

City of Thousand Oaks Code of Ethics

Sec. 1-10.01. Declaration of policy.

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 the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a code of ethics for all officials and employees, whether elected or appointed, paid or unpaid. The purpose of this chapter is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City and by directing the disclosure by such officials and employees of private financial or other interests in matters affecting the City. The provisions of this chapter and such rules and regulations as may be established are hereby declared to be in the best interest of the City and for the protection of the public health, safety and welfare of its citizens.

(§ 1, Ord. 868-NS, eff. September 18, 1984)

Sec. 1-10.02. 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 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. Recognizing that the public interests must be their primary concern, their conduct in both their official and private affairs should be above reproach.

(§ 1, Ord. 868-NS, eff. September 18, 1984)

Sec. 1-10.03. 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.

(§ 1, Ord. 868-NS, eff. September 18, 1984)

Sec. 1-10.04. 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 the municipal service, shall disqualify the candidate for appointment except with reference to positions filled by appointment by the Council.

(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.

(§ 1, Ord. 868-NS, eff. September 18, 1984)

Sec. 1-10.05. Conflicts of financial interest.

With regards to conflicts of financial interests, the following shall be deemed the "Conflict of Interest Code" of the City of Thousand Oaks as required by Government Code Section 87300 et seq.:

(a) *Incorporation of state statutes and regulations.* The definitions and disclosure requirements contained in the Political Reform Act of 1974 (Government Code Section 81000 et seq.), and in the regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. Section 18730, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this section.

(b) *Designated persons.* The City Council shall adopt and periodically review a resolution designating City employees, boardmembers, commissioners, committee members, officers and City consultants (herein designated persons), who must file conflict of financial interest statements. In that resolution designating persons required to file, the City Council shall set forth the corresponding disclosure categories for such persons. By said resolution the City Council has determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on said person's financial interests. All persons holding positions listed in this resolution shall file conflict of interest statements consistent with the disclosure categories and this section.

For purposes of this chapter the term "designated employee" as used in Government Code Section 81000 et seq. and 2 Cal. Code of Regs. Section 18730, et seq. shall be included within the definition of designated persons as used herein.

(c) *Disclosure categories.* Being listed as a city designated person under this section does not establish any additional disclosure obligation for those persons who are also specified in Government Code Section 87200 (City Councilmembers, Planning Commissioners, City Manager, City Attorney, City Treasurer and candidates for City Council) and, as a result, obligated to file under state law.

This section does not establish any additional disclosure obligation for any designated person who is designated in a conflict of interest code for another agency, if all of the following apply:

- (1) The geographical jurisdiction of the City is the same as or is wholly included within the jurisdiction of the other agency;
- (2) The disclosure category assigned in the code of the other agency is the same as the City's; and
- (3) The filing officer is the same for both agencies.

Designated persons who are required to file statements of economic interests under any other agency's conflict of interest code may expand their statement to cover all reportable interests required for both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated person as if it were an original.

(d) *Statements of economic interests: Place of filing.* Designated persons shall file their statements of economic interests with the City Clerk who is deemed the filing officer for purposes of this section.

(e) *Manner of disqualification.* When a designated person determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of the City Manager or City Attorney this determination and disclosure shall be made in writing to the City Council; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

(f) *Assistance of the commission and counsel.* Any designated person who is unsure of his or her duties under this Code may request assistance from the City Attorney or the Fair Political Practices Commission pursuant to Government Code Section 83114, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

(g) *Violations.* Designated persons violating any provision of this section are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 through 91015. In addition, a decision in relation to which a violation of the disqualification provisions of this section, or of Government Code Section 87100 or 87450, has

occurred may be set aside by the Superior Court as void pursuant to Government Code Section 91003. (§ 1, Ord. 868-NS, eff. September 18, 1984, as amended by § 1, Ord. 911-NS, eff. March 4, 1986, § 1, Ord. 1226-NS, eff. January 3, 1995, and § 1, Ord. 1329-NS, eff. January 7, 1999)

Sec. 1-10.06. Political activities.

No appointive official or 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 3202 and 3203 of the Government Code of the State.

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.

(§ 1, Ord. 929-NS, eff. September 2, 1984)

Sec. 1-10.07. Applicability of chapter provisions.

When a Councilmember or other official or employee has doubt as to the applicability of a provision of this chapter to a particular situation, he/she should apply to the Council 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 chapter before such advisory decision is made. The provisions of this chapter 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.

(§ 1, Ord. 868-NS, eff. September 18, 1984)

Sec. 1-10.08. Ex parte communications.

No official or employee shall encourage, make or accept any ex parte or other unilateral application or communication that excludes the interests of other parties in a matter under consideration when such application or communication is designed to influence the official decision or conduct of the official or other officials, employees or agencies in order to obtain a more favored treatment or special consideration to advance the personal or private interests of him/herself or others. The purpose of this provision is to guarantee that all interested parties to any matter shall have equal opportunity to express and represent their interests.

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 made a part of the record by the recipient.

Any oral ex parte communication received under such conditions should be written down in substance by the recipient and also be made a part of the record.

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

(§ 1, Ord. 868-NS, eff. September 18, 1984)

Sec. 1-10.09. Avoidance of impressions of corruptibility.

Public officials and employees, whether appointed or elected, full time or part time, 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.

(§ 1, Ord. 868-NS, eff. September 18, 1984)

Sec. 1-10.10. Discrimination in appointments.

No person shall be appointed to, removed from, or in any way favored or discriminated against with respect to any appointive administrative office because of such person's race, color, age,

religion, sex, national origin, political opinions, affiliations, or functional limitation as defined by applicable State or federal laws, if otherwise qualified for the position or office. This provision shall not be construed to impair administrative discretion in determining the requirements of a position or in a job assignment of a person holding such a position, subject to review by the Council.

(§ 1, Ord. 868-NS, eff. September 18, 1984)

Sec. 1-10.11. 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.

(§ 1, Ord. 868-NS, eff. September 18, 1984, as amended by § 2, Ord. 911-NS, eff. March 4, 1986)

Sec. 1-10.12. 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 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 agencies or courts.* No Councilmember, official or employee whose salary is 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 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.

(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.

(§ 1, Ord. 868-NS, eff. September 18, 1984, as amended by § 2, Ord. 911-NS, eff. March 4, 1986, and § 2, Ord. 1226-NS, eff. January 3, 1995)

Sec. 1-10.13. 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 six (6) months 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.

(§ 1, Ord. 868-NS, eff. September 18, 1984)

Sec. 1-10.14. Giving testimony.

It is the duty of municipal employees to answer questions submitted to them by respectfully constituted authority that may reflect upon the employees' fitness for municipal office or employment. If any City officer or employee, 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 Ventura 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, answer such inquiries or shall submit a statement of his/her reasons for refusal thereof to the Council for its consideration. The Council, where permitted by law, shall thereafter inform such officer or employee whether or not such officer or employee is required, as a condition of continued employment, to answer such questions and the officer or employee continues to refuse to answer the questions thus propounded, such officer or employee shall resign immediately on the request of the Council or shall forfeit his/her position at the suit of the City. Nothing in this provision shall be construed to impair a constitutional or civil right.

(§ 1, Ord. 868-NS, eff. September 18, 1984)

Sec. 1-10.15. Sanctions.

In addition to any other penalties or remedies provided by law, any violation of the provisions of this chapter shall constitute a cause for suspension, removal from office or employment or other disciplinary action after notice and hearing conducted by the appropriate appointed authority or, in the case of the Council, a majority of such Council.

(§ 1, Ord. 868-NS, eff. September 18, 1984)