

RESOLUTION NO. 2007-09

**A RESOLUTION OF THE COUNCIL OF THE CITY OF NEVADA CITY
APPROVING A CODE OF CONDUCT FOR THE CITY COUNCIL
AND CITY PLANNING COMMISSION**

WHEREAS, the City Council desires to ensure that the residents and businesses in Nevada City are serviced by a fair, ethical and accountable local government, and

WHEREAS, local government can govern effectively only if it has the confidence of the community, and

WHEREAS, the adoption of a Code of Conduct for the Council and the City's Commissions will help promote these important goals,

THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEVADA CITY:

Section 1. The Council hereby approves the Code of Conduct attached hereto.

Section 2. The City manager is directed to transmit copies of the Code of Conduct to all City Planning Commissioners and to make this code available to all Council candidates in future municipal elections and to all applicants for the Planning Commission.

PASSED AND ADOPTED this 14th day of March, 2007 by the following vote:

AYES: COTTRELL, HARRIS, MCKAY, STEIN, COFFMAN

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



Steve Cottrell, Mayor

ATTEST:



City of Nevada City

Code of Conduct

Preamble

The residents and business of Nevada City are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. 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 Nevada City City Council has adopted a Code of Conduct for members of the City Council and the City's Planning Commission to assure public confidence in the integrity of local government and its effective and fair operation.

City of Nevada City Code of Conduct

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 Nevada City 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 City Council and the Planning Commission.

2. Comply with the Law

Members shall comply with the laws of the federal government, the State of California and the City of Nevada City in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the City Code; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government and the 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 the Council and Planning Commission; the staff or the 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 Planning Commission governing the deliberation of public policy issues, the involvement of the public, and the 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.

City of Nevada City Code of Conduct

7. **Communication**

Members shall publicly share substantive information that is relevant to a matter under consideration by the Council or Planning Commission, 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 interest, or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

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 private interest.

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 the Council shall not appear on behalf of the private interests of third parties before the Council or Planning Commission or proceedings of the City, nor shall members of Planning Commission 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.

City of Nevada City Code of Conduct

13. Advocacy

Members shall represent the official policies or positions of the City Council or Planning Commission to the best of their ability when designated as delegates for their purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Nevada City, 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 city government as provided by state law and the City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, Planning Commission, and City staff.

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 Planning Commission

Because of the value of the independent advice of the Planning Commission to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of Planning 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 residents 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 example of the standards of conduct for members expected by the City, this Code of 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 shall be included in the regular orientations for candidates for City Council, applicants to the Planning Commission, and newly elected and appointed officials. Members entering office shall sign a statement affirming that they read and understand the City of Nevada City Code of Conduct.

City of Nevada City Code of Conduct

18. Compliance and Enforcement

The Nevada City Code of Conduct expresses standards of ethical conduct expected for members of the City Council and the Planning Commission. 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 chair of the Planning Commissions and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of Code of Conduct 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. The City Council also may remove members of the Planning Commission from office.

A violation of this Code of Conduct shall not be considered a basis for challenging the validity of a Council or commission decision.