

CODE OF ETHICS

Declaration of Policy and Purpose

The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people, that government decisions and policy be made in the proper channels of government structure, that public offices not be used for personal gain, and that the public have confidence in the integrity of its government.

In recognition of these goals, this Code of Ethics for the City of Placerville is hereby established for all officials, elected, appointed or employed, paid or unpaid, who shall be referred to hereinafter throughout as "officials."

The purpose of this Code is to establish ethical standards of conduct for all such persons by setting forth those acts or actions that are incompatible with the best public interest or with the best interests of the City, and to direct the disclosure by such officials of private, financial and/or other interests affecting the City.

While not all conduct will fit neatly under a Code of Ethics, officials must have a standard of conduct that avoids even the appearance of impropriety. It is not the purpose of this Code, however, to establish unattainable standards of behavior.

The provisions and purposes of this Code of Ethics and such Rules and Regulations as may be established, are hereby declared to be in the best interests of the City, and are for the protection of the public welfare of its citizens.

1. *Confidential Information - Disclosure Prohibited*

Disclosure of confidential information by any City official is prohibited. Officials must respect and protect information that they have access to by virtue of their position and office. No official shall be a party to illegal or improper activity associated with access to confidential information. No official shall use confidential information to advance their personal, financial, or other private interest.

2. *Incompatible Activity*

No official shall engage in any business or have a financial interest which is in conflict with the proper discharge of their official duties. Officials are also subject to Government Code Sections 1090, 1126 and 87100.

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

3. *Gifts and Gratuities*

Officials shall not accept money or other consideration or favors from anyone other than the City, for the performance of an act which they would be required or expected to perform in the regular course of their duties.

Officials shall not accept any gifts, gratuities, or favors of any kind which might reasonably be interpreted as an attempt to influence their action or actions with respect to City business, or as a reward for performance of a service rendered in the course of their official duties.

Officials shall not accept any fee, compensation, gift, or payment of expenses which results in private gain in return for preferential treatment.

4. *Favored Treatment*

No official shall grant any special consideration, treatment or advantage to any person beyond that which is available to every other person in similar circumstance.

5. *Influence Decision*

Staff is directed to reject any attempts by individual members of the Council to unduly influence or otherwise pressure them into making, changing or suppressing staff decisions or recommendations, or changing departmental work schedules and priorities. Staff shall report such attempts to influence them, in confidence, to the City Manager, who may inform the Council as a whole of such attempts. Staff is to be protected from undue influence and pressure, and must be allowed to execute priorities given by the City Manager, departments heads and Council, as a whole, without fear of reprisal.

The City Manager shall establish a procedure by which the Councilmembers can direct complaints, suggestions and information, directly and quickly, to department personnel. It is important that problems be handled promptly through the City Manager's office for the satisfaction of the Councilmember and their constituents.

If a Councilmember wishes to influence the actions, decisions, recommendations, work loads, work schedules and priorities of the staff, that member must prevail upon the Council as a whole to do so as a matter of Council policy. Individual Councilmembers are not entitled to staff cooperation for personal benefit.

Individual Councilmembers, as well as the Council as a whole, shall be permitted complete freedom of access to any information requested of staff, and shall receive the full cooperation and candor of staff in being provided with any requested information.

It is the duty of every official to discourage any inappropriate contact or encroachment on one's official duties by others seeking to influence a decision.

6. *Uphold Laws*

All officials must uphold and adhere to all federal, state and local laws, ordinances and regulations, and never be a party to their evasion.

7. *Diligent Work and Effort*

All officials shall conduct and perform duties and responsibilities diligently and promptly, giving a full day's work for a full day's pay.

8. *Be Efficient and Economical*

All officials should, on a continuous basis, seek to find ways to do their jobs more efficiently and economically.

9. *Expose Corruption*

It is the duty of every official to expose corruption wherever discovered.

10. *Public Office Held as Public Trust*

All officials of the City shall uphold the principles of this Code, mindful that public office is a public trust and that local government exists to serve the needs of all the citizens of the City.

11. *Private Use of Government Resources Prohibited*

The following rules govern the personal use by officials of City-owned equipment, other than motor vehicles.

- a. No City equipment will be used by an official in his or her private business.
- b. No City equipment will be removed from City premises where it is normally kept, for an official's personal use, unless such equipment is available to the general public.
- c. With permission of their supervisor, officials may use City equipment occasionally for personal tasks, as long as these tasks are performed on the official's own time, and the equipment is not removed from the premises where it is normally kept.
- d. Officials will be responsible for any damage to the City equipment occurring during their personal use thereof.
- e. Officials will reimburse the City for any supplies consumed in their personal use of City equipment.
- f. The City's letterhead will not be used for personal correspondence or for personal business correspondence.

- g. Individual departments may establish more strict rules governing the use of specific types of equipment.

12. *Honesty and Integrity in Public Duties*

Officials shall dedicate themselves to the highest ideals of honor and integrity, and conduct official duties in a professional and caring manner.

13. *Communication on Issues by City Officials Using City Title and/or City Letterhead*

Any communication by a City official to the public, to other governmental agencies, to private organizations, and/or to the press, which states or implies that the communication represents the City's position on an issue, and/or which uses City stationery, shall be permissible: (1) if the communication accurately represents the City Council's approved policy; (2) the City Council has approved the communication; and (3) if the communication does not include the City official's personal position on the issue.

It is permissible for City officials to use City stationery for City-related ceremonial letters, correspondence to City constituents, and when requesting information relating to issues affecting the City, and to use their title when doing so.

City officials, as private individuals, can communicate to any party their personal position on any issue, but shall not use City stationery when doing so, and shall state that they are expressing their personal opinion, and not City policy, if they use their City title.

"City official" includes all persons appointed by the City Council to advisory boards, commissions, committees and all City staff.

14. *Protection from Reprisal*

No official shall use or threaten to use their official authority or influence to discourage, restrain, or interfere with any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the City Council or other appropriate agency, office or department, any information which, if true, would constitute a work-related violation of any law or regulation. Such violations could include waste of City funds, abuse of authority, a specified or substantial danger to public health or safety due to an act of an official, use of a City office, position or resource, for personal gain, or a conflict of interest for an official.

15. *Positive Work Place Environment*

Officials shall support the maintenance of a positive and constructive work place environment for City officials and for citizens, and businesses dealing with the City.

16. *Representing Private Interest Before City Agencies*

Officials shall not appear on behalf of private interest before any council, commission or department of the City. They shall not represent private interests in any action or

proceedings against the interests of the City in any litigation to which the City is a party.

Officials may appear before City departments and commissions or the City Council, on behalf of constituents in the course of their duties as representatives of the electorate, or in the performance of public or civic obligations. However, no retainers or compensation contingent upon a specific action by the City can be accepted. This section cannot be construed as prohibiting the appearance of any official when subpoenaed as a witness by parties which might also involve the City, or the appearance for support of an official's own interest or that of an official's spouse or children.

Actions which may be unlawful, but have the appearance of impropriety, should be avoided.

17. *Lobbying*

During City service, or for one (1) year after leaving City service, no official shall attempt to lobby or influence any current official on matters pending before the City. This rule shall be strictly enforced against both persons, the lobbyist and the person contacted. (For this paragraph, a "lobbyist" is defined as a person paid to try to influence legislation.)

18. *Independence of Boards and Commissions*

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

19. *Advocacy*

Officials shall represent the official policies or positions of the City Council, board or commission, to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, officials shall explicitly state that they do not represent their body, nor the City of Placerville, nor shall they allow the inference that they do.

20. *Implementation*

As a expression of the standards of conduct for officials expected by the City of Placerville, this Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when officials are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientation for all City officials. Officials entering office or employment shall sign a statement affirming that they read and understood the City of Placerville Code of Ethics. In addition, this Code of Ethics shall be annually reviewed by the City Council, and the City Council shall consider recommendation from boards and commissions, and updated as necessary.