain from disclosing confidential information*** concerning the property, government, or affairs of the City, whether it be provided in a closed session (see section 8N) or otherwise, unless the City Council authorizes such disclosure by majority vote. Confidential information shall not be used to advocate financial or other personal interests. Confidential information means all information, whether transmitted orally or in writing, which is of such a nature that it is not, at that time, a matter of public record or public knowledge. Confidential information of any nature and from any source is to remain confidential. Confidential information includes those items identified as confidential at the time the information is conveyed as well as information described or defined as confidential as a matter of regulation law or statute including those items described in the California Public Records Act (Government Code Section 6254), items from closed sessions under the Brown Act (Government Code Section 54950 et seq), and items subject to the attorney-client privilege.
- J. *Limit the acceptance of gifts.*** City Officials shall obey all applicable laws and requirements of the Political Reform Act relative to the acceptance of gifts. The California Fair Political Practices Commission (FPPC) in interpreting the Political Reform Act has established guidance on limits on and reporting of gifts. For additional information, please request a Statement of Economic Interest Form 700 from the City Clerk's Office.
- K. *Avoid even the appearance of conflict*** between public duties and personal interests and activities in all City forums. A conflict or the appearance of a conflict exists in a matter before an official for consideration or determination if the public official:

  - i. Has a material financial interest in the outcome; or



- ii. Has a personal or organizational responsibility or relationship in an entity or organization that will be affected by the outcome, including an association as owner, member, partner, officer, employee, broker or stockholder.

**L. Implementation of Legal and Ethical Standards.** Legal and ethical standards will be included in the periodic orientations for City Officials; Candidates for elected positions; members of appointed positions; and newly elected Council Members and City Treasurer. New City Officials shall sign the Statement of Receipt of San Carlos Code of Ethics Policy (received from and filed with the City Clerk) affirming they have received the City of San Carlos Code of Conduct and Ethics Policy.

**M. Legal Requirements (i.e. Brown Act).** The City Council, Boards, Commissions and Committees operate under a series of laws that regulate their operations as well as the conduct of their members. The City Attorney serves as the City's legal officer and is available to advise these bodies on these matters. Council Members and appointed officials recognize the importance of following the law so as not to compromise the effort to achieve the goals of the community.

**N. Open Meeting Rules: The Ralph M. Brown Act.** The Act requires that meetings of the City Council and its subsidiary/advisory Boards, Commissions and Committees be open and public. 'Meetings' occur whenever a quorum of members of the body discuss, or deliberate on any matter that is relevant to the City. This includes discussions that occur face to face, serially, through third parties, or through written, telephonic, e-mail or any other such communication (such as chat rooms, online forums, blogs, twitter feeds, Internet forums, etc.).

These rules apply to all 'legislative bodies,' which are defined to include the City Council and all subsidiary/advisory Boards, Commissions and Committees.

This Act also requires that the agenda for meetings be posted in advance and that discussions and actions be limited to items appearing on the posted agenda.

Closed session discussions and actions in limited circumstances, including pending or anticipated litigation, property acquisition, labor negotiations or the appointment or evaluation of certain personnel are allowed under this Act. The Act provides that closed sessions and the discussions that occur therein shall remain confidential and can be revealed only with the approval of the City Council. No City Officials shall, without proper authorization of the Council, disclose any closed session discussion or confidential information, nor shall they use such information to advance the financial interest of themselves or others.

The above is a summary of the Brown Act. For additional information or clarification, contact the City Attorney's Office.

**O. The Political Reform Act.** The Act controls conflicts of interests through disclosure of financial interests and prohibition in participating in decision-making.

City Officials are prohibited from making, participating in or in any way attempting to use their official position to influence a governmental decision in which they know or have reason to know they have a financial interest. Financial interests can arise out of property ownership, business investment, leadership in a business entity, or receipt of income and gifts. Nevertheless, under certain circumstances, City Officials with conflicts may be allowed to participate in decision-making.

Regulation 18702.3 explains how to determine when an official is using or attempting to use his or her official position to influence a governmental decision:

With regard to a governmental decision which is within or before an official's agency or an agency appointed by or subject to the budgetary control of his or her agency, the official is attempting to use his or her official position to influence the decision if, for the purpose of influencing the decision, the official contacts, or appears before, or otherwise attempts to influence, any member, officer, employee or consultant of the agency. Attempts to influence include, but are not limited to, appearances or contacts by the official on behalf of a business entity, client, or customer.

The above is a summary of the Political Reform Act. For additional information or clarification, contact the City Attorney's Office.

## **9. Elected & Appointed Officials' Conduct & Communication With and Participation in All Boards, Commissions and Committees.**

There are committees that City Officials are appointed to, or may have an interest in, including but not limited to, standing and ad hoc committees, City boards and commissions, regional boards and commissions, and community-generated committees. To avoid confusion and/or duplication of efforts, City Officials' conduct and communication with and participation in these types of committees are governed by the following guidelines and rules:

### **A. Conduct**

City boards, commissions, and committees are advisory to the Council as a whole, not individual City Council Members. The City Council appoints individuals to serve on City boards, commissions, and committees. It is the responsibility of City Officials to follow policy established by the Council. City Council Members should not feel they have the power or right to influence a board, commission, or committee member in any way. These appointments should not be used as a political 'reward.'

City Officials should be respectful of diverse opinions. A primary role of boards, commissions, and committees is to represent many points of view and to provide advice based on a full spectrum of concerns and perspectives. Council Members may have a closer working relationship with some individuals serving on boards, commissions, and committees, but must be fair and respectful of all board, commission, and committee members and their opinions.

Keep political campaign support away from public forums unless duly agendized and acted on by City Council. The City Treasurer, City Council, and Board, Commission and Committee Members may provide verbal, financial or in-kind assistance to other City Officials, but not in a public forum while conducting official City duties. Conversely, City Officials may provide verbal, financial or in-kind assistance to individuals who are running for office, but not in an official forum in their capacity as the City Treasurer, City Council Member or appointed official. Support or opposition of political initiatives may be agendized and acted on by the City Council.

City Officials should make no personal comments about other City Officials with whom they serve while conducting official business. In unofficial settings, while it is acceptable to

publicly disagree about an issue, it is unacceptable for City Officials to make derogatory comments about other City Officials, their opinions and actions.

**B. Communication**

The City Treasurer and City Council Members may attend any board, commission, or committee meeting, which are always open to any member of the public. However, if the Treasurer or a Council Member wishes to attend the meeting of a committee to which he/she has not been appointed to serve by the Council, the Treasurer or Council Member, as a courtesy, should advise the City representative, if any, as well as the respective committee chair, and should be mindful of the influence of his/her presence. Unless otherwise directed by the Council, comments made by any elected or appointed official attending a meeting of a City body to which he/she has not been appointed to serve by the Council should be made as an individual, not on behalf of any City body.

When serving as a primary or alternate representative on a board, commission, or committee, statements made by City Officials regarding City policy should reflect the majority opinion of the Council, board, commission or committee, which is defined by current or past official Council, board, commission or committee action via public vote or public consensus.

City Officials should update their primary body about their outside board, commission, and committee activities. When serving as the primary City Official on any board, commission, or committee, City Officials should periodically provide verbal update reports to the body during the Reports opportunity on the meeting agenda. Recommended actions should be reported in a timely manner.

When serving on a Council committee, whether standing or ad hoc, all work undertaken by the committee must be directed by the Council and all recommended actions of a Council committee shall be reported to the Council in a timely manner.

**C. Participation**

Appointed primary City Officials are responsible for attending and participating in applicable outside board, commission, and committee meetings. If a City Official has been appointed as the primary representative for an outside board, commission, or committee, that representative is responsible for attending the regularly scheduled meetings. In the event that he or she is unable to attend, the alternate representative should attend in the place of the primary.

Appointed alternate Council Members or appointed representatives should familiarize themselves with the practices and procedures of the respective outside board, commission, or committee. If a City Official is appointed as an alternate representative to an outside board, commission, or committee, the alternate should initially attend one meeting to orient himself/herself to the outside board/commission/committee's practices and procedures and to avoid confusion or duplication of efforts. Alternates are discouraged from regular attendance at City or non-City board/commission/committee meetings when the primary representative is available to attend.

## 10. City Officials Relation with City Staff

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

To enhance their working relationship with staff, City Officials should be mindful of the support and resources needed to accomplish City goals. When communicating and working with staff, City Officials should follow these ten guidelines:

- i. They should treat staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As City Officials, practice civility and decorum in all interactions with City staff.
- ii. They should respect the Council-Manager form of government. Routine questions of City staff should be directed to the City Manager, City Attorney, or the Manager's designee (i.e. staff assigned to support a subcommittee, project or specific task), or appropriate City department head (i.e. Planning Commissioner communicating with Planning Director). City Officials should not set up meetings with department staff directly, but work through the City Manager, Manager's designee, or appropriate Department Head. When in doubt about appropriate staff contact, City Officials should ask the City Manager.
- iii. The City Manager and staff are responsible for implementing City and/or Council action. The processing of City Code and decisions takes place with the City Manager and staff. City Officials should not direct policy/program administrative functions and implementation; rather it should provide policy guidance to the City Manager.
- iv. City Officials as individuals should attempt to communicate questions, corrections, and/or clarifications about reports requiring official action to staff prior to Council, Board, Commission or Committee meetings. Early feedback will enable staff to address such questions and incorporate minor corrections or changes to a Staff report, resulting in a more efficient Council, Board, Commission or Committee meeting discussion.
- v. City Officials should not direct the City Manager or City staff to initiate any action, change a course of action, or prepare any report without the approval of Council. The City Manager's responsibility is to advise on resources available and required for a particular course of action as it relates to Council direction.
- vi. City Officials should not attend department staff meetings unless invited or requested by the City Manager.
- vii. All City Officials should have the same official information as those serving with them on the Council, Board, Commission or Committee with which to make

decisions. Information requested by one City Official shall be shared with any other member of the body for which that official serves upon request.

- viii. Concerns related to the behavior or work of a City employee should be directed to the City Manager. City Officials should not reprimand employees directly nor should they communicate their concerns publicly.
- ix. City Officials should not solicit political campaign support from City staff. Although City staff may, as private citizens with constitutional rights, support political candidates, such activities must take place away from the workplace.
- x. City Officials are prohibited from using their official position to influence a staff or governmental decision in which they have a financial interest, as per the FPPC Regulation 18702.3, as noted in Section 8 of this Code.

## **11. City Officials Relation with the General Public**

A fundamental principle of democracy is citizen access to elected and appointed officials. When meeting with members of the public, elected and appointed officials should follow the following conduct and communication guidelines when addressing the general public and specific interest groups:

### **A. Meetings with the General Public**

City Officials should respect the collaborative process of Council, Board, Commission and Committee decision making and the Council-Manager form of government. City Officials routinely meet with members of the public to hear community concerns, explain Council, Board, Commission or Committee actions, provide opinions about a particular issue, and/or address service requests or inquiries. When meeting with members of the community, City Officials should avoid making commitments that are inconsistent with prior Council, Board, Commission or Committee action or existing policy. If City Officials desire the assistance of staff while meeting with members of the public, they should request that assistance from the City Manager.

City Officials should always clearly demonstrate their respect for members of the public, both in word and in deed. This means keeping meetings flowing smoothly and efficiently, giving members of the public feedback on their ideas, treating all sides fairly, not interrupting speakers unless they are out of order, not being afraid to admit that you have something to learn from the public, and always being as encouraging and constructive as possible. Public service is the first duty of all City Officials, and the public is best served when it is treated well.

City Officials should be mindful of their influence when attending community meetings that are not organized by the City. The presence of City Officials can sometimes create a perception of support for a particular issue or an expectation that a specific action will be taken.

### **B. Official Written Communication with the General Public (Printed or Electronic)**

City Officials should use City letterhead newsletters or other City supported methods of communication to recognize achievements or promoting a City event or conducting City business, and should keep the focus on matters of community-wide interest or official City

business. Individual City Officials should not make promises on behalf of the public body of which they are a member.

The use of City issued electronic devices is subject to the rights and obligations under the City's Electronic Communications Resources Policy. In addition, City Officials shall not use City provided or personal electronic devices in any way as to violate the public meeting requirements of the Brown Act. Thus, use of any electronic devices to receive or send messages and/or emails related to items on the agenda during meetings is prohibited.

**C. Procurement**

Unless authorized by Council, City Officials should not become involved in administrative processes for acquiring goods and services. The procurement of goods and services is governed by provisions set forth in the Municipal Code. To preserve the integrity of this administrative process, elected and appointed officials should refrain from any involvement, unless otherwise directed by Council. Specific elected and appointed official's interests, however, can be referred to the City Manager as appropriate.

**D. Proclamation Request**

The public either as individual (s), City Officials or organization(s) can request that the City issue a proclamation recognizing outstanding achievement in the community, special event(s) or day(s) that are noteworthy or historically significant. The City Manager and Mayor shall review and approve all proclamations prior to execution.

## **12. Representing an Official City Position on an Issue/Item**

In the event that individual City Officials are asked to represent or express an official City position, they should follow these guidelines:

- A. Using their elected or appointed title when conducting official City business.** City Officials may use their title when conducting official City business, for informational purposes, or as an indication of background and expertise, carefully considering whether they are exceeding or appearing to exceed their authority.
- B. Representing an official City position before a governmental agency.** If a City Official appears before another governmental agency organization to give a statement on an issue affecting the City, City Officials should communicate the majority opinion of the Council, Board Commission or Committee, which is defined by current or past official Council, Board, Commission or Committee action via public vote or public consensus.
- C. Letter of Support for Legislation.** Due to the rapid nature of changes in legislation, it is not feasible for many pending pieces of legislation to be presented to the Council to support or oppose the legislation within the timeframe available. As a result, when presenting the City's position on a legislative support letter, the Mayor and City Manager need to be in agreement in supporting or opposing the legislation. If they are not in agreement, no letter will be sent. If needed, an item will be agendaized.
- D. Sharing personal perspectives and opinions.** Personal opinions and comments may be expressed only if the elected or appointed official clarifies that these statements do not

reflect the official position of the City and without reference to his or her position in any matter.

- E. Social Media.** When using social media, City officials must clearly disclose that they are expressing their own personal opinion, and not an official position of the City or, if applicable, the body on which they serve. Where appropriate, posting a disclaimer to this effect is advised.

City officials must also use caution when communicating on social media in that it does not become a conduit to communicate with their fellow Council/Commission members.

### **13. City Officials Relation with the Media**

City Officials are frequently contacted by the media for background information and quotes related to City business and/or community issues. When addressing the media, City Officials should follow these four guidelines:

- i.** They should be professional in all situations and circumstances, conducting themselves in a respectful manner. When speaking with the media, City Officials should choose their words carefully to ensure that comments and statements are not taken out of context.
- ii.** A Council member or Commissioner should clarify whether they are speaking as an individual City Official or representing the position of the City Council, Board, Commission or Committee on which they serve.  
  
If a City Official is contacted by the media, he/she should be clear about whether his/her comments represent an official City position/policy or a personal viewpoint.
- iii.** They should coordinate with the City Manager when addressing questions related to administrative functions or processes. To provide accurate information, City Officials should work with the City Manager when making statements about administrative procedures and processes.
- iv.** They should conform to the information policy governed by the City Emergency/Disaster Preparedness Plan in the event of a disaster or emergency. To avoid confusion and ensure the dissemination of factual information during an emergency or disaster, requests for information should be routed through the appropriately trained public information personnel as prescribed by the City Emergency/Disaster Preparedness Plan. The City Manager serves as the Emergency Services Director during a disaster and is responsible for the response plan and the assignment of duties under that plan.

### **14. Giving Testimony**

It is the duty of elected and appointed officials to answer questions submitted to them by respectfully constituted authority. If any City Official, after reasonable notice and an opportunity to answer, is called upon or requested to give testimony or to produce evidence upon relevant matters pertaining to his/her office or position in connection with any lawful or constitutional inquiry conducted by the Council, the San Mateo County Grand Jury, and State or federal legislative committee, or the Attorney General of the

State, such officer shall, to the best of his/her ability, truthfully answer such inquiries, or shall submit a statement of his/her reasons for refusal. City Officials may obtain legal advice before giving testimony. Nothing in this provision shall be construed to impair a constitutional or civil right.

## **15. Discipline & Sanctions Procedures**

The San Carlos Code of Ethics Policy expresses standards of ethical conduct expected of all City Officials. Each individual covered by the Code of Ethics Policy has the primary responsibility to ensure that he or she understands and meets these standards and complies with all tenets of the Code, so that the public can continue to have full confidence in the integrity of City government.

When a City Official has doubt as to the applicability of a provision of the Code of Ethics Policy to a particular situation, he or she may apply to the City Council or City Attorney for an advisory opinion and be guided by that opinion when given. The City Official shall have the opportunity to present his or her interpretations of the facts at issue and of the applicable provisions of the Code of Ethics Policy before such advisory decision is made.

A City Official who is made aware of an alleged violation of the Code of Ethics Policy shall report the complaint to the Mayor, who shall interpret the allegation, and in the event that the Mayor determines that a violation may have occurred, shall inform the involved City Official that an investigation shall take place. The Mayor may, based on his/her initial investigation, recommend to the Council that an outside Investigator be selected to conduct a more formal investigation. Investigations may culminate in a formal Mayoral report being presented to the Council at a public meeting. The City Council will accept testimony on the matter and determine whether a violation of the Code of Ethics Policy has occurred. If the Mayor is the subject of the complaint, the Vice Mayor shall be responsible for interpreting the complaint and completing the required investigation and possible report. The Vice-Mayor may, based on his/her initial investigation, recommend to the Council that an outside Investigator be selected based on the advice of the City Attorney or their designee, to conduct a more formal investigation.

The City Council may impose sanctions on City Officials when it determines that a violation of the Code of Ethics Policy has occurred, including warning, formal censure, or, in the case of appointed officials, removal from office. If the City Council determines that a member of its body violated the Code of Ethics Policy and that such violation may warrant the official's removal from office, it may refer the issue to the San Mateo County Grand Jury, as provided for in Government Code Section 3060.

## **16. Elected & Appointed Official Receipt**

I affirm that I have received the City of San Carlos Code of Conduct and Ethics for Elected and Appointed Officials.

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(Sign)

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(Date)

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(Print Name & Name of Office)

**RETURN SIGNED & DATED RECEIPT TO THE CITY CLERK**