

CITY OF LAKE ELSINORE, CALIFORNIA

COUNCIL POLICY MANUAL

SUBJECT: Code of Ethics

Policy No. 100-2

Effective Date: 5/27/86

Revised: 9/12/06

Page No. 1 of 7

BACKGROUND

The City Council of the City of Lake Elsinore desires to emphasize the importance of ethics in local government and to establish a uniform Code of Ethics applicable to all City officials and employees. On October 14, 1986, the City Council of the City of Lake Elsinore adopted Policy No. 100-2, "Code of Ethics." Additionally, in 1984, the City Council adopted Chapter 2.09 of the Lake Elsinore Municipal Code (LEMC), also entitled "Code of Ethics." To resolve inconsistencies between the policy and the LEMC and applicable State law, the City Council on September 12, 2006, voted to repeal Chapter 2.09 of the Lake Elsinore Municipal Code.

PURPOSE

This policy sets forth a Code of Ethics for all City of Lake Elsinore officials and employees, whether elected or appointed, paid or unpaid. The Code establishes ethical standards of conduct for all such officials and employees based upon the beliefs that 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 accordance with open government laws and fair processes that respect the City's governmental structure; and that public office not be used for personal gain. The provisions of this policy are in the best interest of the City and intended to enhance the public's confidence in the integrity of its government. In addition, this policy prescribes the required ethics training of City officials.

POLICY

It is the policy of the Council that the following "**Code of Ethics**" be adopted for all elected officials, appointees and employees of the City of Lake Elsinore unless stated otherwise:

1. Mandatory Ethics Training

In accordance with California Government Code Sections 53234 *et seq.* (AB 1234), which became effective January 1, 2006, all elected and appointed public officials of the City of Lake Elsinore who receive any compensation or reimbursement for actual or necessary expenses incurred in the performance of official duties shall complete ethics training. This applies to members of the City Council, the City Treasurer, and members of the Planning and the Public Safety Commissions. Unless designated by the City Council to receive the training

CITY OF LAKE ELSINORE, CALIFORNIA

COUNCIL POLICY MANUAL

SUBJECT: Code of Ethics

Policy No. 100-2

Page No. 2 of 7

specified in this section, the “Mandatory Ethics Training” does not extend to employees, ad hoc committee members, or committee members of any other sort.

The City Clerk shall ensure that required persons are notified, assist in making training available and maintain records in accordance with Government Code Section 53235.2.

2. Responsibilities of public office.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the United States and State Constitutions 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. Recognizing that the public interests must be their primary concern, public official and employee conduct should be above reproach and avoid even the appearance of impropriety.

3. Dedicated service.

All officials and employees of the City owe a duty of loyalty to the political objectives expressed by the electorate and the programs developed by the Council to attain those objectives. Appointive officials and employees should adhere to the rules of work and performance established as the standards for their positions by the appropriate authority.

Officials and employees should not exceed their authority or breach the law, or ask others to do so, and owe a duty to cooperate fully with other public officials and employees unless prohibited from so doing by law or by the officially recognized confidentiality of their work.

4. Fair and equal treatment.

(a) Interest in appointments. The canvassing of members of the Council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to municipal service, shall disqualify the candidate for appointment except with reference to positions filled by appointment by the Council.

CITY OF LAKE ELSINORE, CALIFORNIA

COUNCIL POLICY MANUAL

SUBJECT: Code of Ethics

Policy No. 100-2

Page No. 3 of 7

(b) Use of public property. No official or employee shall request or permit the use of City-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.

(c) Obligations to citizens. No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

5. Conflicts of Interest.

All elected officials, officers, appointees and employees of the City of Lake Elsinore shall comply with the "Conflict of Interest Code" adopted by City of Lake Elsinore as required by Government Code Section 87300 *et seq.* This Code of Ethics shall not supersede, negate or otherwise invalidate any portion of the Conflict of Interest Code of the City of Lake Elsinore.

In addition, any official, officer, appointee or employee of the Redevelopment Agency of the City of Lake Elsinore must comply with State Health & Safety Code Sections 33201 and 33130, which such sections are incorporated herein by this reference. Sections 33201 and 33130 state, among other things, that any official, officer, appointee or employee of a redevelopment agency may not acquire an interest in real property within the boundaries of a redevelopment project area except for his or her primary place of residence.

6. Political activities.

In addition to the disclosure and disqualification provisions of the City's Conflict of Interest Code and the Political Reform Act ("PRA", California Government Code Section 81000 *et seq*) which apply generally to all public officials, Section 84308 of the PRA places certain additional prohibitions, disclosure and disqualification requirements with regard to the solicitation and acceptance of certain campaign contributions, the disclosure of those campaign contributions and the disqualification from participating in decisions in which the person making the campaign contribution has a financial interest. Section 84308 applies to appointed members of the Planning and Public Safety Commissions and certain other officials while serving in that official capacity when the official is running for public office. Section 84308 does not apply to directly elected officials such as City Council and Redevelopment Agency members, nor does it affect the conduct of commissioners who have not, or are not, running for public office.

CITY OF LAKE ELSINORE, CALIFORNIA

COUNCIL POLICY MANUAL

SUBJECT: Code of Ethics

Policy No. 100-2

Page No. 4 of 7

No employee shall orally, by letter or otherwise solicit or participate in soliciting any assessment, subscription or contribution to any political party during working hours on the premises of any governmental property owned by the City and shall at all times conform to the provisions of Sections 3201 - 3207 of the California Government Code.

No official or employee, whether elected or appointed, shall promise any appointment to any position with the City as a reward for any political activity.

7. Applicability of Code provisions.

When a Councilmember or other official or employee has doubt as to the applicability of a provision of this Code to a particular situation, he or she should request the City Attorney or his or her own legal counsel for an advisory opinion and be guided by that opinion when given. The Councilmember or other officials or employees shall have the opportunity to present their interpretations of the facts at issue and of the applicable provisions of this Code before such advisory decision is made. The provisions of this Code shall be operative in all instances covered by such provisions, except when superseded by applicable statutory provisions or when the application of a statutory provision is discretionary but determined to be more appropriate or desirable.

8. Ex parte communications.

Any written ex parte communication received by an official or employee in matters where all interested parties should have an equal opportunity for a hearing shall be disclosed at such hearing by the recipient.

Any oral ex parte communication received under such conditions should also be disclosed by the recipient at any public hearing concerning the matter.

A communication concerning only the status of a pending matter shall not be regarded as an ex parte communication.

9. No Disclosure of Matters Discussed in Closed Session

No member of the City Council or other City elected official, employee or appointed official shall disclose any information received confidentially during any closed session of the Council or any other board or commission held in accordance with State law.

CITY OF LAKE ELSINORE, CALIFORNIA

COUNCIL POLICY MANUAL

SUBJECT: Code of Ethics

Policy No. 100-2

Page No. 5 of 7

10. Avoidance of impressions of corruptibility.

Public officials and employees, whether appointed or elected, full time or part time, or paid or unpaid, should conduct their official and private affairs so as not to give a reasonable basis for the impression that any such official or employee can be improperly influenced in the performance of his/her public duties. Such officials or employees should so conduct themselves as to maintain public confidence in their performance of the public trust in the government they represent. They should not be a source of embarrassment to that government and should avoid even the appearance of conflict between their public duties and private interests.

11. Investments creating a conflict of interest.

No Councilmember, official or employee, whether paid or unpaid, should seek to acquire or obtain any financial interest which would create or may create a conflict or incompatibility with the performance of his or her official duties.

12. City allegiance and proper conduct.

(a) Incompatible employment. No Councilmember, official or employee shall engage in or accept any private employment, or render services for private interest, when such employment or service is incompatible with proper discharge of his or her official duties or would tend to impair his or her independence or judgment or action in the performance of those duties.

(b) Disclosure of confidential information. No Councilmember, official or employee shall, without proper authorization of the Council, disclose confidential and/or privileged information concerning the property, government, or affairs of the City, nor shall he or she use such information to advance the financial interest of himself, herself or others.

(c) Gifts and favors. No Councilmember, official or employee shall knowingly accept any gift which creates a conflict of financial interest and is given by any person, firm, or corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the City. No Councilmember, official or employee shall accept any gift regardless of amount, retainer or compensation that is contingent upon a specific action by the City Council, a City commission or a City agency.

(d) Representing private interest before the City and other public agencies or courts. No Councilmember, official or employee whose salary is

CITY OF LAKE ELSINORE, CALIFORNIA

COUNCIL POLICY MANUAL

SUBJECT: Code of Ethics

Policy No. 100-2

Page No. 6 of 7

paid in whole or in part by the City shall appear on behalf of business or private interests of another before any agency of the City where such appearance would create a potential of having to abstain from officials participating on that matter or be incompatible with that Councilmember's, official's or employee's official duties. In addition, he or she shall not represent any private interest of another person or entity in any action or proceeding against the interest of the City in any litigation to which the City is a party.

A Councilmember may appear before City and other public agencies on behalf of constituents in the course of his or her duties as a representative of the electorate or in the performance of public or civic obligations; provided, however, that a Councilmember appearing before any public agency or other association in his or her private capacity shall clearly disclose that he or she is speaking as an individual and not as a representative of the City or pursuant to a City Council action or endorsement.

(e) Interest in City contracts. Regardless of whether he or she abstained from participating in the City decision to award or enter into the contract, no Councilmember, official or employee shall have an investment or monetary interest in any contract with the City made by them in their official capacity, or by any board or body of which they are members, except as permitted by Government Code Section 1090, *et seq.*

13. Future employment.

It shall be improper for any former officer or employee to appear as a compensated representative at any time before the Council, or any of its agencies in which they were formerly employed, in connection with any case or other matter in which such former officer or employee was duly connected in a policy-making capacity or managerial capacity while an officer or employee of the City for one (1) year following the termination of the officer or employee. Such officer or employee may be released from the obligation imposed by the provisions of this section upon the submission of a written request to the Council in advance of his/her proposed appearance and a certification that, while an officer or employee of the City, took no action or obtained no information which would prejudice his/her conduct or presentation, either at the time he/she was an officer or employee, or at the time of the presentation. The prohibition established by this paragraph 13 shall not apply to the appearance before the City Council or any of its agencies by a former official or employee of his or her personal interests (ie., real property owned by former official or employee).

14. Acknowledgement.

CITY OF LAKE ELSINORE, CALIFORNIA

COUNCIL POLICY MANUAL

SUBJECT: Code of Ethics

Policy No. 100-2

Page No. 7 of 7

The City Clerk shall provide a copy of this Policy No. 100-2 to all elected and appointed City officials and employees promptly after adoption by the City Council and thereafter to individuals within thirty (30) days of the date of employment or taking the oath of office upon election or appointment. Every City official and employee will be asked to acknowledge in writing receipt of this Policy No. 100-2.

HISTORY

Adopted by Resolution No. 86-66

5/27/86

Amended by Resolution No. 2006-152

9/12/06