

CODE OF CONDUCT

This Code of Conduct sets forth the general policies and rules governing the conduct of the City Council and individual Council Members. Each **“Rule”** in this Code is in bold text and is followed by an *italicized explanation* of the Rule to guide interpretation and application. Rules are organized by situation or context for ease of reference only, but the concepts and principles encompassed in any Rule should be applied where appropriate regardless of where a Rule is organized in this Code. The foregoing “Introduction” portion of this Code is a material part and incorporated into this Code.

SECTION 1. COUNCIL MEMBER CONDUCT DURING PUBLIC MEETINGS

1.1 Honor the Mayor’s role and authority in maintaining order during public meetings.

.1 *The Mayor shall preside over public meetings of the City Council. The Mayor has the responsibility and authority during public meetings to fairly and efficiently control the debate among Council Members, the order of Council Member and public speakers, and keep comments of Council Members on track and reasonably concise.*

.2 *In addition to other remedies available, the Mayor may call for a short recess should a Council Member become disruptive or agitated so as to not interfere with the normal conduct of business.*

.3 *If the Mayor is absent or unable to act, the Mayor Pro Tem shall serve until the Mayor returns or is able to act.*

1.2 Council Member comments should be relevant to the issue being discussed.

.1 *Council Members shall limit their comments to the subject matter, item, or motion being currently considered by the City Council.*

.2 *A determination of relevance shall be made by the Mayor, and may be appealed to the full City Council.*

1.3 Council Member comments should be reasonably concise.

.1 *Each Council Member should be allowed the opportunity to speak twice on each issue being considered by the City Council.*

.2 *The Mayor has the authority to allow Council Members an additional opportunity (or opportunities) to speak, and the Mayor’s determination may be appealed to the full City Council.*

.3 *Council Members shall govern themselves as to the length of their comments, but generally a Council Member’s time to speak on a single issue should not exceed 10 minutes. The Mayor has the authority to allow additional time to speak, and the Mayor’s determination may be appealed to the full City Council.*

1.4 No Packing of Audience.

It is inappropriate for a Council Member to pack the audience for a specific agenda item.

1.5 Practice civility and decorum in public discussions and debate.

.1 Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are all legitimate elements of a free democracy in action.

.2 Council Members do not have the right and shall not make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments, to disrupt the orderly process of public meetings, or engage in conduct that could be construed as threatening.

.3 Council Members are expected to interact with one another with mutual respect and courtesy, and derogatory, snappy, or sarcastic comments towards another Council Member are inappropriate.

.4 No personal attacks of any kind, are appropriate under any circumstance

.5 Council Members should conduct themselves in a professional and businesslike manner during meetings of the City Council and meetings of other legislative bodies of which they are members.

.6 Council Members shall treat each other, members of the public, and staff with civility and respect.

.7 Council Member commentary or comments from Council Members should focus on the issues at hand, not the personalities; ad hominem attacks (where comments attack the character, motive, or some other attribute of a Council Member rather than the position or issue itself) should be avoided.

1.6 Treat members of the public and speakers with care and respect and actively listen to speakers and presenters.

.1 Making the public feel heard and welcome is an important part of the democratic process. No signs of partiality, prejudice, or disrespect should be evident on the part of individual Council Members toward an individual participating in a public forum.

.2 Every effort should be made to be fair and impartial to persons addressing the City Council.

.3 Council Members should listen attentively and patiently during each speaker's or presenter's allotted time to speak and show respect to differing opinions and perspectives that are expressed.

.4 Attention should be prioritized when Council Members are not reading relevant materials or actively taking notes. Council Members should be aware that facial expressions and lack of attention may unintentionally convey negative messages or disinterest.

1.7 Ask clarifying questions of speakers and presenters and do not engage in argument or debate.

.1 Council Members who wish to ask questions of speakers or presenters may do so, but only after being recognized by the Mayor.

.2 Council Members shall not engage in debate with public speakers and instead questions by Council Members should seek to clarify or expand the information provided.

.3 Council Members personal opinions or inclinations about upcoming votes should not be revealed until after the public comment period is closed.

SECTION 2. COUNCIL MEMBER CONDUCT WHILE ENGAGING WITH CITY STAFF

2.1 Respect and show deference to the City's organizational structure.

.1 The City of Buena Park is a Charter City with a "council-manager" form of government. The City Council, with the assistance of its advisory commissions and committees, makes policies and fundamental governmental decisions. The City Manager is charged with implementing those policies and decisions and administering the day-to-day affairs of the City with the assistance of staff. The City Council only has direct authority (including hiring, terminating, or reviewing performance) over the City Manager, the City Clerk and the City Attorney; all other employees, contractors, or consultants of the City are under the direct authority of the City Manager.

.2 Respecting this structure is important to organizational success, maintaining positive and effective working relationships between Council Members and employees, complying with labor related laws and regulations avoids Council Members monopolizing staff's time, and avoids confusion and/or inefficiencies associated with individual Council Members providing potentially conflicting direction.

2.2 Communicate with employees through the City Manager or his/her designees.

.1 Council Members shall not direct, order or make demands on any City employee, other than inquiries that can be answered routinely and without research and support (such as information that might be available through a public records request), and such requests shall be made in accordance with a protocol established by the City Manager.

.2 Except for such routine requests or communications, all requests or communications to staff originating from a Council Member shall be made through the City Manager. Council Members may also communicate directly with the City Clerk and City Attorney.

2.3 Make all requests for research, meetings, or work through the City Manager.

.1 All requests for work, meetings, or research should be directed to the City Manager, and request shall not be made from a Council Member directly to directors, mid-managers, or to outside legal counsel, contracted professionals, or consultants.

.2 Appropriate requests may be made directly by Council Members to the City Clerk or City Attorney.

2.4 No interference with the manner by which the appointed Executive Staff performs his/her responsibilities.

.1 The City Manager, City Clerk, and City Attorney, as Executive Staff, take direction from the City Council acting as a body, not from individual members.

.2 The City Manager, as chief executive officer of the organization, makes the final decisions on matters within the scope of his/her authority including without limitations, the hiring of subordinates, day-to-day business affairs of the City, and implementation of various programs, projects and services previously approved by the City Council.

.3 The City Manager cannot function effectively if not given the independence needed to perform the job responsibilities, or if inconsistent direction is provided by individual Council Members.

.4 Individual Council Members similarly have no authority and should refrain from independently directing or instructing the City Clerk, City Attorney, contractors or consultants working on City projects or programs.

2.5 Do not threaten a City employee with disciplinary action.

.1 It is never acceptable for a Council Member to directly or indirectly threaten an employee with disciplinary action of any kind.

.2 Council Members shall not retaliate or threaten to retaliate against employees because of disagreements with staff policy recommendations.

2.6 Concerns with employee performance shall be directed to the City Manager.

.1 If a Council Member is concerned about the performance of a City employee (including a contractor or consultant), that concern should be expressed privately to the City Manager; or if the concern relates to the City Manager, to the City Attorney. Such criticisms can then be addressed in accordance with the City's personnel rules, in a manner that protects the employee's rights and protects the City's authority to properly discipline its employees.

.2 Council Members shall not reprimand employees, nor shall they communicate their concerns to anyone other than the City Manager (or City Attorney if applicable).

2.7 Avoid undue influence on staff decisions.

.1 Council Members shall not attempt to coerce or influence staff in the awarding of contracts, the selection of consultants, the processing of building or development applications, or the granting of any licenses or permits.

.2 Council Members shall not attempt to change or interfere with the operating policies and practices of any City department.

2.8 Avoid using Staff to achieve individual Council Member policy goals not approved by City Council.

A Council Member shall not direct staff to initiate any action, change a course of action, or prepare any report that is significant in nature, nor shall a Council Member initiate any project or study, without the approval of a majority of the City Council.

2.9 Do not attempt to reorganize employees' priorities or influence employees' performance of assigned responsibilities.

City employees report to their immediate supervisor in accordance with approved work plans, with all employees ultimately reporting and accountable to the City Manager. Interference with an employee's work routine, priorities or decision-making processes creates confusion and stress and places the employee in the difficult position of either disregarding his/her assigned work or appearing to disrespect the official's wishes. Subordinate employees also may not be comfortable communicating directly with Council Members due to perceived power imbalances.

2.10 Respect staff's time.

.1 Individual Council Members should minimize memos, emails, and other interactions with City staff.

.2 Without advanced approval by a majority of the City Council, an individual Council Member shall limit the duration of meetings with staff to one hour, and an individual Council Member may only request information or research from staff on a given topic if it is anticipated that the request can be completed by staff in less than one hour. Any such requests shall be made through the City Manager, and requests for information may be made through the City Clerk. Responses to all requests for information will be copied to all Council Members.

2.11 Requests for City records or documents.

If a Council Member desires to review a City record or document, a request shall be made to the City Clerk. The City Clerk will coordinate retrieval of the requested document or a response to the request, including by contacting individual departments or employees. Responses to all requests for information will be copied to all Council Members.

SECTION 3. COUNCIL MEMBER CONDUCT WITH COMMISSIONS AND OUTSIDE AGENCIES

3.1 Undue influence on City Commissions and Committees.

Council Members should not attempt to influence or lobby individual commissioners or committee members on any item under their consideration. It is important for commissions and committees to be able to make objective recommendations to the City Council on items before them. Council Members who attempt to strongly influence commission or committee positions on any item may prejudice or hinder their role in reviewing the commission's or committee's recommendation as a member of the City Council.

3.2 Criticism of City Commissioners and Committees Members.

Council Members should not publicly criticize commission or committee appointments, committee or commissioner members, or recommendations of a committee or commission. Commissioner and committee members are valuable members and serve a valuable role in the community.

3.3 Expressing City Council Majority and Personal Views to Outside Agencies and Organizations.

.1 Council Members commonly speak before other public bodies, government agencies, neighborhood groups, or organizations. When doing so, a Council Member should always make it clear whether they are presenting their own point of view, or whether they have been authorized by the City Council to present a particular view.

.2 Council Members should be clear in all oral and written statements whether they are using their title for identification purposes or because they are speaking in an official capacity.

3.4 Regional representation and voting.

Individual Council Members representing the City on regional or outside legislative bodies shall vote in a manner that is consistent with City Council direction and/or policy. If no City Council direction or policy exists, Council Members should use reasonable efforts to place the matter on a City Council agenda to obtain direction from the City Council in advance of the Council Member's vote on the outside legislative body.

SECTION 4. COUNCIL MEMBER CONDUCT IN OTHER OFFICIAL AND UNOFFICIAL SETTINGS

4.1 Council Members shall identify themselves by their titles only in circumstances directly relevant to City business.

.1 Council Members must avoid creating the perception that they are abusing their authority or attempting to obtain special consideration or favors by identifying themselves by their title (i.e. "Mayor," "Mayor Pro Tem," or "Council Member") in circumstances where their City position has no relevance.

.2 When representing themselves as City officials in appropriate situations, Council Members should do so accurately and not misrepresent their authority.

4.2 When representing the City on official business, Council Members shall behave responsibly, professionally and in a manner reflecting positively on the City.

Council Members on official business should actively demonstrate the City's "Core Values" of "excellence," "communication," "teamwork," "commitment," "respect," "integrity," and "equity."

4.3 Representations and personal promises.

Council Members shall not make representations or promises to any third party regarding the future actions of the City Council or City staff, unless such representation or promise has been duly authorized by the City Council. Individual Council Members do not have authority to make commitments on behalf of the City unless expressly authorized to do so by the City Council.

4.4 Avoid derogatory comments or personal attacks against other Council Members.

Council Members commonly disagree about an issue, and do so publicly, but it is unacceptable to make derogatory comments or personal attacks against other Council Members in any setting. Doing so may undermine confidence in and respect for the City Council as a legislative body. Honesty and respect for the dignity of each individual Council Member should be reflected in the words and actions taken by Council Members.

4.5 Work proactively to avoid misrepresentations and recognize subject matter experts.

Council Members have a significant influence over how City business is conducted, and how the City is publicly perceived. Council Members should recognize that achieving the City's "Core Value" of "integrity" requires both actual and perceived transparency and honesty in the public's business. Council Members should avoid intentionally false or misleading misstatements, avoid inadvertently misleading the public, recognize practical limitations of their knowledge base, and give respect to the opinions of subject matter experts.

4.6 Continue respectful behavior in private.

The same level of respect and consideration that is deemed appropriate for public discussions should be maintained in private conversations; particularly while on official business. Council Members should behave at all times in a manner reflective of the trust placed in them by the public, as the public may have difficulty differentiating between a Council Members "official" and "private" actions.

4.7 Council Members should refer media or organizational requests to the City Manager.

Council Members are frequently contacted by the media or outside organizations for information, quotes, or official statements from the City, and at times these requests are on high profile issues. The City Manager or his/her designee shall be the City's spokesperson on media inquiries or requests from outside organizations. If an individual Council Member is contacted by the media or an outside organization for this purpose, the Council Member should refer the media or organization to the City Manager and refrain from making statements that would give the appearance of representing the City's official position.

SECTION 5. ENFORCEMENT OF RULES AND CODE OF CONDUCT

5.1 City Council Responsible for Enforcement.

The City Council shall have the responsibility and authority to enforce this Code or any portion thereof.

5.2 Procedure and Mechanisms of Enforcement.

.1 The goal of enforcement of this Code is corrective, rather than penal, and a progressive approach to curing violations should be employed where possible, beginning with informal methods and proceeding to more formal methods as necessary. It is the responsibility of each Council Member to initiate action if a Council Member's behavior violates this Code.

.2 Any individual Council Member who intentionally and/or repeatedly does not adhere to this Code, or any Rule set forth herein, may be orally or verbally reprimanded by the Mayor without the need for consensus or action by the City Council, or formally censured or sanctioned by a majority of the City Council pursuant to this section.

.3 If appropriate, informal counseling, coaching, and instruction by the Mayor or an appointed Council Member, or referral to the Employee Assistance Program, may be utilized as initial efforts to correct a Council Member's behavior.

.4 Should less drastic measures fail, the City Council may, in a public meeting, censure a Council Member, and/or impose one or more of the following sanctions: oral or written reprimand; censure; loss of committee or liaison assignments; removal from an appointed commission or board; travel or expense reimbursement restrictions; loss of staff support or use of City resources; restrictions on access to City facilities; and other penalties as may be applicable under the circumstances.

.5 Any individual Council Member that believes another Council Member has committed a violation of this Code may initiate a request to formally censure or sanction the offending Council Member by placing the issue on the next regularly scheduled meeting of the City Council. If the alleged violation was not observed by the City Council, the Council Member making the complaint may request that the City Council direct the City Manager to have an investigation of the complaint to be completed, and the request for formal censure or sanction will be considered at the first regularly scheduled meeting of the City Council after the investigation is completed.

.6 If a Council Member believes that a violation of this Code by another Council Member violates federal or state law, or otherwise creates a reasonable risk of liability to the City, the Council Member believing a violation to have occurred should, before making the allegation public, first report the allegation to the City Manager and City Attorney. Upon receipt of such an allegation, the City Manager and City Attorney shall review it to determine whether the allegation presents a sufficient risk of liability to warrant an independent investigation or other remedial or follow-up action, and if the allegation does present such risk, the City Manager and the City Attorney shall together determine a course of action protecting the City's interests.

.7 Nothing in this section is intended to restrict or limit remedies available by law.