



staff report

TO: Honorable Mayor and Members of the City Council

FROM: Karl H. Berger, City Attorney

SUBJECT: Consideration and possible action to adopt Resolution No. 16-XX – A Resolution establishing a Code of Conduct and Rules for Conducting City Council Meetings in accordance with Government Code § 36813, and superseding Resolution No. 15-26.

DATE: December 12, 2016

EXECUTIVE SUMMARY

At its November 28, 2016 meeting, the City Council requested that the City Attorney's Office review the City's protocols regarding conduct and meeting procedures. After reviewing existing policies and procedures, the City Attorney's Office recommends that the City Council consider adopting the draft resolution.

RECOMMENDATION TO CITY COUNCIL

- 1) Adopt Resolution No. 16-XX; or
- 2) Alternatively, discuss and take other action related to this item.

FISCAL IMPACT

There is no fiscal impact as a result of this action.

DISCUSSION

At the City Council's direction, we reviewed the City's existing policies and procedures affecting the conduct of elected and appointed public officials; we also reviewed current requirements as to conducting public meetings. In addition to regulations within the Bellflower Municipal Code ("BMC"), it appears that two resolutions regulate conduct and meeting procedures.

BMC § 2.04.030 generally provides that discussions by the City Council must be directed to the Mayor and that the Mayor is responsible for addressing the audience; BMC § 2.04.040 identifies *Robert's Rules of Order* as the general parliamentary procedure; BMC § 2.04.060 provides that rules of procedure may be established by the City Council via resolution; Resolution No. 05-45 establishes the order for the agenda; and Resolution No. 15-26 establishes rules of conduct for the City Council (and the City's other subordinate legislative bodies). Unlike most other cities, Bellflower does not appear to have adopted a separate resolution for meeting procedures. We believe some amendments to these general rules may be desirable.

Staff Report – Rules of Conduct and Meeting Procedure

December 12, 2016

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If adopted, the draft resolution would establish rules regarding the conduct of public officials. Additionally, the resolution would provide the consequences for violating these rules of conduct. Generally, discipline would include admonition, sanction, and censure. The last consequence is also the most severe and would be available to the City Council in only the most egregious of circumstances; it would require a 2/3 vote of the City Council to implement and only after substantive evidence of wrongdoing were included within the administrative record. Were the City Council to censure one of its members, it could also take additional disciplinary action including, without limitation, removing the privilege of free access within City Hall.

The draft resolution would also establish general requirements for public meetings held by the City Council and its subordinate boards and commissions. While Resolution No. 05-45 implemented the format for City Council agendas (and is incorporated into the draft resolution), it did not adopt policies and procedures for actually conducting meetings. Among other things, the draft resolution clarifies that the Mayor is the presiding officer; that all public comments should be directed to the City Council; and establishes some of the more common parliamentary procedures for conducting local government meetings. The draft resolution would apply to all boards and commissions unless those bodies adopted separate rules.

This draft resolution does not affect the City’s Conflict of Interest Code that is adopted biannually in accordance with the Political Reform Act by separate resolution.

ATTACHMENTS

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CITY OF BELLFLOWER

RESOLUTION NO. 16-XX

A RESOLUTION ESTABLISHING A CODE OF CONDUCT AND RULES FOR CONDUCTING CITY COUNCIL MEETINGS IN ACCORDANCE WITH GOVERNMENT CODE § 36813, AND SUPERSEDING RESOLUTION NO. 15-26

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. *Code of Conduct; Core Principles.* The City Council finds and declares that its members, and all members of appointed boards and commissions (collectively, “Public Officials”), will abide by the following Core Principles:

- A. Public Officials should comply with both the letter and spirit of the laws and policies affecting the operations of government;
- B. Public Officials are expected by the public to be independent, impartial, and fair in their judgment and actions;
- C. Serving in public office is a privilege and should be exercised in trust for the public good, not for personal gain; and
- D. Public deliberations and processes should be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

SECTION 2. *General Policies.* Implementing the Core Principles is one of the guiding objectives in adopting this Resolution. Accordingly, in addition to all requirements of applicable law, the Public Officials must adhere to the following policies:

- A. Conduct of Public Officials

The professional and personal conduct of Public Officials must be above reproach and avoid even the appearance of impropriety. Public Officials will refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other Public Officials, City employees, or the public.

- B. Respect for Process

Public Officials will perform their duties in accordance with the processes and rules of order established by the City Council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions.

C. Conduct of Public Meetings

Public Officials will fully prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They will 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.

D. Communication

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

E. Confidential Information

Members must respect the confidentiality of information concerning City property, personnel, or proceedings of the City. They will neither disclose confidential information without proper legal authorization nor use such information to advance their personal interests.

F. Advocacy

When presenting their individual opinions and positions, Public Officials will expressly state they do not represent their body or the City of Bellflower, nor will they allow the inference that they do. All written correspondence expressing an individual opinion and position must be on personal stationery and not on City stationery.

G. Policy Role of Public Officials

Public Officials must respect and adhere to the council-manager structure of Bellflower city government with respect to the City Manager's relationship with the City Council. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards, commissions, and committees and City staff. The City Manager implements that policy.

SECTION 3. *Substance Abuse Policy.*

A. While acting in their official capacities, Public Officials will refrain from imbibing alcohol to the point that it impairs their judgment, physical coordination, speech, or mental process.

- B. At all times, Public Officials will refrain from the use of a controlled substance, narcotic, amphetamine, barbiturate, prescribed or over-the-counter medication in excess of the prescribed dosage, or other non-prescribed hallucinogenic substance.
- C. Public Officials who have substance abuse problems are encouraged to make every effort to overcome such problems and to utilize the services of the Employee Assistance Program (EAP). Using the EAP is confidential.

SECTION 4. *Anti-Harassment Policy.*

- A. Harassment of an applicant or employee by a Public Official on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran or military status, sex, or age will not be tolerated.
- B. Harassment on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran or military status, sex, or age includes, but is not limited to, the following examples:
 - 1. Verbal Harassment - Epithets, derogatory comments, or slurs on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran or military status, sex, or age.
 - 2. Physical Harassment - Assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran or military status, sex, or age.
 - 3. Visual Forms of Harassment - Derogatory posters, notices, bulletins, cartoons, or drawings on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran or military status, sex, or age.
 - 4. Sexual Favors - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that is conditioned upon employment benefit, unreasonably interferes with an individual's work performance or creates an offensive work environment.

SECTION 5. *Anti-Nepotism Policy.* The City will not hire relatives of Public Officials. If a Public Official's relative presents a matter to the City, then that Public Official cannot participate in or attempt to influence decision-making regarding that matter. For purposes of this policy a "relative" is defined as a blood, by-adoption, or step parent, spouse or registered domestic partner, sibling, child or in-law, and their children and children-in-law.

SECTION 6. *Expected Conduct.*

- A. Public Officials will request administrative services only through the City Manager or designee.
 - 1. Public Officials cannot direct, order, or make demands on any City employee, other than inquiries that can be answered routinely and without research.
 - 2. Public Officials cannot attempt to reorganize an employee's priorities or influence the manner by which City staff performs their assigned functions or duties.
 - 3. Public Officials cannot retaliate or threaten to retaliate against employees as a result of disagreements over policy recommendations.
 - 4. Public Officials cannot threaten a City employee with disciplinary action.

- B. Public Officials must act collectively in a properly noticed and constituted meeting; Public Officials do not have authority to make decisions or take actions on behalf of the body unless expressly authorized to do so.
 - 1. Public Officials cannot make representations or promises to any third party regarding the future actions of the City or of the body of which they are a member, unless such representation or promise has been duly authorized by the appropriate body.
 - 2. When making public utterances, Public Officials must make it clear whether they are authorized to speak on behalf of the body of which they are a member, or whether they are presenting their own views.
 - 3. Public Officials cannot interfere with the manner by which the City Manager performs his or her duties.

- C. Public Officials who are members of boards and commissions must limit their activities to matters within their subject matter jurisdiction.
 - 1. Boards and commissions can address only those matters determined by the BMC or by the City Council to be within their subject matter jurisdiction; staff need not place on an agenda, provide resources for or implement requests, directions or actions outside that jurisdiction. Unless directed otherwise by the City Council, Commissions and Boards must refrain from consideration of policy issues that are under active consideration by the City Council.
 - 2. The City Council as a whole will provide direction and guidance to its subsidiary bodies.
- D. City resources must be used solely for proper governmental purposes, and only with proper authorization.
 - 1. City letterhead may only be used by Public Officials for official City business.
 - 2. City employees cannot be asked or directed to spend time on non-City business.
 - 3. Public Officials cannot use or disclose information obtained through City service for improper purposes.

SECTION 7. *Enforcement.* To enforce the Core Principles, and the polices set forth in this Resolution to implement those Core Principles, the City Council adopts the following requirements for enforcement:

- A. A complaint regarding a violation of the Code of Conduct may be filed with the Mayor, the City Manager, or the City Attorney (collectively, the “Investigator”).
- B. Upon receiving a complaint, the person receiving the complaint may take one of the following actions depending on the circumstances of the alleged violations of law or policy:
 - 1. Take no action;
 - 2. Conduct a preliminary investigation of the allegations before recommending any action. Following such a preliminary investigation into the complaint, the Investigator may then either take no action or place the matter on a future City Council agenda with a recommendation for consideration; or
 - 3. Place the matter on a future City Council agenda for consideration.

- C. If a complaint is placed on the City Council agenda, the City Council may take the following action:
1. Take no action;
 2. Initiate an investigation of the allegations before considering any discipline identified in this Resolution; or
 3. Based upon substantive evidence, take one of the disciplinary actions identified in this Resolution.
 4. Nothing in this policy precludes individual City Council Members from making public statements regarding alleged conduct.
- D. In addition to any other remedy provided by applicable law, the City Council may undertake one or more of the following actions after finding a violation of this Resolution occurred:
1. **Admonition.** This is the least severe form of action. An admonition may typically be directed to all members of the City Council, reminding them that a particular type of behavior is in violation of law or City policy. An admonition may be issued by the City Council before any findings of fact regarding allegations, and because it is a warning or reminder, would not necessarily require an investigation or separate hearings to determine whether the allegation is true.
 2. **Sanction.** This is the next most severe form of action. Sanction may be directed to a particular member of the City Council based on a particular action (or set of actions) that is determined to be in violation of law or City policy. A sanction is distinguished from censure in that it is not a punishment. A sanction may be issued based upon City Council review and consideration of a written allegation of a policy violation. The member accused of a violation will have an opportunity to provide a written response to the allegation. A sanction may be issued by the City Council and because it is not punishment or discipline, would not necessarily require an investigation or separate hearings.
 3. **Censure.** Censure is the most severe form of action. Censure is a formal statement of the City Council officially reprimanding one of its members. It is a punitive action, which serves as a penalty imposed for wrongdoing, but it carries no fine or suspension of the rights of the member as an elected official. Censure should be used for cases in which the City Council determines that the violation of law or policy is a serious offense. To protect the overriding right to freedom of speech, the City Council cannot impose censure on any of its members for the exercise of his or her First Amendment rights, no matter how distasteful the expression was to the City Council and the City. However, nothing can be construed to prohibit the City Council from collectively condemning and expressing their strong disapprobation of such remarks. A decision to censure requires the adoption of a Resolution making findings with regard to the specific charges, based on substantial evidence, and approved by a two-thirds vote of the City Council.

SECTION 8. *Rules of Procedure for Meetings; Authority.* Rules of Procedure for City Council meetings are adopted pursuant to Government Code § 36813. In the absence of separate procedural rules for individual boards and commissions, the Rules of Procedure adopted by this Resolution will apply to all City subsidiary boards and commissions. These Rules are intended to comply with, the Ralph M. Brown Act (Government Code §§ 54950-54962). The Brown Act will supersede any conflicting provision of the Rules.

SECTION 9. *General Rules.*

A. Rules of Order. Pursuant to Bellflower Municipal Code (“BMC”) § 2.040.060, the City Council finds as follows:

1. City Council proceedings should be governed by common sense and good taste. Pursuant to applicable laws, including, without limitation, the BMC, any issue of procedure relating to the conduct of a meeting or hearing not otherwise provided for in these Rules may be determined by the Mayor, subject to a vote of the entire Council. In addition, the City Council may, upon majority vote, alter or modify any provision of this Policy when appropriate or desirable.
2. These Rules are adopted to expedite the City Council's business transactions in an orderly fashion and are procedural only. Failure to strictly observe these rules will not affect the City Council's jurisdiction or invalidate any Council action conforming with applicable law.

B. Right of Floor.

Council Members wishing to speak must first be recognized by the Mayor and, with the exception of Council Reports, limit any remarks to the agenda matter being considered.

C. City Manager.

The City Manager will attend all meetings of the City Council unless excused. In his/her absence, the City Manager will designate an Acting City Manager to attend. The City Manager may make recommendations and has the right to take part in all City Council discussions of the Council, but cannot vote.

D. City Attorney.

The City Attorney will attend all meetings of the Council unless excused, and in his/her absence, the Assistant City Attorney will attend. The City Attorney, upon request, may give opinions, either written or oral, on questions of law and act as the City Council's parliamentarian.

E. City Clerk.

The City Clerk will attend all meetings of the Council unless excused. In his/her absence, the Deputy City Clerk will attend. The City Clerk will record, prepare, and maintain the City Council's official record and perform other related duties as prescribed by the City Council and/or City Manager.

SECTION 10. *Mayor – Duties.*

A. Presiding Officer

The Mayor, if present, will preside at all meetings. In the Mayor's absence, the Mayor Pro Tem will preside. In the absence of both, the Council Members present will select a Temporary Presiding Officer by majority vote.

B. Call to Order

The Mayor or Mayor Pro Tem will bring the meeting to order at the time noticed in accordance with applicable law. In the absence of both, the meeting will be called to order by the City Clerk.

C. Point of Order

The Mayor will determine all points of order, subject to the right of any Council Member to appeal to a vote of a majority of the quorum.

D. Motion to Be Stated

The Mayor will state all motions submitted for a vote and announce the result. A roll call vote must be taken upon the request of any Council Member.

SECTION 11. *Preparation of Agenda.*

A. Order of the Agenda

The Agenda will be organized in accordance with Resolution No. 05-45.

B. Minutes

Unless requested by a majority of the quorum, minutes may be approved without reading.

C. Future Agenda Items

Each Agenda may include an Agenda item entitled "Council Reports." During this section of the Agenda any Council Member may make a motion only to place an item on a future Agenda. The motion is non-debatable. Placement of an item on a future Agenda requires a majority vote. The City Manager has discretion as to when the item will be placed on the Agenda, unless otherwise directed by the City Council.

SECTION 12. *Citizens' Rights.*

A. Persons seeking to address the City Council must comply with the following:

1. Members of the public may address the City Council only on items within the subject-matter jurisdiction of the City Council. A determination of whether an item is appropriate for discussion will be made by the Mayor with the City Council's consent.
2. Persons addressing the City Council may sign in on the sign-in sheet provided.
3. Each speaker may be limited to a time period determined by the Mayor for Public Comment and on all other items on the Agenda.
4. All remarks must be directed to the City Council as a body and not to any particular Council Member or City employee.
5. No person, other than Council Members and the person having the floor are permitted to participate in the discussion except as otherwise requested by the Mayor.
6. No question may be asked of Council Members or City employees except through the Mayor.
7. When any identifiable group of persons, as distinguished from the general public, seeks to address the City Council on the same agenda item, the Mayor has the discretion to ask that the group select a spokesperson to address the City Council. If additional issues are to be presented at the hearing by any other member of such group, the Mayor may limit the number of persons to address the City Council to avoid unnecessary repetition of information presented to the City Council.

B. Written Materials

Any person may submit written materials to the City Council for consideration. Should a person wish to have written materials considered by the City Council as part of an agenda item other than a public hearing, they must be submitted during working hours not later than twenty-four (24) hours before the scheduled meeting.

C. Disrupting legal meetings

Any member of the public making disruptive remarks or who becomes disruptive while addressing the Council or attending the City Council meeting so as to disrupt, disturb or otherwise impede the orderly conduct of the City Council meeting will be removed forthwith by the Presiding Officer and barred from further audience before the City Council at that meeting unless permission to continue is granted by a majority vote of the City Council.

SECTION 13. *Miscellaneous Rules.*

A. Silence

During a collective vote (Ayes and Nays), silence of any Council Member denotes an affirmative vote.

B. Continuance of an Item

Upon a Council Member's request and by majority vote, an item (not subject to a deadline) may be continued to the next agreed upon meeting. Anyone may request a continuance of an item and the City Council, by majority vote, may grant a continuance.

C. Failure to Vote

Every Council Member should vote unless disqualified by reason of a Conflict of Interest. If a member abstains because of a legal conflict of interest, he/she is not counted as part of the quorum and is not deemed to be voting.

If a member abstains for reasons other than a legal conflict of interest, he/she will be counted in establishing a quorum. Such an abstention will be counted with the majority vote of the quorum unless there is no majority in which case it will not be counted as a vote.

D. Lost Motions

1. A lost motion is one that fails to receive the necessary number of votes to carry. To revive a lost motion at the same meeting, the proper action is a motion to reconsider.
2. If a motion is lost on an Ordinance or action for the expenditure of money, or any motion when the legally required number of votes for passage is three; when two Members of the City Council are absent, the matter will be automatically continued to the next regular meeting. In the case of an Urgency Ordinance, the matter will be automatically continued when one Council Member is absent.

E. Motion to Reconsider

A motion to reconsider any action taken by the City Council may be made in accordance with the following:

1. The motion must be made by a Council Member, the majority vote, or, in the case of a lost motion, by any Council Member and may be seconded by any Council Member.
2. Except as otherwise provided, the motion must be made before the adjournment of the meeting at which the original action was taken.
3. The motion is debatable and has precedence over a pending motion.
4. Except as otherwise provided, if the action to be reconsidered is a Public Hearing item, it must be re-noticed in the event the motion to reconsider passes. Where it is clearly established that all interested members of the public are still present, the item may be reconsidered without further notice.

F. Tie Votes

If a tie vote occurs when a Member of the City Council is absent, the item will be automatically continued once to the next regular meeting of the City Council. Except in the event of an appeal to the City Council, if a tie vote occurs as a result of the abstention of a Council Member, the motion is lost. If a tie vote on an appeal occurs as a result of the abstention of a Council Member, the appeal is deemed denied.

G. Changing the Vote

A Council Member may change his/her vote only if the change is made immediately following the announcement of the vote by the Mayor and before the next agenda item is announced.

H. Abstention

A Council Member who publicly announces that he/she is abstaining from voting on a particular matter will not subsequently be allowed to withdraw the abstention.

SECTION 14. *Rules of Debate.*

A. Mayor as Presiding Officer

The Mayor may move, second, and debate from the Chair, retains all rights and privileges of a Council Member.

B. Appeals

Any ruling of the Mayor may be appealed at the request of any Council Member. The Mayor must call for a roll call vote to determine if the ruling is upheld.

C. Motions

A motion may be debated by the City Council after it is made. During debate, any Member of the City Council may "Call for a second." If a second is not forthcoming, the motion dies for lack of a second. If the motion is seconded, the debate may continue.

D. Precedence of Motions

When a motion is before the Council, no other motion may be considered except:

1. Motion to Amend - Debatable only as it relates to the amendment.

An amendment which modifies the motion is an order; however, a substitute motion is in order if the intent is changed. Amendments are voted on first, the main motion vote is last. A motion may be amended more than once with each amendment being voted on separately. There may only be one amending motion on the floor at any one time.

2. Motion to Postpone - A motion to postpone indefinitely is debatable.

If such a motion is adopted, the principal question is lost. Motion to postpone to a definite time is subject to debate and amendment as it relates to propriety of the postponement and time set.

3. Motion to Table - Undebatable and not subject to amendment.

The purpose of a motion to table is to temporarily bypass the item. If a motion to table is adopted, the item may be taken from the table at any time before the adjournment of the next regular meeting. If the item is not taken from the table in the time specified, the business of the item is lost.

4. Motion for Previous Question

A motion for previous question closes debate on the main motion and is non-debatable. If motion fails, debate is reopened; if motion passes, then vote must be taken on the main motion.

SECTION 15. *Adjournment.* At 10:30 p.m., if business has not concluded, no new business will be considered unless by a majority vote the City Council agrees to begin new business. Items under consideration at 10:30 p.m. may be concluded. Any remaining items will be postponed to the next City Council meeting.

SECTION 16. *Amendment/Suspension.* The City Council may amend or suspend these rules at any time upon majority vote of the City Council.

SECTION 17. *Administrative Mandamus.* Persons who are dissatisfied with a decision of the City Council may have the right to seek review of that decision by a court. In addition, the City has adopted §1094.6 of the Code of Civil Procedure which generally limits to ninety (90) days the time within which the decision of City boards and agencies may be judicially challenged.

SECTION 18. Unless specifically referenced, this Resolution supersedes all previous resolutions purporting to establish rules and procedures for rules of conduct and procedures for City Council meetings including, without limitation, Resolution No. 15-26 (adopted June 8, 2015). Accordingly, those resolutions are rendered moot upon adoption of this Resolution and are accordingly repealed. Nothing in this Resolution is intended to, nor does it, supersede the City's most recently adopted Conflict of Interest Code.

SECTION 19. The Mayor, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the City Council of the City of Bellflower, and the City Clerk, or her duly appointed deputy, is directed to attest thereto.

SECTION 20. This Resolution will become effective immediately upon adoption.

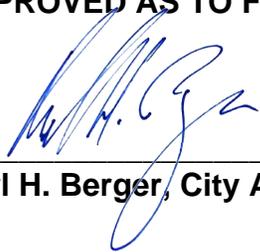
PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER THIS _____ OF _____ 2016.

Dan Koops, Mayor

ATTEST:

Mayra Ochiqui, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

CITY OF BELLFLOWER

RESOLUTION NO. 05-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLFLOWER ESTABLISHING THE ORDER OF THE BUSINESS FOR REGULAR CITY COUNCIL MEETINGS AND REPEALING RESOLUTION NO. 96-37

WHEREAS, the purpose of an agenda is to provide a framework within which a meeting can be conducted; and

WHEREAS, pursuant to Bellflower Municipal Code Section 2-1.9, the City Council desires to amend the Order of Business to establish a more efficient, cost-effective manner in which to conduct City business; and

WHEREAS, Ordinance No. 1086 has been introduced to amend the Bellflower Municipal Code to commence the regular City Council meetings in conjunction with the Redevelopment Agency of the City of Bellflower at 5:30 p.m. to conduct closed session meetings and at 7 p.m. to conduct the open session meetings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER AS FOLLOWS:

SECTION 1. The Mayor, or the Mayor Pro Tem in his/her absence, shall preside at the meetings of the City Council.

SECTION 2. Notwithstanding circumstances which warrant that the presiding officer use his/her discretion in chairing the meeting, the following order of business for regular meetings shall be established:

5:30 p.m. Session:

- Call to Order
- Roll Call
- Recess to Closed Session
- Reconvene for Open Session

7 p.m. Session

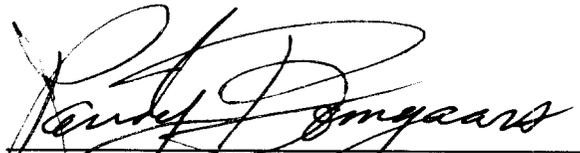
- Call to Order
- Roll Call
- Invocation
- Pledge of Allegiance
- Presentations/Announcements
- Public Comments
- Public Hearings
- Ordinances and Resolutions for Consideration
- Consideration Items
- Consent Calendar
- Reports
- Adjournment

SECTION 3. City of Bellflower Resolution No. 96-37 is hereby repealed upon adoption of this Resolution.

SECTION 4. Resolution No. 05-45 shall become effective upon the effective date of Ordinance No. 1086.

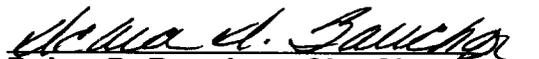
SECTION 5. The Mayor, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the City Council of the City of Bellflower, and the City Clerk, or her duly appointed deputy, is directed to attest thereto.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER ON THIS 11TH DAY OF JULY 2005.



Randy Bomgaars, Mayor

ATTEST:

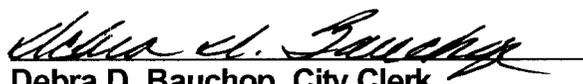

Debra D. Bauchop, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)SS
CITY OF BELLFLOWER)

I, **Debra D. Bauchop**, City Clerk of the City of Bellflower, California, do hereby certify under penalty of perjury that the foregoing Resolution No. 05-45 was duly passed, approved, and adopted by the City Council of the City of Bellflower at its Regular Meeting of July 11, 2005, by the following vote to wit:

AYES: Council Members – Larsen, Pratt, Smith, King, and Mayor Bomgaars

Dated: July 12, 2005


Debra D. Bauchop, City Clerk
City of Bellflower, California

(SEAL)

**CITY OF BELLFLOWER
RESOLUTION NO. 15-26**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BELLFLOWER ESTABLISHING A CODE OF CONDUCT FOR
MEMBERS OF CITY LEGISLATIVE BODIES GOVERNED BY THE
BROWN ACT AND RESCINDING RESOLUTION NO. 13-25**

WHEREAS, members of the City Council are elected representatives of the people of Bellflower; and

WHEREAS, members of the City's legislative bodies governed by the Brown Act are appointed by the City Council to advise them on certain specific issues relating to the City's business; and

WHEREAS, the people of the City of Bellflower expect their elected and appointed officials to conduct themselves in the public interest and strictly adhere to the highest standards of official conduct; and

WHEREAS, the members of the City's legislative bodies governed by the Brown Act acknowledge and accept their responsibility for the proper conduct of the people's business.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER AS FOLLOWS:

SECTION 1. Resolution No. 13-25 is hereby rescinded.

SECTION 2. The Code of Conduct for Members of City Legislative Bodies Governed by the Brown Act, attached hereto as Exhibit A, is hereby approved in its entirety.

SECTION 3. A copy of this Resolution will be formally received by each aforementioned City legislative body, and a copy will be provided to each member of any such legislative body upon their assumption of office.

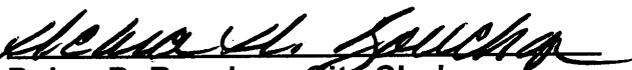
SECTION 4. The Mayor, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the City Council of the City of Bellflower and the City Clerk, or her duly appointed deputy, is directed to attest thereto.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER THIS 8th DAY OF JUNE 2015.

ATTEST



Scott A. Larsen, Mayor


Debra D. Bauchop, City Clerk

Doc 316280

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)SS
CITY OF BELLFLOWER)

I, **Debra D. Bauchop**, City Clerk of the City of Bellflower, California, do hereby certify under penalty of perjury that the foregoing Resolution No. 15-26 was duly passed, approved, and adopted by the City Council of the City of Bellflower at its Regular Meeting of June 8, 2015, by the following vote to wit:

AYES: Council Members – Santa Ines, Schnablegger, Koops, Dunton,
and Mayor Larsen

Dated: June 9, 2015


Debra D. Bauchop, City Clerk
City of Bellflower, California

(SEAL)

**CODE OF CONDUCT FOR MEMBERS OF THE CITY LEGISLATIVE BODIES
GOVERNED BY THE BROWN ACT
(Refer Resolution No. 15-26 – Exhibit A)**

1. **Applicability**. Except as otherwise provided herein, this Code of Conduct applies to the current members of City legislative bodies governed by the Brown Act, and insofar as it concerns conflicts of interest, to all former members of the City legislative bodies governed by the Brown Act within one year after leaving office.
 - a. Where used herein, “City legislative bodies governed by the Brown Act” includes, but is not limited to, the City Council, Planning Commission, Public Safety Commission, Parks and Recreation Commission, Municipal Water Commission, Public Safety Review Committee, Town Center Design Review Committee, Bellflower Financing Authority, Bellflower Parking Authority, Temporary Utility Users’ Tax Oversight Board, and the Bellflower Public Facilities Corporation.
2. **Conflict of Interest Policy**. It is the policy of the City that all members of City legislative bodies governed by the Brown Act shall maintain the highest standards of conduct and integrity and shall have no outside interests that may be incompatible or involve a conflict of interest with their duties, functions, and responsibilities as members of City legislative bodies governed by the Brown Act.
 - a. Subject to and except as may be permitted by State law, members of City legislative bodies governed by the Brown Act shall not accept, directly or indirectly, payments, loans, commissions, services, promises of future benefits, gifts, gratuities or other items of value from any organization or individual doing business with the City.
 - b. No Council Member may serve as a director, officer, partner, employee, consultant, agent or representative, or have a financial interest in any organization or individual that does business with the City, except as permitted by State law. In addition, Council Members are required to abide by applicable federal, state and local statutes, regulations, and ordinances concerning conflicts of interest.
 - c. No member of a City legislative body governed by the Brown Act may serve as a director, officer, partner, employee, consultant, agent or representative, or having a financial interest in any organization or individual if that legislative body plays an advisory or decision making role in review or approval of a contract between the City and that organization or individual, except as permitted by State law. In addition, members of City legislative bodies governed by the Brown Act are required to abide by applicable Federal, State and local statutes, regulations, and ordinances concerning conflicts of interest.
 - d. Members of City legislative bodies governed by the Brown Act serving as a director, officer, partner, employee, consultant, agent or representative, or having a financial interest in any organization or individual are prohibited from representing that organization or individual and from participating in or attempting to influence any City decision pertaining to that organization or individual that may come before the legislative body on which they serve, except as permitted by State law. In addition, members of City legislative bodies governed by the Brown Act are required to abide by applicable Federal, State and local statutes, regulations, and ordinances concerning conflicts of interest.
 - e. No member of any City legislative body governed by the Brown Act may be an employee of the City.
 - f. No former member of any City legislative body governed by the Brown Act may be an employee, consultant, agent or representative of the City within one year after leaving office.
 - g. No former member of any City legislative body governed by the Brown Act may serve as a director, officer, partner, employee, consultant, agent or representative, or have a financial interest in any organization or individual doing business with the City where such business was acted upon by the legislative body and in which the member of that body participated or voted within one year after leaving office.
 - h. No former member of any City legislative body governed by the Brown Act may serve as a director, officer, partner, employee, consultant, agent or representative, or have a financial interest in any organization or individual that has a matter before the City within one year after leaving office.

- i. **Real Property Interests.** The City Clerk shall maintain a list of the real property interests within the City of Bellflower or within 500 feet of the City's boundary for each member of any City legislative body governed by the Brown Act who has Political Reform Act filing requirements (Form 700) under Government Code Section 87200 or as a designated employee under a conflict of interest code and (ii) shall provide a copy of the individual member's respective list to each such member on an annual basis. Each such member must notify the City Clerk within 30 days after any changes to their reportable real property interests.
3. **Substance Abuse Policy.** It is the policy of the City to maintain a safe, healthful and productive work environment for all employees, including members of City legislative bodies governed by the Brown Act. To that end, the City will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs, or any substance that would impair an individual's ability to safely and effectively perform the functions of the particular job) which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage the City's reputation.
 - a. While engaged in the people's business, members of City legislative bodies governed by the Brown Act will refrain from imbibing alcohol to the point that it impairs their judgment, physical coordination, speech or mental process.
 - b. Members of City legislative bodies governed by the Brown Act will at all times refrain from the use of a controlled substance, narcotic, amphetamine, barbiturate, prescribed or over-the-counter medication in excess of the prescribed dosage, or other non-prescribed hallucinogenic substance.
 - c. Members of City legislative bodies governed by the Brown Act who have substance abuse problems are encouraged to make every effort to overcome such problems and to utilize the services of the Employee Assistance Program (EAP). Such use will be a confidential matter.
 4. **Anti-Harassment Policy.** Harassment of an applicant or employee by a member of a City legislative body governed by the Brown Act on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran or military status, sex or age will not be tolerated.
 - a. Harassment on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran or military status, sex or age includes, but is not limited to, the following examples:
 1. Verbal Harassment - Epithets, derogatory comments or slurs on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran or military status, sex or age.
 2. Physical Harassment - Assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran or military status, sex or age.
 3. Visual Forms of Harassment - Derogatory posters, notices, bulletins, cartoons, or drawings on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran or military status, sex or age.
 4. Sexual Favors - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that is conditioned upon employment benefit, unreasonably interferes with an individual's work performance or creates an offensive work environment.
 - b. Harassment, as defined above, may violate Title VII of the Civil Rights Act of 1964, the California Government Code, and regulatory guidelines of the Equal Employment Opportunity Commission, and the California Fair Employment and Housing Commission.
 - c. All members of City legislative bodies governed by the Brown Act will attend Sexual Harassment Awareness Training at least once per elected term and no less than once every four years.
 - d. The City Clerk will provide all members of City legislative bodies governed by the Brown Act with a copy of the

City's policy prohibiting harassment in the workplace. All such members are responsible for knowing, understanding and fully complying with its provisions.

5. **Anti-Nepotism Policy.** The City shall not hire relatives of Council Members. If a City Council Member's relative presents a matter to the City Council, then that Member shall not participate in or attempt to influence the City Council's review or decision on that matter. In the case of an employee who is a relative of a person who subsequently becomes a Member of the City Council, that Council Member shall not participate in the selection, promotion or supervision of their relative or participate in or attempt to influence any matter presented to the City Council by that relative. Other members of City legislative bodies governed by the Brown Act shall not participate in the selection or promotion of anyone who is their relative. For purposes of this policy:

- a. A "relative" is defined as a blood, by-adoption, or step parent, spouse or registered domestic partner, sibling, child or in-law, and their children and children-in-law.
- b. The "chain of command" encompasses every employee in the City's service, from members of the City Council, the City Manager and City Clerk, and every subordinate full- and part-time employee. Members of other City legislative bodies governed by the Brown Act, who are not otherwise an employee of the City, are not part of the chain of command; provided, that a member of a City legislative body governed by the Brown Act, with a relative who as an employee of the City and who is to present a matter to that legislative body, shall not participate in or attempt to influence that matter. Volunteers and other unpaid workers are not employees.
- c. Due to their broad responsibilities across departmental lines, the members of the City Council, like the City Manager, City Clerk, Directors and Assistant Directors, are considered to be a part of every chain of command.
- d. Every member of any City legislative body governed by the Brown Act is responsible for promptly bringing to the attention of the City Manager any relationship with an employee or prospective employee that falls within the scope of this policy.
- e. When any member of the City Council, by election to office, marriage, adoption, or any other process, enters the chain of command of an employee, the City will resolve the potential conflict with this policy by removing the employee as far as possible from the Council Member's sphere of influence.

6. **Mandatory Ethics Training.** All members of City legislative bodies governed by the Brown Act shall attend mandatory biennial ethics training as provided by State law and given or recommended by the City Attorney, including elements of the Brown Act, Public Records Act, Political Reform Act (including financial disclosure requirements) and this code of conduct. Such training will be conducted biennially in May following each General Municipal Election. In accordance with the Brown Act, this training will be conducted at a properly noticed meeting open to the public. As attendance is mandatory, the absence of a member of any City legislative body governed by the Brown Act must be excused by the City Council at a regular meeting. If excused, then the member will be provided with alternate training given or recommended by the City Attorney, which is to be completed within thirty days after receiving notice. In the event a member of any City legislative body governed by the Brown Act takes office prior to the January before the next regularly scheduled biennial ethics training, that member shall complete similar ethics training given or recommended by the City Attorney within two months after taking office.

- a. The City Manager, City Attorney, City Clerk, Directors of City Departments, Human Resources and Risk Manager, and other key employees designated by the City Manager will attend mandatory biennial ethics training as provided above.