Code of Ethics and Conduct for Elected and Appointed Officials

As part of the annual review of the subject Code, BPAC's feedback is needed. This item is tentatively scheduled to go before Council on April 8, 2008. Attachment A of the enclosed RTC is the current Code of Conduct, Attachment B is the current Code of Ethics and Attachment C is the new combined document.

REPORT TO BOARDS AND COMMISSIONS

Board/Commission Meeting: February/March 2008
Tentative Council Date: April 8, 2008

SUBJECT: Annual Review of City's Code of Ethics and Code of Conduct

REPORT IN BRIEF

On an annual basis the City's Code of Ethics for Elected and Appointed officials (Attachment A) is reviewed by the City Council and the City's advisory boards and commissions. The purpose of the annual review is to consider the need for revisions and to refresh members' familiarity with the Code.

The City's Code of Conduct for Elected Officials (Attachment B) describes the manner in which Councilmembers should treat one another, City staff, board and commission members, constituents, and others whom they may come in contact with while representing the City. It does not currently apply to board and commission members. This document is also reviewed by Council annually.

Staff is recommending that these two documents be merged into one document that applies to elected and appointed officials alike, and that the timing of annual reviews be adjusted to occur shortly following Council elections. Attachment C depicts the proposed "Code of Conduct and Ethics for Elected and Appointed Officials". Additions, deletions and revisions to the previous codes are clearly identified in red to help members of Council and the public identify recommended changes.

The City's boards and commissions reviewed this report during the months of February and March and recommended as follows: _____.

BACKGROUND

In June 1995, the Sunnyvale City Council adopted a Code of Ethics for Elected and Appointed Officials. A committee of former members of Council and boards/commissions developed the Code, and each City advisory board or commission reviewed the draft prior to its adoption. When the Code was adopted, Council also approved an implementation plan including the specific review of the Code by boards and commissions as part of their annual work plans. Following the review by boards and commissions, the implementation plan calls for the Code to be reviewed by the City Council and, if necessary, to be revised to reflect changed conditions or to incorporate suggestions made by the boards and commissions for its enhancement.

All City Councilmembers and all appointed members of boards and commissions sign a "Model of Excellence Member Statement" (included as part of Attachment A) affirming that they have read and understand the Code of Ethics. In addition, a presentation on the Code of Ethics is included in orientation sessions for newly appointed board and commission members and information is included in the *Sunnyvale Handbook for Boards, Commissions and Committees.*

When Council adopted the Code of Ethics, it approved a consistent single set of ethical standards for all members of the City Council and advisory boards and commissions. The Code was expressed as simple and positive principles of conduct, rather than as a detailed, legal ordinance. Since Fair Political Practices Commission (FPPC) and state law already deal with issues such as conflict of interest and fair political practices, the Code focused on guidelines for personal and official conduct that would strengthen both the overall integrity of government and the public's confidence in it. No revisions have been made to the Code of Ethics since its adoption in 1995.

In 1999, the Council formed a subcommittee on policy and protocol to develop guidelines for appropriate Councilmember conduct. The subcommittee made recommendations to the Council regarding the content of a Code of Conduct for Elected Officials and the Code was unanimously adopted on April 11, 2000.

EXISTING POLICY

Code of Ethics for Elected and Appointed Officials (See Attachment A)
Code of Conduct for Elected Officials (See Attachment B)

DISCUSSION

Two Documents or One?

To date, the Code of Conduct for Elected Officials and the Code of Ethics for Elected and Appointed Officials have served separate purposes. Yet there is a good deal of overlap between them and a strong relationship in terms of content--so much so that it can be difficult to determine which Code to reference if one is seeking specific information. In fact, it can be easy to forget that there are two separate documents, and rely on only one to guide one's actions in any particular situation. A quick review of the Code of Ethics reveals that much of it actually deals with "conduct", and that much of its contents is repeated in the Code of Conduct. This report provides Council the opportunity to maintain each Code as a separate document, or to merge them into a single document that includes both the Code of Ethics and Code of Conduct.

Codes Apply to Whom?

The City's Code of Ethics has always applied to both elected and appointed officials. The Code of Conduct, however, has applied only to those elected (Councilmembers). This annual review offers Council the opportunity to

maintain that status quo, or to make the contents of both documents apply to both elected and appointed officials. It should be noted that staff are held to similar high standards of ethical conduct, as detailed in the City's Administrative Manual, Chapter 3 (Personnel), Article 6 (Work Standards).

Document Content

Neither The Code of Ethics nor the Code of Conduct has been revised to any great extent since it was first created. In accordance with Council action taken on November 27, 2007, staff has revised both documents to be consistent in terms of policy dealing with board and commission counseling, discipline and investigative findings and recommendations. This reflects the primary substantive change from previous years' content. However, two additional recommended changes relative to representing the City are brought to Council's attention on page 14 of Attachment C. One clarifies Councilmembers' responsibility to support and advocate the official City position on an issue when representing the City; the other eliminates Council's ability to use City letterhead to represent a point of view which is not supportive of official City policy or the Council's position (existing language states this is not a good idea, but still provides Council the option). Other minor changes reflecting clarifications to existing policy (such as the role of the Mayor and editorial revisions) are also called to Council's attention in red. Should Council opt to merge the two documents into one, in future years staff would edit that one document to eliminate duplicated material (i.e., verbiage currently appearing in both the Code of Conduct and Code of Ethics).

Timing of Annual Reviews

Council policy calls for both documents to be reviewed by Council on an annual basis, and for the Code of Ethics to be reviewed by all boards and commissions annually. Given recent changes in the City's legislative calendar due to the November 6, 2007 elections (i.e., timing of selection of Mayor), staff is recommending that the annual review of both documents occur shortly following the election of new Councilmembers in election years, and shortly following the selection of the Vice-Mayor in non-election years.

FISCAL IMPACT

There is no fiscal impact associated with this report.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, in the Council Chambers lobby, in the Office of the City Clerk, at the Library, Senior Center, Community Center and Department of Public Safety; posting the agenda and report on the City's Web site; and making the report available at the Library and the Office of the City Clerk. Copies of this report were also shared with each of the City's Boards and Commissions.

ALTERNATIVES

Content Alternatives

1. Make no changes to the existing Code of Ethics
2. Make no changes to the existing Code of Conduct
3. Revise the Code of Conduct to apply to appointed officials (board and commission members) as well as elected officials (City Council).
4. Combine the Code of Ethics and Code of Conduct into one document, and as depicted by Attachment C. Eliminate duplicated material in future years.
5. Other changes to the Code of Ethics and/or the Code of Conduct as determined by Council

Timing Alternatives

6. Schedule the annual review of the Code of Ethics and Code of Conduct shortly following the selection of the Vice-Mayor each year.

RECOMMENDATION

Staff recommends Alternatives 3, 4, and 6:

3. Revise the Code of Conduct to apply to appointed officials (board and commission members) as well as elected officials (City Council).
4. Combine the Code of Ethics and Code of Conduct into one document, and as depicted by Attachment C. Eliminate duplicated material in future years.
6. Schedule the annual review of the Code of Ethics and Code of Conduct shortly following the selection of the Vice-Mayor each year.

Staff believes the proposed merger of the Code of Conduct and the Code of Ethics retains all of the important tenets of the previous separate documents, and facilitates their accessibility by locating all related guidelines in one place. Staff's recommendation also reflects its belief that many of the codes of conduct (previously applicable only to Council) should apply to all board and commission members as well.

The City's boards and commissions recommend as follows: _____.

Prepared by: Robert Walker, Assistant City Manager

Approved by:

Robert Walker
Assistant City Manager

Attachments

Attachment A – Existing Code of Ethics for Elected and Appointed Officials
Attachment B – Existing Code of Conduct for Elected Officials
Attachment C – Proposed Code of Ethics and Conduct for Elected and Appointed Officials

Attachment A

Code of Ethics for Elected and Appointed Officials

POLICY PURPOSE

The Sunnyvale City Council has adopted a Code of Ethics for members of the City Council and the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

POLICY STATEMENT

Preamble

The citizens and businesses of Sunnyvale are entitled to have fair, ethical and accountable local government which has earned the public's full confidence for integrity. In keeping with the City of Sunnyvale Commitment to Excellence, the effective functioning of democratic government therefore requires that:

- public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- public officials be independent, impartial and fair in their judgment and actions;
- public office 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 Sunnyvale City Council has adopted a Code of Ethics for members[1] of the City Council and of the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

1. Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Sunnyvale and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Sunnyvale City Council, boards and commissions.

2. Comply with the Law. Members shall comply with the laws of the nation, the State of California and the City of Sunnyvale in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the Sunnyvale City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

3. Conduct of Members. The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public.

4. Respect for Process. Members shall perform their duties in accordance with the processes and rules of order established by the City Council and board and commissions governing

the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

5. Conduct of Public Meetings. Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

6. Decisions Based on Merit. Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

7. Communication. Members shall publicly share substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process.

8. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good, members 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. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

9. Gifts and Favors. Members shall not take any special 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 any gifts, favors or promises of future benefits which might compromise their independence of judgement or action or give the appearance of being compromised.

10. Confidential Information. Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

11. Use of Public Resources. Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

12. Representation of Private Interests. In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City, nor shall members of boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

13. Advocacy. Members 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, members shall explicitly state they do not represent their body or the City of Sunnyvale, nor will they allow the inference that they do.

14. Policy Role of Members. Members shall respect and adhere to the council-manager structure of Sunnyvale city government as outlined by the Sunnyvale City Charter. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. Except as provided by the City Charter, members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

15. Independence of Boards and Commissions. Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.

16. Positive Work Place Environment. Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

17. Implementation. As an expression of the standards of conduct for members expected by the City, the Sunnyvale Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, ethical standards shall be included in the regular orientations for candidates for City Council, applicants to board and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of Sunnyvale code of ethics. In addition, the Code of Ethics shall be annually reviewed by the City Council, boards and commissions, and the City Council shall consider recommendations from boards and commissions and update it as necessary.

18. Compliance and Enforcement.The Sunnyvale Code of Ethics expresses standards of ethical conduct expected for members of the Sunnyvale City Council, boards and commissions. Members 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 government.

    The chairs of boards and commissions and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics are brought to their attention. The City Council may impose sanctions on members whose conduct does not comply with the City's ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment, or budget restriction. Under the City Charter, the City Council also may remove members of boards and commissions from office. A violation of this code of ethics shall not be considered a basis for challenging the validity of a Council, board or commission decision.

(Adopted: RTC 95-145 (6/27/1995), Reaffirmed: RTC 99-467 (10/26/1999), Reaffirmed: RTC 00-353 (10/10/2000), Reaffirmed: RTC 01-368 (10/23/2001), Reaffirmed: RTC 02-437 (11/12/2002), Reaffirmed: RTC 03-391 (11/11/2003), Reaffirmed: RTC 04-419 (12/7/2004), Reaffirmed: RTC 05-360 (12/13/2005), Reaffirmed: RTC 06-389 (12/12/2006))

Lead Department: Office of the City Manager

[1] For ease of reference in the Code of Ethics, the term "member" refers to any member of the Sunnyvale City Council or any of the City's boards and commissions established by the City Charter, City ordinance or Council policy.

Attachment B

CITY OF SUNNYVALE

CODE OF CONDUCT FOR ELECTED OFFICIALS

"Conduct is three-fourths of our life and its largest concern."

-- Matthew Arnold

(Adopted by Council on April 11, 2000 (RTC 00-124))
(Revised by Council on December 7, 2004 (RTC 04-418))
(Revised by Council on December 13, 2005 (RTC 05-361))

The Three Rs of Sunnyvale Government Leadership: Roles, Responsibilities and Respect

The City Charter provides detailed information on the roles and responsibilities of Councilmembers, the Vice Mayor, and the Mayor. The City's Code of Ethics provides guidance on ethical issues and questions of right and wrong. Until now, what has not been clearly written down is a Code of Conduct for Sunnyvale's elected officials.

This Code of Conduct is designed to describe the manner in which Councilmembers should treat one another, city staff, constituents, and others they come into contact with in representing the City of Sunnyvale. It reflects the work of a Council Policy and Protocol Subcommittee that was charged with defining more clearly the behavior, manners, and courtesies that are suitable for various occasions. The Subcommittee also considered a wide variety of policy changes and clarifications designed to make public meetings and the process of governance run more smoothly.

The constant and consistent theme through all of the conduct guidelines is "respect." Councilmembers experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Councilmembers to do the right thing in even the most difficult situations.

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Overview of Roles & Responsibilities

"Leadership is an action, not a word."
-- Richard Cooley

Other resources that are helpful in defining the roles and responsibilities of elected officials can be found in the Sunnyvale City Charter and in the Leadership Guide for Mayors and Councilmembers published by the League of California Cities.

MAYOR

- Serves at the pleasure of the Council (Sunnyvale City Charter, Section 605)
- Acts as the official head of the City for all ceremonial purposes (Sunnyvale City Charter, Section 605)
- Chairs Council meetings (Sunnyvale City Charter, Section 605)
- Calls for special meetings (Sunnyvale City Charter, Section 609)
- Recognized as spokesperson for the City
- Selects substitute for City representation when Mayor cannot attend
- Makes judgment calls on proclamations, Special Orders of the Day, etc.
- Recommends subcommittees as appropriate for Council approval
- Serves as the liaison between the Council and the City Manager and City Attorney in regards to employee relations
- Leads the Council into an effective, cohesive working team
- Signs documents on behalf of the City
- Serves as official delegate of the City to the U.S. Conference of Mayors and other events and conferences

VICE MAYOR

- Serves at the pleasure of the Council (Sunnyvale City Charter, Section 606)
- Performs the duties of the Mayor if the Mayor is absent or disabled (Sunnyvale City Charter, Section 606)
- Chairs Council meetings at the request of the Mayor
- Represents the City at ceremonial functions at the request of the Mayor
- Reports closed session actions at public Council meetings
- Initiates routine motion for consent calendar items on the City Council agenda

ALL COUNCILMEMBERS

All members of the City Council, including those serving as Mayor and Vice Mayor, have equal votes. No Councilmember has more power than any other Councilmember, and all should be treated with equal respect.
All Councilmembers should:

- Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others
- Prepare in advance of Council meetings and be familiar with issues on the agenda

- Represent the City at ceremonial functions at the request of the Mayor
- Place activities and events on the Council's weekly activities calendar that invite official participation of all Councilmembers. A list of the activities of individual Councilmembers may also be submitted for public record at the option of the Councilmember
- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community
- Inspire public confidence in Sunnyvale government
- Provide contact information with the Council Executive Assistant in case an emergency or urgent situation arises while the Councilmember is out of town
- Demonstrate honesty and integrity in every action and statement
- Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Conduct

MEETING CHAIR

The Mayor will chair official meetings of the City Council, unless the Vice Mayor or another Councilmember is designated as Chair of a specific meeting.

- Maintains order, decorum, and the fair and equitable treatment of all speakers
- Keeps discussion and questions focused on specific agenda item under consideration
- Makes parliamentary rulings with advice, if requested, from the City Attorney who acts as an advisory parliamentarian. Chair rulings may be overturned if a Councilmember makes a motion as an individual and the majority of the Council votes to overrule the Chair.

FORMER COUNCILMEMBERS

Past members of the City Council who speak to the current City Council about a pending issue should disclose who they are speaking on behalf of (individual or organization).

Policies & Protocol Related To Conduct

"Wherever there is a human being, there is an opportunity for kindness."
-- Seneca

Ceremonial Events
Requests for a City representative at ceremonial events will be handled by City staff. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if event organizers would like another representative from the Council. If yes, then the Mayor will recommend which Councilmember should be asked to serve as a substitute. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Councilmembers at their homes are presumed to be for unofficial, personal consideration.

Correspondence Signatures
Councilmembers do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Council meetings. City staff will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor unless the Mayor requests that they be signed by another Councilmember or City staff.

If correspondence is addressed only to one Councilmember, that Councilmember should check with staff on the best way to respond to the sender.

Endorsement of Candidates
Councilmembers have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official City meetings.

Intergovernmental Relations
The Council will hold a quarterly meeting on intergovernmental relations (IGR) to assign specific Councilmembers to take a leadership role on new issues and to hear updates on pending issues. A Chair for each Council Subcommittee should be selected at the first meeting of the Subcommittee after the IGR assignments are made.

Legislative Process
The City of Sunnyvale uses the Planning and Management System (PAMS) as a guideline for its legislative process. Details of the PAMS system may be found in City manuals. The City uses parliamentary procedure for meeting management.

Non-agenda Items
During a designated period of the agenda, citizens, Councilmembers and staff may bring forth issues or questions that are not on the meeting's agenda. Topics should be legislative items requiring action by the Mayor or the Council, study issues for future consideration, and requests for information. Each speaker, citizen or elected official, will be limited to five minutes.

Public Announcements in Council Meetings
Councilmembers who want to speak first during the Public Announcement portion of the Council meeting should notify the Chair in advance. Otherwise, Councilmembers will be recognized when the Chair notices the light signal. Councilmembers like members of the public who use this portion of the agenda to recognize achievements or promote an event, will be limited to three minutes each, and should keep the focus on matters of community-wide interest.

Public Meeting Hearing Protocol
The applicant or appellant shall have the right to speak first. The Chair will determine the length of time allowed for this presentation. Speakers representing either pro or con points of view will be allowed to follow. The Chair will determine how much time will be allowed for each speaker, with 3 to 5 minutes the standard time granted. The applicant or appellant will be allowed to make closing comments. The Chair has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly.

Councilmembers will not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. "I think" and "I feel" comments by Councilmembers are not appropriate until after the close of the public hearing. Councilmembers should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

Main motions may be followed by amendments, followed by substitute motions. Any Councilmember can call for a point of order. Only Councilmembers who voted on the prevailing side may make motions to reconsider. Councilmembers who desire to make the first motion on issues which they feel strongly about should discuss their intention with the Chair in advance of the Council meeting.

Travel Expenses
The policies and procedures related to the reimbursement of travel expenses for official City business by Councilmembers are outlined in Council Policy 7.3.12. All Council travel in excess of the allowed budget, in which the Councilmember expects to officially represent the City and/or be reimbursed by the City for travel costs, must be approved in advance by the Council. The travel policy and budget for Council should be reviewed at each two-year budget cycle.

Council Conduct with One Another

"In life, courtesy and self-possession, and in the arts, style, are the sensible impressions of the free mind, for both arise out of a deliberate shaping of all things and from never being swept away, whatever the emotion, into confusion or dullness."

-- William Butler Yeats

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.

IN PUBLIC MEETINGS

• Use formal titles
The Council should refer to one another formally during public meetings as Mayor, Vice Mayor or Councilmember followed by the individual's last name.

• Practice civility and decorum in discussions and debate
Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Councilmembers to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

•Honor the role of the Chair in maintaining order
It is the responsibility of the Chair to keep the comments of Councilmembers on track during public meetings. Councilmembers should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

• Avoid personal comments that could offend other Councilmembers
If a Councilmember is personally offended by the remarks of another Councilmember, the offended Councilmember should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Councilmember to justify or apologize for the language used. The Chair will maintain control of this discussion.

• Demonstrate effective problem-solving approaches
Councilmembers have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

IN PRIVATE ENCOUNTERS

• Continue respectful behavior in private
The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

• Be aware of the insecurity of written notes, voicemail messages, and e-mail
Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message were played on a speaker phone in a full office? What would happen if this E-mail message were forwarded to others? Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

• Even private conversations can have a public presence
Elected officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

Council Conduct with City Staff

"Never let a problem become an excuse."
-- Robert Schuller

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

• Treat all staff as professionals
Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

• Council questions/inquiries to City staff

1. *General. Council communications with City staff should be limited to normal City business hours unless the circumstances warrant otherwise. Responses to Council questions posed outside of normal business hours should be expected no earlier than the next business day.*

2. *Routine Requests for Information and Inquiries. Councilmembers may contact staff directly for information made readily available to the general public on a regular basis (e.g., "What are the library's hours of operation?" or "How does one reserve a tee time at the golf course?"). Under these circumstances staff shall treat the Councilmember no differently than they would the general public, and the Councilmember shall not use their elected status to secure preferential treatment. The City Manager does not need to be advised of such contacts.*

3. *Non-Routine Requests for Readily Available Information. Council may also contact staff directly for easily retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion (e.g., "How many traffic lights are there in the City?" or "Under what circumstances does the City lower its flags to half mast?")*

4. *Non-Routine Requests Requiring Special Effort. Any Councilmember request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff to express an opinion (legal or otherwise) must be directed to the City Manager, or to the City Attorney, as appropriate (e.g., "How many Study Issues completed over the past five years have required 500 or more hours of staff time?", or "What is the logic behind the City's sign ordinances affecting businesses along El Camino Real?"). The City Manager (or City Attorney as appropriate) shall be responsible for distributing such requests to his/her staff for follow-up. Responses to such requests shall be copied to all Councilmembers, the City Manager, the City Attorney as appropriate and affected Department Heads.*

5. *<u>Meeting Requests</u>. Any Councilmember request for a meeting with staff must be directed to the City Manager or City Attorney, as appropriate. When in doubt about the appropriateness of a communication with staff, Councilmembers shall ask the City Manager for advice.*

6. *<u>Public Safety Restrictions</u>. Under certain circumstances, requests for information regarding operations or personnel of the Department of Public Safety may be legally restricted. Applicable statutes include: The Peace Officers' Procedural Bill of Rights (California Government Code Section 3300, et seq.), Confidentiality of Peace Officer Records (California Penal Code Section 832.5-7), and a number of exceptions to the California Public Records Act, defined in Government Code Section 6254. Providing information in response to such requests could violate the law, and might also violate due process rights that have been defined for peace officers in the State of California. Accordingly, it shall be the policy of the City of Sunnyvale to strictly comply with all applicable legal authorities governing the release of Department of Public Safety information and records.*

• Do not disrupt City staff from their jobs
Councilmembers should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.

• Never publicly criticize an individual employee
Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Comments about staff in the office of the City Attorney should be made directly to the City Attorney.

• Do not get involved in administrative functions
Councilmembers must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits. [See Code of Ethics] The Sunnyvale City Charter, Section 807, also contains information about the prohibition of Council interference in administrative functions.

• Check with City staff on correspondence before taking action
Before sending correspondence, Councilmembers should check with City staff to see if an official City response has already been sent or is in progress.

• Do not attend meetings with City staff unless requested by staff.
Even if the Councilmember does not say anything, the Councilmember's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

• Limit requests for staff support
Routine secretarial support will be provided to all Councilmembers. The Council Executive Assistant opens all mail for Councilmembers, unless a Councilmember requests other

arrangements. Mail addressed to the Mayor is reviewed first by the City Manager who notes suggested action and/or follow-up items.

Requests for additional staff support – even in high priority or emergency situations – should be made to the City Manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.

• Do not solicit political support from staff
Councilmembers should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

Council Conduct with The Public

"If a man be gracious and courteous to strangers, it shows he is a citizen of the world, and that his heart is no island cut off from other lands, but a continent that joins to them."
-- Francis Bacon

IN PUBLIC MEETINGS

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Councilmembers toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

• Be welcoming to speakers and treat them with care and gentleness
"I give many public presentations so standing up in front of a group and using a microphone is not new to me. But I found that speaking in front of Council was an entirely different experience. I was incredibly nervous and my voice was shaking. I think the reason was because the issue was so personal to me. The Council was going to take a vote that would affect my family's daily life and my home. I was feeling a lot of emotion. The way that Council treats people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity."

• Be fair and equitable in allocating public hearing time to individual speakers
"The first thing the Mayor said to me was to be brief because the meeting was running late and the Council was eager to go home. That shouldn't be my problem. I'm sorry my item was at the end of the agenda and that there were a lot of speakers, but it is critically important to me and I should be allowed to say what I have to say and believe that the Council is listening to me."

The Chair will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated five-minutes with applicants and appellants or their designated representatives allowed more time. If many speakers are anticipated, the Chair may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Council requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Chair reopens the public hearing for a limited and specific purpose.

• Give the appearance of active listening
It is disconcerting to speakers to have Councilmembers not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

• Ask for clarification, but avoid debate and argument with the public
Only the Chair – not individual Councilmembers -- can interrupt a speaker during a presentation. However, a Councilmember can ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior or language the Councilmember finds disturbing.

If speakers become flustered or defensive by Council questions, it is the responsibility of the Chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Councilmembers to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Councilmembers' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

• No personal attacks of any kind, under any circumstance
Councilmembers should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

• Follow parliamentary procedure in conducting public meetings
The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. The Chair, subject to the appeal of the full Council makes final rulings on parliamentary procedure.

IN UNOFFICIAL SETTINGS

• Make no promises on behalf of the Council
Councilmembers will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).

• Make no personal comments about other Councilmembers
It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Councilmembers, their opinions and actions.

• Remember that despite its impressive population figures, Sunnyvale is a small town at heart
Councilmembers are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Sunnyvale. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Councilmembers, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

Council Conduct with Other Public Agencies

"Always do right. This will gratify some people and astonish the rest."
-- Mark Twain

• Be clear about representing the city or personal interests
If a Councilmember appears before another governmental agency or organization to give a statement on an issue, the Councilmember must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the City; 2) whether this is the majority or minority opinion of the Council.

If the Councilmember is representing the City, the Councilmember must support and advocate the official City position on an issue, not a personal viewpoint.

If the Councilmember is representing another organization whose position is different from the City, the Councilmember should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Councilmembers should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

• Correspondence also should be equally clear about representation
City letterhead may be used when the Councilmember is representing the City and the City's official position. A copy of official correspondence should be given to the Council Executive Assistant to be filed in the Council Office as part of the permanent public record.

It is best that City letterhead not be used for correspondence of Councilmembers representing a personal point of view or a dissenting point of view from an official Council position. However, should Councilmembers use City letterhead to express a personal opinion, the official City position must be stated clearly so the reader understands the difference between the official City position and the minor viewpoint of the Councilmember.

Council Conduct With Boards and Commissions

"We rarely find that people have good sense unless they agree with us."
--Francois, Duc de La Rochefoucauld

The City has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

• If attending a Board or Commission meeting, be careful to only express personal opinions
Councilmembers may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation especially if it is on behalf of an individual, business or developer -- could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

• Limit contact with Board and Commission members to questions of clarification
It is inappropriate for a Councilmember to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for Councilmembers to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

• Remember that Boards and Commissions serve the community, not individual Councilmembers
The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But Board and Commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

• Be respectful of diverse opinions
A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commmissions.

• Keep political support away from public forums
Board and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board

and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

• Inappropriate behavior can lead to removal
Inappropriate behavior by a Board or Commission member should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council and the individual is subject to removal from the Board or Commission.

Council Conduct with The Media

"Keep them well fed and never let them know that all you've got is a chair and a whip."
-- Lion Tamer School

Councilmembers are frequently contacted by the media for background and quotes.

• The best advice for dealing with the media is to <u>never</u> go "off the record"
Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

• The Mayor is the official spokesperson for the representative on City position.
The Mayor is the designated representative of the Council to present and speak on the official City position. If an individual Councilmember is contacted by the media, the Councilmember should be clear about whether their comments represent the official City position or a personal viewpoint.

• Choose words carefully and cautiously
Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

Sanctions

"You cannot have a proud and chivalrous spirit if your conduct is mean and paltry; for whatever a man's actions are, such must be his spirit."
-- Demosthenes

• Public Disruption
Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

• Inappropriate Staff Behavior
Councilmembers should refer to the City Manager any City staff or to the City Attorney any City Attorney's staff who do not follow proper conduct in their dealings with Councilmembers, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions. (Please refer to the section on Council Conduct with City Staff for more details on interaction with Staff.)

• Councilmembers Behavior and Conduct
City Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the City of Sunnyvale or with inter-government agencies) or have official travel restricted. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by Council.

Councilmembers should point out to the offending Councilmember infractions of the Code of Ethics or Code of Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Vice Mayor.

It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

If violation of the Code of Ethics or Code of Conduct is outside of the observed behaviors by the Mayor or Councilmembers, the alleged violation should be referred to the Mayor. The Mayor should ask the City Manager and/or the City Attorney to investigate the allegation and report the findings to the Mayor. It is the Mayor's responsibility to take the next appropriate action. These actions can include, but are not limited to: discussing and counseling the individual on the violations; recommending sanction to the full Council to consider in a public meeting; or forming a Council ad hoc subcommittee to review the allegation; the investigation and its findings, as well as to recommend sanction options for Council consideration. Videotaping of the complaint hearing should be used for a Council ad hoc subcommittee.

Principles of Proper Conduct

Proper conduct IS ...

- Keeping promises
- Being dependable
- Building a solid reputation
- Participating and being available
- Demonstrating patience
- Showing empathy
- Holding onto ethical principles under stress
- Listening attentively
- Studying thoroughly
- Keeping integrity intact
- Overcoming discouragement
- Going above and beyond, time and time again
- Modeling a professional manner

Proper conduct IS NOT ...

Showing antagonism or hostility
Deliberately lying or misleading
Speaking recklessly
Spreading rumors
Stirring up bad feelings, divisiveness
Acting in a self-righteous manner

It all comes down to respect

Respect for one another as individuals . . respect for the validity of different opinions . . . respect for the democratic process . . . respect for the community that we serve.

Checklist for Monitoring Conduct

- ☐ Will my decision/statement/action violate the trust, rights or good will of others?
- ☐ What are my interior motives and the spirit behind my actions?
- ☐ If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- ☐ How would my conduct be evaluated by people whose integrity and character I respect?
- ☐ Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?
- ☐ Is my conduct fair? Just? Morally right?
- ☐ If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- ☐ Does my conduct give others reason to trust or distrust me?
- ☐ Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- ☐ Do I exhibit the same conduct in my private life as I do in my public life?
- ☐ Can I take legitimate pride in the way I conduct myself and the example I set?
- ☐ Do I listen and understand the views of others?
- ☐ Do I question and confront different points of view in a constructive manner?
- ☐ Do I work to resolve differences and come to mutual agreement?
- ☐ Do I support others and show respect for their ideas?
- ☐ Will my conduct cause public embarrassment to someone else?

Glossary of Terms

attitude	The manner in which one shows one's dispositions, opinions, and feelings
behavior	External appearance or action; manner of behaving; carriage of oneself
civility	Politeness, consideration, courtesy
conduct	The way one acts; personal behavior
courtesy	Politeness connected with kindness
decorum	Suitable; proper; good taste in behavior
manners	A way of acting; a style, method, or form; the way in which thing are done
point of order	An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration
point of personal privilege	A challenge to a speaker to defend or apologize for comments that a fellow Councilmember considers offensive
propriety	Conforming to acceptable standards of behavior
protocol	The courtesies that are established as proper and correct
respect	The act of noticing with attention; holding in esteem; courteous regard

Attachment C

CITY OF SUNNYVALE

CODE OF ETHICS AND CONDUCT FOR ELECTED and APPOINTED OFFICIALS

"Conduct is three-fourths of our life and its largest concern."
-- Matthew Arnold

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For ease of reference in the Code of Ethics and Conduct, the term "member" refers to any member of the Sunnyvale City Council or the City's boards and commissions established by the City Charter, City Ordinance or Council policy.

POLICY PURPOSE

The Sunnyvale City Council has adopted a Code of Ethics and Conduct for members of the City Council and the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation. With the exception of language specific to Councilmembers and/or board/commission members, the City Manager and City Attorney have adopted this same Code of Ethics and Conduct for members of City staff. All City staff shall consider this Code of Ethics and Conduct as supplemental to other City documents governing staff conduct, such as the City's Guiding Principles and Work Standards contained within the City's Administrative Manual.

ETHICS

POLICY STATEMENT

Preamble

The citizens and businesses of Sunnyvale are entitled to have fair, ethical and accountable local government which has earned the public's full confidence for integrity. In keeping with the City of Sunnyvale Commitment to Excellence, the effective functioning of democratic government therefore requires that:

- public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- public officials be independent, impartial and fair in their judgment and actions;
- public office 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 Sunnyvale City Council has adopted a Code of Ethics and Conduct for members[1] of the City Council and of the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

1. Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Sunnyvale and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Sunnyvale City Council, boards and commissions.

2. Comply with both the spirit and the letter of the Law and City Policy. Members shall comply with the laws of the nation, the State of California and the City of Sunnyvale in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the Sunnyvale City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

3. Conduct of Members. The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public.

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4. Respect for Process. Members shall perform their duties in accordance with the processes and rules of order established by the City Council and board and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

5. Conduct of Public Meetings. Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

6. Decisions Based on Merit. Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

7. Communication. Members shall publicly ~~share~~ disclose substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process.

8. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good, members 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. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

9. Gifts and Favors. Members shall not take any special 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 any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

10. Confidential Information. Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

11. Use of Public Resources. Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

12. Representation of Private Interests. In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City, nor shall members of boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

13. Advocacy. Members 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

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presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Sunnyvale, nor will they allow the inference that they do.

14. Policy Role of Members. Members shall respect and adhere to the council-manager structure of Sunnyvale City government as outlined by the Sunnyvale City Charter. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. Except as provided by the City Charter, members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

15. Independence of Boards and Commissions. Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.

16. Positive Work Place Environment. Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

(Adopted: RTC 95-145 (6/27/1995), Reaffirmed: RTC 99-467 (10/26/1999), Reaffirmed: RTC 00-353 (10/10/2000), Reaffirmed: RTC 01-368 (10/23/2001), Reaffirmed: RTC 02-437 (11/12/2002), Reaffirmed: RTC 03-391 (11/11/2003), Reaffirmed: RTC 04-419 (12/7/2004), Reaffirmed: RTC 05-360 (12/13/2005), Reaffirmed: RTC 06-389 (12/12/2006))

CONDUCT

The Three Rs of Sunnyvale Government Leadership: Roles, Responsibilities and Respect

The City Charter provides detailed information on the roles and responsibilities of Councilmembers, the Vice Mayor, and the Mayor. ~~The City's Code of Ethics provides guidance on ethical issues and questions of right and wrong. Until now, what has not been clearly written down is a Code of Conduct for Sunnyvale's elected officials.~~

This Code ~~of Conduct~~ is designed to describe the manner in which Councilmembers should treat one another, City staff, constituents, and others they come into contact with in representing the City of Sunnyvale. It reflects the work of a Council Policy and Protocol Subcommittee that was charged with defining more clearly the behavior, manners, and courtesies that are suitable for various occasions. The Subcommittee also considered a wide variety of policy changes and clarifications designed to make public meetings and the process of governance run more smoothly.

The constant and consistent theme through all of the conduct guidelines is "respect." Councilmembers experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected and appointed officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Councilmembers and board and commission members to do the right thing in even the most difficult situations.

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Overview of Roles and Responsibilities

"Leadership is an action, not a word."
-- Richard Cooley

Other resources that are helpful in defining the roles and responsibilities of elected officials can be found in the Sunnyvale City Charter and in the Leadership Guide for Mayors and Councilmembers published by the League of California Cities.

MAYOR

- Serves at the pleasure of the Council (Sunnyvale City Charter, Section 605) Acts as the official head of the City for all ceremonial purposes (Sunnyvale City Charter, Section 605)
- Chairs Council meetings (Sunnyvale City Charter, Section 605)
- May add items to the Council agenda without Council vote
- Calls for special meetings (Sunnyvale City Charter, Section 609)
- Recognized as spokesperson for the City Council on City positions
- Selects substitute for City representation when Mayor cannot attend
- Makes judgment calls on proclamations, Special Orders of the Day, etc.
- Recommends subcommittees as appropriate for Council approval
- May appoint "blue ribbon" committees as sees fit
- Serves as the liaison between the Council and the City Manager and City Attorney in regards to employee relations
- Leads the Council into an effective, cohesive working team
- Signs documents on behalf of the City
- Serves as official delegate of the City to the U.S. Conference of Mayors and other events and conferences (and receives additional travel allowance for this purpose)
- Determines theme and venue for annual State of the City event
- Reviews all mail addressed to Mayor
- May administer written reprimands to board and commission members, and call for investigations of board and commission member conduct.

VICE MAYOR

- Serves at the pleasure of the Council (Sunnyvale City Charter, Section 606)
- Performs the duties of the Mayor if the Mayor is absent or disabled (Sunnyvale City Charter, Section 606)
- Chairs Council meetings at the request of the Mayor
- Represents the City at ceremonial functions at the request of the Mayor
- Reports closed session actions at public Council meetings
- Initiates routine motion for consent calendar items on the City Council agenda

ALL COUNCILMEMBERS

All members of the City Council, including those serving as Mayor and Vice Mayor, have equal votes. No Councilmember has more power than any other Councilmember, and all should be treated with equal respect. All Councilmembers should:

- Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others
- Prepare in advance of Council meetings and be familiar with issues on the agenda
- Represent the City at ceremonial functions at the request of the Mayor

For ease of reference in the Code of Ethics and Conduct, the term "member" refers to any member of the Sunnyvale City Council or the City's boards and commissions established by the City Charter, City Ordinance or Council policy.

- Place activities and events on the Council's weekly activities calendar that invite official participation of all Councilmembers. A list of the activities of individual Councilmembers may also be submitted for public record at the option of the Councilmember
- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community
- Inspire public confidence in Sunnyvale government
- Provide contact information with the Council Executive Assistant in case an emergency or urgent situation arises while the Councilmember is out of town
- Demonstrate honesty and integrity in every action and statement
- Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Conduct

MEETING CHAIR
The Mayor will chair official meetings of the City Council, unless the Vice Mayor or another Councilmember is designated as Chair of a specific meeting.

- Maintains order, decorum, and the fair and equitable treatment of all speakers
- Keeps discussion and questions focused on specific agenda item under consideration
- Makes parliamentary rulings with advice, if requested, from the City Attorney who acts as an advisory parliamentarian. Chair rulings may be overturned if a Councilmember makes a motion as an individual and the majority of the Council votes to overrule the Chair.

FORMER COUNCILMEMBERS
Past members of the City Council who speak to the current City Council about a pending issue should disclose who they are speaking on behalf of (individual or organization).

Policies and Protocol Related To Conduct

"Wherever there is a human being, there is an opportunity for kindness."
-- Seneca

Ceremonial Events
Requests for a City representative at ceremonial events will be handled by City staff. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if event organizers would like another representative from the Council. If yes, then the Mayor will recommend which Councilmember should be asked to serve as a substitute. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Councilmembers at their homes are presumed to be for unofficial, personal consideration.

Correspondence Signatures
Councilmembers do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Council meetings. City staff will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor unless the Mayor requests that they be signed by another Councilmember or City staff.

If correspondence is addressed only to one Councilmember, that Councilmember should check with staff on the best way to respond to the sender.

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Endorsement of Candidates
Councilmembers and board and commission members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, board/commission meetings, or other official City meetings.

Intergovernmental Relations
The Council will hold a quarterly meeting on intergovernmental relations (IGR) to assign specific Councilmembers to take a leadership role on new issues and to hear updates on pending issues. A Chair for each Council Subcommittee should be selected at the first meeting of the Subcommittee after the IGR assignments are made.

Legislative Process
The City of Sunnyvale uses the Planning and Management System (PAMS) as a guideline for its legislative process. Details of the PAMS system may be found in City manuals. The City uses parliamentary procedure for meeting management.

Non-agenda Items
During a designated period of the agenda, citizens, Councilmembers and staff may bring forth issues or questions that are not on the meeting's agenda. Topics should be legislative items requiring action by the Mayor or the Council, study issues for future consideration, and requests for information. Each speaker, citizen or elected official, will be limited to ~~five~~ three minutes unless otherwise directed by the Mayor (Council meetings) or Chair (board/commission meetings).

Public Announcements in Council Meetings
Councilmembers who want to speak first during the Public Announcement portion of the Council meeting should notify the Chair in advance. Otherwise, Councilmembers will be recognized when the Chair notices the light signal. Councilmembers like members of the public who use this portion of the agenda to recognize achievements or promote an event, will be limited to three minutes each, and should keep the focus on matters of community-wide interest.

Public Meeting Hearing Protocol
The applicant or appellant shall have the right to speak first. The Chair will determine the length of time allowed for this presentation, although ten minutes is standard. Speakers representing either pro or con points of view will be allowed to follow. The Chair will determine how much time will be allowed for each speaker, with 3 ~~to 5~~ minutes the standard time granted. The applicant or appellant will be allowed ten minutes to make closing comments. The Chair has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly.

Councilmembers (Council meetings) and board/commission members (board/commission meetings) will not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. "I think" and "I feel" comments by Councilmembers are not appropriate until after the close of the public hearing. Councilmembers should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

Main motions may be followed by amendments, followed by substitute motions. Any Councilmember (or board/commission member) can call for a point of order. Only ~~Council~~members who voted on the prevailing side may make motions to reconsider. ~~Council~~Members who desire to make the first motion on issues which they feel strongly about should discuss their intention with the Chair in advance of the ~~Council~~ meeting.

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Travel Expenses
The policies and procedures related to the reimbursement of travel expenses for official City business by Councilmembers are outlined in Council Policy 7.3.12. All Council travel in excess of the allowed budget, in which the Councilmember expects to officially represent the City and/or be reimbursed by the City for travel costs, must be approved in advance by the Council. The travel policy and budget for Council should be reviewed at each two-year budget cycle.

~~Council~~ Elected and Appointed Officials' Conduct with One Another

"In life, courtesy and self-possession, and in the arts, style, are the sensible impressions of the free mind, for both arise out of a deliberate shaping of all things and from never being swept away, whatever the emotion, into confusion or dullness."
-- William Butler Yeats

~~Councils~~ Elected and appointed officials are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even ~~as Council~~ though individuals may "agree to disagree" on contentious issues.

IN PUBLIC MEETINGS

- **Use formal titles**
  ~~The Council~~ Appointed and elected officials should refer to one another formally during public meetings, such as Mayor, Vice Mayor, Chair, Commissioner or Councilmember followed by the individual's last name.

- **Practice civility and decorum in discussions and debate**
  Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, ~~Councilmembers~~ public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

- **Honor the role of the Chair in maintaining order**
  It is the responsibility of the Chair to keep the comments of ~~Council~~members on track during public meetings. ~~Council~~Members should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

- **Avoid personal comments that could offend other ~~Council~~members**
  If a ~~Council~~member is personally offended by the remarks of another ~~Council~~member, the offended ~~Council~~member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other ~~Council~~member to justify or apologize for the language used. The Chair will maintain control of this discussion.

- **Demonstrate effective problem-solving approaches**
  ~~Council~~Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

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IN PRIVATE ENCOUNTERS

- **Continue respectful behavior in private**
  The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

- **Be aware of the insecurity of written notes, voicemail messages, and e-mail**
  Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message were played on a speaker phone in a full office? What would happen if this E-mail message were forwarded to others? Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

- **Even private conversations can have a public presence**
  Elected and appointed officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

~~Council~~ Conduct with City Staff

"Never let a problem become an excuse."
-- Robert Schuller

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- **Treat all staff as professionals**
  Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

- **Council questions/inquiries to City staff**
  1. General. Council communications with City staff should be limited to normal City business hours unless the circumstances warrant otherwise. Responses to Council questions posed outside of normal business hours should be expected no earlier than the next business day.

  2. Routine Requests for Information and Inquiries. Councilmembers may contact staff directly for information made readily available to the general public on a regular basis (e.g., "What are the library's hours of operation?" or "How does one reserve a tee time at the golf course?"). Under these circumstances staff shall treat the Councilmember no differently than they would the general public, and the Councilmember shall not use their elected status to secure preferential treatment. The City Manager does not need to be advised of such contacts.

  3. Non-Routine Requests for Readily Available Information. Council may also contact staff directly for easily retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion (e.g., "How many traffic lights are there in the City?" or "Under what circumstances does the City lower its flags to half mast?")

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4. Non-Routine Requests Requiring Special Effort. Any Councilmember request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff to express an opinion (legal or otherwise) must be directed to the City Manager, or to the City Attorney, as appropriate (e.g., "How many Study Issues completed over the past five years have required 500 or more hours of staff time?", or "What is the logic behind the City's sign ordinances affecting businesses along El Camino Real?"). The City Manager (or City Attorney as appropriate) shall be responsible for distributing such requests to his/her staff for follow-up. Responses to such requests shall be copied to all Councilmembers, the City Manager, the City Attorney as appropriate and affected Department Heads.

5. Meeting Requests. Any Councilmember request for a meeting with staff must be directed to the City Manager or City Attorney, as appropriate. When in doubt about the appropriateness of a communication with staff, Councilmembers shall ask the City Manager for advice.

6. Public Safety Restrictions. Under certain circumstances, requests for information regarding operations or personnel of the Department of Public Safety may be legally restricted. Applicable statutes include: The Peace Officers' Procedural Bill of Rights (California Government Code Section 3300, et seq.), Confidentiality of Peace Officer Records (California Penal Code Section 832.5-7), and a number of exceptions to the California Public Records Act, defined in Government Code Section 6254. Providing information in response to such requests could violate the law, and might also violate due process rights that have been defined for peace officers in the State of California. Accordingly, it shall be the policy of the City of Sunnyvale to strictly comply with all applicable legal authorities governing the release of Department of Public Safety information and records.

- **Do not disrupt City staff from their jobs**
  ~~Councilmembers~~ Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.

- **Never publicly criticize an individual employee**
  ~~Councilmembers~~ Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Council comments about staff performance should only be made to the City Manager through private correspondence or conversation. Council comments about staff in the office of the City Attorney should be made directly to the City Attorney. Appointed officials should make their comments regarding staff to the City Manager or the Mayor.

- **Do not get involved in administrative functions**
  ~~Councilmembers~~ Elected and appointed officials must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits. [See Code of Ethics] The Sunnyvale City Charter, Section 807, also contains information about the prohibition of Council interference in administrative functions.

- **Check with City staff on correspondence before taking action**
  Before sending correspondence, Councilmembers should check with City staff to see if an official City response has already been sent or is in progress.

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- **Do not attend meetings with City staff unless requested by staff.**
  Even if the ~~Councilmember~~ elected or appointed official does not say anything, ~~the Councilmember's~~ his or her presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

- **Limit requests for staff support**
  Routine secretarial support will be provided to all Councilmembers. The Council Executive Assistant opens all mail for Councilmembers, unless a Councilmember requests other arrangements. Mail addressed to the Mayor is reviewed first by the city manager who notes suggested action and/or follow-up items.

  Requests for additional staff support – even in high priority or emergency situations – should be made to the City Manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.

- **Do not solicit political support from staff**
  ~~Councilmembers~~ Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

~~Council~~ Conduct with the Public

"If a man be gracious and courteous to strangers, it shows he is a citizen of the world, and that his heart is no island cut off from other lands, but a continent that joins to them."
-- Francis Bacon

IN PUBLIC MEETINGS

Making the public feel 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. Every effort should be made to be fair and impartial in listening to public testimony.

- **Be welcoming to speakers and treat them with care and gentleness**
  "I give many public presentations so standing up in front of a group and using a microphone is not new to me. But I found that speaking in front of Council was an entirely different experience. I was incredibly nervous and my voice was shaking. I think the reason was because the issue was so personal to me. The Council was going to take a vote that would affect my family's daily life and my home. I was feeling a lot of emotion. The way that Council treats people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity."

- **Be fair and equitable in allocating public hearing time to individual speakers**
  "The first thing the Mayor said to me was to be brief because the meeting was running late and the Council was eager to go home. That shouldn't be my problem. I'm sorry my item was at the end of the agenda and that there were a lot of speakers, but it is critically important to me and I should be allowed to say what I have to say and believe that the Council is listening to me."

  The Chair will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated ~~five~~ three minutes with applicants and appellants or their designated representatives allowed ~~more time~~ ten. If many speakers are anticipated, the Chair may

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shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the ~~Council~~ Chair requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Chair reopens the public hearing for a limited and specific purpose.

- **Give the appearance of active listening**
  It is disconcerting to speakers to have ~~Council~~members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

- **Ask for clarification, but avoid debate and argument with the public**
  Only the Chair – not individual ~~Council~~members -- can interrupt a speaker during a presentation. However, a ~~Council~~member can ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior or language the ~~Council~~member finds disturbing.

  If speakers become flustered or defensive by ~~Council~~ questions, it is the responsibility of the Chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by ~~Council~~members to ~~members of~~ the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. ~~Council~~Members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

- **No personal attacks of any kind, under any circumstance**
  ~~Council~~Members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

- **Follow parliamentary procedure in conducting public meetings**
  The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. The Chair, subject to the appeal of the full Council or board/commission makes final rulings on parliamentary procedure.

IN UNOFFICIAL SETTINGS

- **Make no promises on behalf of the Council, Board/Commission or City**
  ~~Council~~Members will frequently be asked to explain a Council or board/commission action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council or board/commission action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).

- **Make no personal comments about other ~~Council~~members**
  It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other ~~Council~~members, their opinions and actions.

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- **Remember that despite its impressive population figures, Sunnyvale is a small town at heart** ~~Council~~Members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Sunnyvale. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by ~~Council~~members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

Council Conduct with Other Public Agencies

"Always do right. This will gratify some people and astonish the rest."
-- Mark Twain

- **Be clear about representing the City or personal interests**
  ~~If a Councilmember appears before another governmental agency or organization to give a statement on an issue, the Councilmember must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the City; 2) whether this is the majority or minority opinion of the Council.~~

  ~~If the Councilmember is~~ When representing the City, the Councilmember must support and advocate the official City position on an issue, not a personal viewpoint.

  ~~If the Councilmember is~~ When representing another organization whose position is different from the City, the Councilmember should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Councilmembers should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

- **Correspondence also should be equally clear about representation**
  City letterhead may be used when the Councilmember is representing the City and the City's official position. A copy of official correspondence should be given to the Council Executive Assistant to be filed in the Council Office as part of the permanent public record.

  ~~It is best that~~ City letterhead should not be used for correspondence ~~of Councilmembers~~ representing a ~~personal point of view or a~~ dissenting point of view from an official Council position. ~~However, should Councilmembers use City letterhead to express a personal opinion, the official City position must be stated clearly so the reader understands the difference between the official City position and the minor viewpoint of the Councilmember.~~

Council Conduct With Boards and Commissions

"We rarely find that people have good sense unless they agree with us."
--Francois, Duc de La Rochefoucauld

The City has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- **If attending a Board or Commission meeting, be careful to only express personal opinions**
  Councilmembers may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation especially if it is on behalf of an individual, business or developer -- could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

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- **Limit contact with Board and Commission members to questions of clarification**
  It is inappropriate for a Councilmember to contact a Board or Commission member to lobby on behalf of an individual, business, or developer, and vice a versa. It is acceptable for Councilmembers to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

- **Remember that Boards and Commissions serve the community, not individual Councilmembers**
  The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But Board and Commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

- **Be respectful of diverse opinions**
  A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commissions.

- **Keep political support away from public forums**
  Board and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

- ~~**Inappropriate behavior can lead to removal**~~
  ~~Inappropriate behavior by a Board or Commission member should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council and the individual is subject to removal from the Board or Commission.~~

~~Council~~ Conduct with the Media

"Keep them well fed and never let them know that all you've got is a chair and a whip."
-- Lion Tamer School

Board and commission members are not authorized to represent the City outside of official board/commission meetings unless specifically authorized to do so.

Councilmembers are frequently contacted by the media for background and quotes.

- **The best advice for dealing with the media is to <u>never</u> go "off the record"**
  Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

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- **The Mayor is the official spokesperson for the ~~representative~~ City on City positions.**
  The Mayor is the designated representative of the Council to present and speak on the official City position. If an individual Councilmember is contacted by the media, the Councilmember should be clear about whether their comments represent the official City position or a personal viewpoint.

- **Choose words carefully and cautiously**
  Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

Sanctions

"You cannot have a proud and chivalrous spirit if your conduct is mean and paltry; for whatever a man's actions are, such must be his spirit."
-- Demosthenes

- **Public Disruption**
  Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

- **Inappropriate Staff Behavior**
  Councilmembers should refer to the City Manager any City staff or to the City Attorney any City Attorney's staff who do not follow proper conduct in their dealings with Councilmembers, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions. (Please refer to the section on Council Conduct with City Staff for more details on interaction with Staff.)

- **Councilmembers Behavior and Conduct**
  Compliance and Enforcement. The Sunnyvale Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Sunnyvale City Council, boards and commissions. Members 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 government. The chairs of boards and commissions and the Mayor and Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

  City Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the City of Sunnyvale or with inter-government agencies) or have official travel restricted. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by Council.

  Councilmembers should point out to the offending Councilmember infractions of the Code of Ethics and Conduct ~~or Code of Conduct~~. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Vice Mayor.

  It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

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~~If violation of the Code of Ethics or Code of Conduct is outside of the observed behaviors by the Mayor or Councilmembers, the alleged violation should be referred to the Mayor. The Mayor should ask the City Manager and/or the City Attorney to investigate the allegation and report the findings to the Mayor. It is the Mayor's responsibility to take the next appropriate action. These actions can include, but are not limited to: discussing and counseling the individual on the violations; recommending sanction to the full Council to consider in a public meeting; or forming a Council ad hoc subcommittee to review the allegation; the investigation and its findings, as well as to recommend sanction options for Council consideration. Videotaping of the complaint hearing should be used for a Council ad hoc subcommittee.~~

- **Board and Commission Members Behavior and Conduct**

Counseling, verbal reprimands and written warnings may be administered by board and commission chairs (or their designee) to board and commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Written reprimands may be administered by the Mayor. Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the chair of the respective board or commission, the City Clerk, the City Manager, and the City Council. Written reprimands administered by the Mayor shall not be included in packets for public meetings and shall not be publicized except as required under the Public Records Act.

The City Council may impose sanctions on board and commission members whose conduct does not comply with the City's policies, up to and including removal from office. ~~ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment, or budget restriction.~~ Any form of discipline imposed by Council shall be determined by a majority vote of at least a quorum of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation. The Report to Council shall be distributed in accordance with normal procedures, including hard copies to numerous public facilities and posting online. Any Report to Council addressing alleged misconduct by a board or commission member shall be routed through the Office of the City Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Records Act.

When deemed warranted, the Mayor or majority of Council may call for an investigation of board or commission member conduct. Should the City Manager or City Attorney believe an investigation is warranted, they shall confer with the Mayor or Council. The Mayor or Council shall ask the City Manager and/or the City Attorney to investigate the allegation and report the findings.

The results of any such investigation shall be provided to the full Council in the form of a Report to Council, and shall be placed on the agenda of a noticed public meeting as "Information Only". Any such report shall be made public and distributed in accordance with normal procedures (i.e., hard copies to numerous public locations and posted online). Any report to Council addressing the investigation of board and commission members shall be routed through the Office of the City Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Records Act.

It shall be the Mayor and/or the Council's responsibility to determine the next appropriate action. Any such action taken by Council (with the exception of "take no further action") shall be conducted at a noticed public hearing. These actions include, but are not limited to: discussing and counseling the individual on the violations; placing the matter on a future public hearing agenda to consider

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sanctions; forming a Council ad hoc subcommittee to review the allegation, the investigation and its findings, as well as to recommend sanction options for Council consideration.

Under the City Charter, the City Council also may remove members of boards and commissions from office. A violation of this Code of Ethics and Conduct shall not be considered a basis for challenging the validity of a Council, board or commission decision.

Principles of Proper Conduct

Proper conduct IS ...

- Keeping promises
- Being dependable
- Building a solid reputation
- Participating and being available
- Demonstrating patience
- Showing empathy
- Holding onto ethical principles under stress
- Listening attentively
- Studying thoroughly
- Keeping integrity intact
- Overcoming discouragement
- Going above and beyond, time and time again
- Modeling a professional manner

Proper conduct IS NOT ...

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up bad feelings, divisiveness
- Acting in a self-righteous manner

It all comes down to respect

Respect for one another as individuals ... respect for the validity of different opinions ... respect for the democratic process ... respect for the community that we serve.

Checklist for Monitoring Conduct

- Will my decision/statement/action violate the trust, rights or good will of others?
- What are my interior motives and the spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?

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- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- Do I exhibit the same conduct in my private life as I do in my public life?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and understand the views of others?
- Do I question and confront different points of view in a constructive manner?
- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

Glossary of Terms

attitude	The manner in which one shows one's dispositions, opinions, and feelings
behavior	External appearance or action; manner of behaving; carriage of oneself
civility	Politeness, consideration, courtesy
conduct	The way one acts; personal behavior
courtesy	Politeness connected with kindness
decorum	Suitable; proper; good taste in behavior
manners	A way of acting; a style, method, or form; the way in which thing are done
point of order	An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration
point of personal privilege	A challenge to a speaker to defend or apologize for comments that a fellow Councilmember considers offensive
propriety	Conforming to acceptable standards of behavior
protocol	The courtesies that are established as proper and correct
respect	The act of noticing with attention; holding in esteem; courteous regard

Implementation

As an expression of the standards of conduct for members expected by the City, the Sunnyvale Code of Ethics and Conduct is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, ~~ethical standards~~ this document shall be included in the regular orientations for candidates for City Council, applicants to board and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of Sunnyvale Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be annually reviewed by the City Council, boards and commissions, and the City Council shall consider recommendations from boards and commissions and update it as necessary.

Lead Department: Office of the City Manager

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Public Hearing/General Business Item 4.

Bike to Work Day Planning

The Bike to Work Day is planned for May 15, 2008. Information on BPAC's contribution towards this year's event is needed. All ideas and suggestions are welcome.

Public Hearing/General Business Item 5.

Utility Bill Stuffer Concepts

This item is to seek BPAC's input and suggestions with regard to the content and format of this year's utility bill stuffer.

Commissioner Durham circulated during the last BPAC meeting a useful booklet on Sharing the Road with Pedestrians. One staff suggestion is to use the concepts and information contained in this booklet for the utility bill stuffer.

Public Hearing/General Business Item 6.

Earth day

The City's recognition of Earth Day will take place on Saturday, April 26th. The event's Task Force is tentatively planning to set booths and tables on Washington Avenue as part of the Farmers Market which typically takes place between 9:00 a.m. and 1:00 p.m. The planning for other Earth Week events is presently underway.

Information is needed with regard to feasible BPAC's contributions. Staff liaison could facilitate this matter, which could include the provision of booth/table for participation of the BPAC members.