



## Appendix B

# **TOWN OF ATHERTON Council Code of Conduct**

Approved March 19, 2014

---

## **1. PREAMBLE**

The citizens of Atherton are entitled to have fair, ethical and accountable local government which has earned the public's full confidence for integrity. The citizens of Atherton expect public officials, both elected and appointed, and city employees to comply with both the letter and spirit of the laws of the State of California, the United States of America, the Atherton Municipal Code, and the established policies of the Town of Atherton affecting the operations of local government.

Further, public officials, both elected and appointed, and city employees are expected to be independent, impartial and fair in their judgment and actions; and public office shall 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 Atherton City Council has adopted a Code of Conduct and Procedures for members of the City Council, committees and commissions and City staff to assure public confidence in the integrity of local government and its effective and fair operation. All persons covered by this code will aspire to meet the highest ethical standards in the conduct of their responsibility as a public official, elected or appointed, and city employees.

The Code of Conduct and Procedures shall be discussed at least annually, in either a regular meeting or a study session by the Council, Commissions, Committees and staff as an on-going means of developing a thorough understanding of the Code of Conduct and Procedures and the Brown Act.

## **RELATIONSHIP BETWEEN CITY COUNCIL, COMMITTEE AND COMMISSION MEMBERS AND TOWN STAFF**

The Town of Atherton municipal government operates under a council-manager form of government as established by Atherton Municipal Code. Under this form of government, the Council provides legislative direction, sets policy and monitors its execution by Town staff. The City Manager serves as the Town's chief executive and administrative officer and is responsible for directing the day-to-day operations of the Town.

Except for the purpose of inquiry, the Council and its members shall deal with the administrative service of the Town solely through the City Manager and neither the Council nor any member

thereof shall give orders to any subordinate of the City Manager, either publicly or privately. A more formal procedure should be followed if Council needs staff support that requires more than thirty (30) minutes of a staff member's time. If a majority of the Council approves such a request, the City Manager will proceed with said request and report his/her findings back to the Council upon completion. The same procedure applies to Council requests of the City Attorney, except in instances involving personnel or sensitive issues.

The work of the Town is a team effort. Councilmembers, Commissions, Committees and staff shall work together in a collaborative process, assisting each other in conducting the affairs of the Town.

## **POLICY STATEMENT**

The Atherton City Council has adopted this Code of Ethics to encourage public confidence in the integrity of local government and its fair and effective operation.

### **1. Act in the Public Interest**

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

### **2. Comply with the Law**

Councilmembers shall comply with the laws of the nation, the State of California and the City in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the Atherton Municipal Code; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities and open processes of government; and Town policies.

### **3. Conduct of Members**

Councilmembers shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the City Council, commissions, committees, ad-hoc committees, staff or the public. Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the City Council, Commissions and Committees take action, members of the Council, Committee, Commission, and staff shall commit to supporting said action of the majority and not create barriers to the implementation of said action. Members of the City Council, Commissions, Committees and Staff shall not represent themselves as speaking on behalf of the Town and/or the City Council without prior approval of the City Council. The statements of previously approved City Council action may be made without additional City Council approval.

### **4. Respect for Process**

Councilmember duties shall be performed in accordance with the processes and rules of procedures established by the City Council.

### **5. Conduct of Public Meetings**

Councilmembers shall inform themselves of public issues, listen attentively to public discussions before the body and focus on the business at hand. The City Council, Commissions and Committees will distinguish between free speech and malicious innuendo or personal, insulting, slanderous attacks and will not tolerate verbal abuse of any Council members, Commissions or Committee members, or staff, either from the floor or from each other. It is the responsibility of the Chair, and, if necessary, all the members of the Council, Commissions and Committees, to enforce and maintain decorum at meetings. **The Town does not tolerate hate speech, threats, or behaviors or speech that disrupt the meeting. For purposes of this section, disruptive behavior is behavior that “actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting,” including but not limited to, behavior that, (1) violates one of the governing body’s**

## **6. Decisions Based on Merit**

Council decisions shall be based upon the merits and substance of the matter at hand.

## **7. Communication**

It is the responsibility of Councilmembers to publicly share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other Councilmembers.

## **8. Coordination with City Staff**

Appropriate City staff should be involved when Councilmembers meet with officials from other agencies and jurisdictions to ensure proper staff support as needed and to keep staff informed. Councilmembers may coordinate the use of staff support through the City Manager.

## **9. Disclosure of Corruption**

All City officials shall take an oath upon assuming office, pledging to uphold the constitution and laws of the City, the State and the Federal government.

## **10. Conflict of Interest**

In order to assure their independence and impartiality on behalf of the public good, Councilmembers shall not use their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law.

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

## **11. Gifts and Favors**

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

## **12. Confidential Information**

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

### **13. Use of Public Resources**

Public resources not available to the general public (e.g., City staff time, equipment, supplies or facilities) shall not be used by members of Council, Committees, and Commissions for private gain or personal purposes. Staff can be used by the City Council, Commissions and Committees as a valuable resource to provide routine information on ongoing projects and programs. Council members, Commissions and Committee members shall request information needed to supplement, upgrade or enhance their knowledge about Town projects and programs directly through the City Manager.

### **14. Representation of Private Interests**

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

### **15. Advocacy**

To the best of their ability, Councilmembers shall represent the official policies and positions of the City Council. When presenting their personal opinions or positions, members shall explicitly state that they do not represent the Council or the City.

### **16. Improper Influence**

Councilmembers shall refrain from using their position to improperly influence the deliberations or decisions of Town staff, commissions or committees.

### **17. Policy Role of Members**

Councilmembers shall respect and adhere to the Council-Manager structure of the Atherton City government as provided in State law and the Atherton Municipal Code.

### **18. Positive Work Environment**

Councilmembers shall support the maintenance of a positive and constructive environment for residents and Town employees.

### **19. Implementation**

Ethics standards shall be included in the regular orientations for City Council candidates. Councilmembers entering office shall sign a statement affirming they read and understood the Town of Atherton's City Council Code of Ethics.

### **20. Compliance and Enforcement**

Councilmembers 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 City government.

