



CITY OF MENIFEE
**CITY
COUNCIL
CODE OF
ETHICS**

ADOPTED
JULY 15, 2020



MENIFEE

New. Better. Best.



Table of Contents

Page

CHAPTER 1—FORM OF GOVERNMENT

1.1	Form of Government.....	2
-----	-------------------------	---

CHAPTER 2—COUNCIL POWERS AND RESPONSIBILITIES

2.1	City Council Generally	3
2.2	Mayor and Mayor Pro Tem—Appointment, Power, and Duties.....	3
2.3	Council Actions.....	4
2.4	Councilmember Committees	4
2.5	Establishment and Appointment of Council Advisory Bodies	5

CHAPTER 3—LEGAL AND ETHICAL STANDARDS

3.1	Preamble	6
3.2	Public Interest	6
3.3	Conduct	6
3.4	Conflict of Interest.....	7
3.5	Compliance and Enforcement—All Rules.....	15
3.6	AB 1234—Required Ethics Training	16

CHAPTER 4—COMMUNICATIONS

4.1	Written Communications.....	17
4.2	Request for Staff Resources.....	17
4.3	Relationship/Communications with Staff	17
4.4	Council Relationship/Communication with Council Advisory Bodies	18
4.5	Handling of Litigation and Other Confidential Information.....	18
4.6	Representing an Official City Position	18
4.7	Quasi-Judicial Role/Ex Parte Contacts	19
4.8	No Attorney-Client Relationship.....	19

CHAPTER 5—COUNCIL ADVISORY BODIES

5.1	Commissions, and Committees Generally	20
5.2	Commission, and Committee Organization and Conduct.....	20
5.3	Commission, and Committee Appointments.....	21
5.4	Commissions, and Committees—Vacancy of Office.....	21
5.5	Commissions, and Committees - Removal.....	21

CHAPTER 6—MEETINGS

6.1.	Ralph M. Brown Act.....	22
6.2	Regular Meetings	22
6.3	Special and Emergency Meetings.....	22
6.4	Meeting Agendas.....	22
6.5	Agenda Packets	23

CHAPTER 7—COUNCIL FINANCIAL MATTERS

7.1	Compensation.....	24
7.2	Benefits.....	24
7.3	City Council Budget and Expenses.....	24

CHAPTER 1—FORM OF GOVERNMENT

1.1 Form of Government

- 1.1.1 The City of Menifee municipal government operates under a council-manager form of government as established by the City Municipal Code.
- 1.1.2 Under this form of government, the Council provides legislative direction, sets City policy and monitors its execution by City staff. The City Manager serves as the City’s chief administrative officer and is responsible for directing the day-to-day operations of the City.
- 1.1.3 The key provisions that outline City of Menifee’s council-manager form of government are found in Chapter 2.08 of the City Municipal Code.

“The City Manager shall be the administrative head of the government of the city under the direction and control of the City Council, except as otherwise provided in this chapter. The City Manager shall be responsible for the efficient administration of all affairs of the city which are under his or her control.” The City Manager shall be expected and shall have the power as stated in section 2.08.060 of the Menifee Municipal Code.

Specifically, the Menifee Municipal Code includes the following provisions:

- 1.1.3.1 The City Manager shall appoint, remove, promote and demote any and all officers and employees of the city, except elected officers and the City Attorney, and specifically including the City Clerk and the City Treasurer (although the City Manager may serve in these positions as well), subject to all applicable personnel rules and regulations which may be adopted by the city.
- 1.1.3.2 The City Council and its members shall deal with the administrative services of the city only through the City Manager, except for the purpose of inquiry, and neither the City Council nor any member thereof shall give orders to any subordinates of the City Manager.
- 1.1.3.3 For purposes hereof, INQUIRY means any and all communications short of giving orders, directions or communications short of giving orders, directions or instructions to any member of the administrative staff.

NOTE: See Chapter 4, Communications, for additional information regarding communications with staff.

CHAPTER 2—COUNCIL POWERS AND RESPONSIBILITIES

2.1 City Council Generally

- 2.1.1 The City Council has the power, in the name of the City, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants, which are not specifically prohibited by the constitution, the City Municipal Code, or State or Federal laws.
- 2.1.2 The Council acts as a body. Policy is established by majority vote. A decision of the majority binds the Council to a course of action. The Council majority may be a majority of the quorum of the Council.
- 2.1.3 No Councilmember has extraordinary powers beyond those of other members (except as may otherwise be provided in State law). All members, including the Mayor, have equal powers.
- 2.1.4 No member of the Council is permitted to hold any other City office or City employment (except as may otherwise be provided in the City Municipal Code).

2.2 Mayor and Mayor Pro Tem—Appointment, Power, and Duties

- 2.2.1 The selection of Mayor Pro Tem occurs annually in December, during the Council's "Reorganization" meeting by majority vote of the City Council.
- 2.2.2 The Mayor Pro Tem is responsible to select the Annual Initiative (or theme) to be included in the City's annual budget book, displayed at the City's annual Fourth of July event, and used throughout the fiscal year in City communications, press, and events.
- 2.2.3 The Mayor is the presiding officer of the City Council. In the Mayor's absence, the Mayor Pro Tem shall perform the duties of the Mayor.
- 2.2.4 The Mayor, in partnership with the Council District Representative, is the official head of the City for all ceremonial purposes.
- 2.2.5 The Mayor may perform such other duties consistent with the mayoral office as may be prescribed by the City Municipal Code or as may be imposed by the Council.
- 2.2.6 The Mayor does not possess any power of veto.
- 2.2.7 The Mayor, or Council designee, coordinates with the City Manager in the review of agendas for meetings of the City Council. The complete agenda setting process is outlined in City Council Policy No. 1: Rules of Decorum and Procedure for the Conduct of City Council Meetings.

2.2.8 The Mayor Pro Tem serves at the pleasure of the Council and can be replaced at any time by a majority vote of the Council.

2.3 Council Actions

2.3.1 Legislative actions by the City Council can be taken by means of ordinance, resolution, or minute action duly made and passed by the majority (unless otherwise provided).

2.3.2 Public actions of the Council are recorded in the minutes of the City Council meeting. The City Clerk is required to make a record only of business actually passed upon by a vote of the Council and is not required to record any remarks of Councilmembers or of any other person, except at the special request of a Councilmember, with the consent of the Council.

2.3.3 Actions of the Council concerning confidential property, personnel, and/or legal matters of the City are to be reported consistent with State law.

2.4 Councilmember Committees (Refer to City Council Policy No. 2 – Regional Boards and Regional Commissions – Assignments and Reporting.)

2.4.1 The City Council may organize itself into standing and/or special/ad hoc committees of the Council to facilitate Council review and action regarding certain matters referred to them by the City Council or in accordance with City Council Policy No. 2, City Council Standing Committees, Regional Boards and Regional Commissions – Assignments and Reporting.

2.4.2 All work undertaken by a Councilmember committee must originate with the Council or as permitted under City Council Policy No. 2. All actions of committees shall be reported to the Council.

2.4.3 The Council may create or dissolve standing committees at any time by the affirmative vote of a majority of the Council.

2.4.4 The Mayor annually appoints members to standing committees at the annual Council Reorganization in December.

2.4.5 The Council or the Mayor may create special or ad hoc committees. The Mayor appoints members to special or ad hoc committees.

2.4.6 The Council may dissolve special or ad hoc committees.

2.4.7 If permitted by the Ralph M. Brown Act, other members of the Council not assigned to a committee may attend meetings of a committee, as an observer, however, they shall be seated with the audience and may not participate in any manner or address the committee.

2.4.8 If an absence is anticipated on a committee and that absence may impede the work of the committee, the assigned alternate member will attend in the committee member's place. If the alternate member is not available, the committee chair or other member may request that the Mayor designate another member of the Council to attend for the absent member and serve as an alternate member of the committee, provided that the member's attendance, in the opinion of the City Attorney, will comply with the Brown Act. The term for service by the alternate member will be the term designated in the appointment, or for one meeting, if no term is specified.

2.5 Establishment and Appointment of Council Advisory Bodies

2.5.1 The Menifee Municipal Code establishes a Planning Commission and a Parks, Recreation and Trails Commission.

2.5.2 The City Council may establish by ordinance or resolution, commissions and committees to assist the Council in making its policy decisions.

2.5.3 The rules of procedure and code of conduct that govern the City Council apply with equal force to all Commissions and Council advisory bodies.



CHAPTER 3—LEGAL AND ETHICAL STANDARDS

3.1 Preamble

The residents and businesses of Menifee are entitled to have fair, ethical, and accountable local government. Such a government requires that public officials:

- Comply with both the letter and the spirit of the laws and policies affecting operations of the government;
- Be independent, impartial, and fair in their judgment and actions;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Menifee City Council has adopted a code of ethics to encourage public confidence in the integrity of local government and its fair and effective operation.

This City Council code of ethics shall reside in two documents—the City Council Code of Ethics and the City Council Personal Code of Ethics. The City Council Code of Ethics and the Personal Code of Ethics shall not be interpreted to conflict with other rights and responsibilities of public officials set forth in this code or Federal, State, or local law. The City Council Code of Ethics shall be considered to be the definitive document relating to ethical conduct by City of Menifee Councilmembers. The Personal Code of Ethics shall be considered a summary of the full City Council Code of Conduct.

3.2 Public Interest

- 3.2.1 Recognizing that stewardship of the public interest must be their primary concern, Councilmembers shall work for the common good of the people of Menifee and not for any private or personal interest. Councilmembers must endeavor to treat all members of the public and issues before them in a fair and equitable manner.
- 3.2.2 Councilmembers shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the City of Menifee Municipal Code; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

3.3 Conduct

- 3.3.1 Councilmembers shall refrain from abusive conduct, personal charges, written, verbal, or public, and continuous attacks upon the character or motives of other members of the City Council, commissions, committees, City Manager, City Manger’s staff, City Attorney, or the public.
- 3.3.2 Councilmember duties shall be performed in accordance with the processes and rules of order established by the City Council.

- 3.3.3 Councilmembers shall inform themselves on public issues, listen attentively to public discussions before the body, and focus on the business at hand.
- 3.3.4 Council decisions shall be based upon the merits and substance of the matter at hand.
- 3.3.5 It is the responsibility of Councilmembers to publicly share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other Councilmembers and the public prior to taking action on the matter.
- 3.3.6 When needed, at the discretion of the City Manager, appropriate City staff should be involved when Councilmembers meet with officials from other agencies, jurisdictions, or any project applicant to ensure proper staff support as needed and to keep staff informed.
- 3.3.7 Councilmembers shall not attend internal staff meetings or meetings between City staff and third parties unless invited by City staff or directed by Council to do so.
- 3.3.8 Policy Role
 - 3.3.8.1 Councilmembers shall respect and adhere to the council- manager structure of Menifee City government as provided in State law and the City Municipal Code.
 - 3.3.8.2 Councilmembers shall support the maintenance of a positive and constructive environment for residents, businesses, and City employees.
- 3.3.9 Implementation
 - 3.3.9.1 Ethics standards shall be included in the regular orientations for City Council candidates. Councilmembers entering office and upon reelection to that office shall sign a City Council Personal Code of Ethics statement (Attachment 1) affirming they have read and understand this Menifee City Council Code of Ethics.

3.4 Conflict of Interest

- 3.4.1 In order to assure their independence and impartiality on behalf of the public good, Councilmembers are prohibited from using their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law.
- 3.4.2 In accordance with State law, Councilmembers must file annual written disclosures of their economic interests.
- 3.4.3 Councilmembers shall not take advantage of services or opportunities for personal gain by virtue of their public office that are not available to the public in general.

- 3.4.4 Councilmembers shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They must neither disclose confidential information without proper legal authorization nor use such information to advance the personal, financial, or private interests of themselves or others.
- 3.4.5 City Councilmembers should avoid any action that could be construed as, or create the appearance of, using public office for personal gain, including use of City stationery or other City resources to obtain or promote personal business.
- 3.4.6 Public resources not available to the general public (e.g., City staff time, equipment, supplies, or facilities) shall not be used by Councilmembers for private gain or personal purposes.
- 3.4.7 In keeping with their role as stewards of the public interest, Councilmembers shall not appear on behalf of the private interests of a third party before the City Council or any commission, or committee or proceeding of the City, except as permitted by law.
- 3.4.8 To the best of their ability, Councilmembers shall represent the official policies and positions of the City Council. When presenting their personal opinions or positions publicly, members shall explicitly state they do not represent the Council or the City.
- 3.4.9 City of Menifee City Municipal Code Provisions

3.4.9.1 Financial Interests in City Contracts Prohibited.

No officer or employee of the City shall become financially interested except by testate or intestate succession, either directly or indirectly, in any contract, sale, purchase, lease, or transfer of real or personal property to which the City is a party or be employed by any public service corporation regulated by or holding franchises in the City.

3.4.9.2 Nepotism.

Consistent with Human Resources Policy HR-15 (Nepotism) and Section 11 of the Personnel Rules (Relatives Working for the City), no person who is a relative of any City Council Member, City Commissioner shall be appointed to a position within the City organization. For these purposes a “relative” is someone related by blood or marriage within the second degree (i.e., parent, child, brother, sister, mother, father, grandchild, grandparent, uncle, aunt) to a City Council Member or City Commissioner.

3.4.9.3 Political Activities Prohibited; Discrimination.

This provision provides that:

1. Councilmembers shall not ask employees to take an active part in any municipal or other political campaign, while in uniform or during the employee’s working hours.

2. No employee shall Councilmembers shall not seek or accept contributions for or against a candidate or issue from employees, while they are in uniform or during the employee's work hours..
3. Councilmembers shall not ask an employee to seek or accept signatures to any petition for or against any such candidate or issue during his or her work hours.
4. No person in the classified service shall be employed, promoted, demoted, or discharged or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious belief.
5. For purposes of this section, the term "employee" shall include contract employees and consultants who function as City employees.

3.4.10 Menifee City Code Provisions

3.4.10.1 Use of City Property—Limited to Lawful Business of City.

No person or persons other than City officials or employees shall use any City-owned equipment, tools, or paraphernalia other than for the purpose of conducting the lawful business of the City.

3.4.10.2 Use of City Property for Private Purposes by City Official, Employee, etc.

No City official, City employee, or other person shall borrow, take, or remove any City-owned equipment, tools, or paraphernalia for private use.

3.4.10.3 Use of City Property—Loan, etc., by City Official, Employee, etc.

No City official, City employee, or any other person shall lend, give, or transfer possession of such City-owned equipment, tools, or paraphernalia to any other City official, employee, or any other person with knowledge that the same shall be used for private purposes.

3.4.11 California State Law Regarding Conflicts

Four key areas of California State law regulate the ethics of public officials.

3.4.11.1 Constitutional prohibitions

State law strictly forbids elected and appointed public officials from accepting free or discounted travel from transportation companies. The penalty for a violation includes the forfeiture of office.

3.4.11.2 Contractual conflicts of interest

This prohibition, found in Government Code Section 1090, applies to elected and appointed officials as well as other City staff members. It prohibits the City from entering into a contract if one of its members (i.e., a Councilmember) is financially interested in the contract. If the bar (or prohibition) applies, the agency is prohibited from entering into the contract whether or not the official with the conflict participates or not. In some limited circumstances, officials are allowed to disqualify themselves from participation and the agency may enter into the contract.

Financial interest has been defined to include employment, stock/ownership interests, and membership on the board of directors of a for-profit or nonprofit corporation, among others. Violations can be charged as a felony. A person convicted of violating Government Code Section 1090 is prohibited from ever holding public office in the State.

3.4.11.3 Political Reform Act—Conflicts of Interest

The Political Reform Act (PRA) was adopted by the voters in 1974 and is the primary expression of the law relative to conflicts of interest (and campaign finance) in California. The Act created the Fair Political Practices Commission (FPPC), a five-member State board which administers the Act.

The Act and the regulations are complex and are continuously subjected to official interpretation. The following synopsis of

key parts of the Act will be helpful in spotting issues; however, the FPPC and/or City Attorney should be consulted for further advice and clarification.

With respect to conflicts of interest, the FPPC has promulgated a regulation which establishes an analysis which assists in determining whether a public official is participating in a government decision in which they have a qualifying financial interest and whether it is reasonably foreseeable that the decision will have a material financial effect on the public official's financial interest, which is distinguishable from the effect the decision will have on the public generally.

3.4.11.3.1 If a member has a conflict of interest regarding a particular decision, they must refrain from making or participating in the making of a decision unless otherwise permitted by law.

If a public official has a financial interest that gives rise to a conflict of interest, one of the key determinations in the eight-step analysis is to determine whether or not the public official is “participating in” or “making” a governmental decision.

3.4.11.3.1.1 A public official makes a government decision when they do the following:

- Vote on a matter.
- Appoint a person.
- Obligate or commit his or her agency to any course of action.
- Enter into any contractual agreement on behalf of his or her agency.
- Determine not to act in certain circumstances.

3.4.11.3.1.2 A public official participates in making governmental decisions when acting within the authority of his or her position, they do the following:

- Negotiate without significant substantive review with a governmental entity or private person regarding a governmental decision.
- Advise or make recommendations to the decision-maker either directly or without significant intervening substantive review by:
 - Conducting research or an investigation which requires the exercise of judgment on the part of the official and the purpose of which is to influence governmental decisions; or
 - Preparing or presenting any report, analysis, or opinion orally or in writing which requires the exercise of judgment on the part of the official and the purpose of which is to influence a governmental decision.

3.4.11.3.2 When a public official has a qualifying financial interest, that official may not use their office or otherwise attempt to influence governmental decisions or make appearances or contacts on behalf of a business entity, client, or customer.

3.4.11.3.3 If an official has a qualifying financial interest, there are nevertheless exceptions which allow a public official to make an appearance before an agency in very limited circumstances. The one that is most commonly encountered is an appearance by a public official to represent himself or herself with respect to a proposed project or change in their neighborhood. If the appearance is permitted under State law, the appearance is limited to appearing at a public meeting at the podium and addressing a commission, or the City Council. The official may not contact members of staff, the City Manager, or City Attorney, or discuss the matter with other Councilmembers. A public official with a conflict cannot interact with staff on that issue other than to ask questions, pay fees, etc.

3.4.11.3.4 Political Reform Act—Gifts, etc.

Qualifying gifts of \$50 or more must be reported on an official's Statement of Economic Interest (SEI). In addition, the Political Reform Act imposes a limit on gifts a local official can receive. The dollar amount of the gift limit is modified every odd year to reflect changes in the Consumer Price Index.* There are various exceptions that apply to whether or not a gift is a "qualifying gift." In some instances, the gift limit does not apply (e.g., wedding gifts); however, the obligation to report the gift typically does apply.

- A gift is a payment made by any person of anything of value, whether tangible or intangible, real or personal property, a good or service that provides a personal benefit to an official when the public official does not provide goods or services of equal or greater value. It can include forgiveness of a debt, a rebate or discount unless the rebate or discount is made through the regular course of business to members of the public.
- There are exceptions to gifts for informational material, gifts that are returned unused, gifts from relatives—close family, campaign contributions, home hospitality, benefits commonly exchanged, reciprocal exchanges, acts of neighborliness, bona fide dating relationship, acts of human compassion, ceremonial role, etc.
- There are specific regulations for how gifts are valued, particularly with the value of tickets and passes and attendance at dinners and events.
- Gifts can be given to the public agency and they are not charged as gifts to an individual who may use the gift (e.g., tickets) provided the express terms of the appropriate regulation are satisfied.

3.4.11.3.4.1 Travel Reimbursements

The Political Reform Act contains extensive regulations on travel reimbursements; however, travel payment by one's own public agency as part of your official duties are typically exempt. Reimbursement from other entities (other than transportation companies) within California and outside of California are subject to very specific rules.

* The gift limit can be found in Government Code §89503.

3.4.11.3.4.2 Honoraria

Honoraria are defined as a payment made in return for giving a speech, writing an article, or attending a public or private conference, convention, meeting, social event, meal, or similar gathering. Honoraria should be distinguished from campaign funds that go into that person's campaign or to a political party. Campaign funds cannot be used for personal benefit.

- Local elected officials or candidates may not accept honoraria. A local agency employee who is required to file a Statement of Economic Interest (Form 700) may not accept honoraria from any source requiring disclosure on a public official's SEI. There are approximately 12 exceptions to honoraria, including payments made for comedic, theatrical, and musical performances; income from bona fide personal services in connection with teaching, practicing law, etc.; and travel, lodging, and subsistence in connection with a speech, limited to the day before, day of, and day after within the United States.
- The exceptions for income from personal services in connection with teaching and practicing law do not apply if the sole or predominant activity is giving speeches.

3.4.11.3.4.3 Political Reform Act—Mass Mailings

A mass mailing is defined as 200 or more substantially similar pieces of mail sent at public or private expense by a public official within a calendar month.

- Sent at Private Expense—If sent for a political purpose, sender must place the name and address on the outside of the envelope.
- Sent at Public Expense—These mailings are subject to strict limitations. For example, the mailing may not contain the name or pictures of elected officials except as part of the standard letterhead, and within the confines of that regulation they cannot be of different size or otherwise emblazoned on the mailing. Because the rules are complex, staff should be consulted for assistance.

3.4.11.3.4.4 Political Reform Act—Enforcement

The FPPC can assess administrative fines and penalties for violation of the Act. The District Attorney and the State Attorney General may prosecute violators as civil or criminal matters. Violators may also be removed from office pursuant to Government Code Section 3060.

3.4.11.4 Common Law Conflicts of Interest

This is the judicial expression of the public policy against public officials using their official position for private benefit. An elected official bears a fiduciary duty to exercise the powers of office for the benefit of the public and is not permitted to use those powers or their office for the benefit of any private interest. This common law doctrine continues to survive the adoption of various statutory expressions of conflict law.

3.4.11.5 Appearance of Impropriety

When participation in action or decision-making as a public official does not implicate the specific statutory criteria for conflicts of interest; however, participation still does not “look” or “feel” right, that public official has probably encountered the appearance of impropriety.

NOTE: State laws governing conflicts of interest are written to ensure that actions are taken in the public interest. These laws are very complex. Councilmembers should consult with the City Attorney, their own attorney, or the Fair Political Practices Commission for guidance in advance.

For the public to have faith and confidence that government authority will be implemented in an even-handed and ethical manner, public officials may need to step aside even though no technical conflict exists. An example is where a long-term nonfinancial affiliation exists between the public official and an applicant or the applicant is related by blood or marriage to the official. For the good of the community, members who encounter the appearance of impropriety should step aside.

3.5 Compliance and Enforcement—All Rules

Councilmembers take an oath when they assume their office in which they promise to uphold the laws of the State of California, the City of Menifee, and the United States of America. Consistent with this oath is the requirement of this Council policy to comply with the laws as well as report violations of the laws and policy of which they become aware.

- 3.5.1 Any suspected violation or alleged violation by a Councilmember must be reported to the City Attorney. In the case of a City staff member making the report regarding a Councilmember, the report should be made to the City Manager who will then report it to the City Attorney. Upon report, the City Manager and City Attorney will follow the protocols for addressing the violation or alleged violation:
 - 3.5.1.1 If the City Manager and City Attorney agree that the violation or alleged violation is minor in nature, either the City Manager or City Attorney may contact the individual Councilmember and advise the member of the concern and seek to resolve the matter.
 - 3.5.1.2 In implementing the provisions of this section, the City Attorney will be authorized to conduct all inquiries and investigations as necessary to fulfill their obligation.
 - 3.5.1.3 For purposes of Sections 3.5.1.1 and 3.5.1.2, the incident or violation is not minor if it involves the injury or potential injury to any person (e.g., physical, emotional, defamation, harassment, etc.), significant liability to the City or the probability for a repeat occurrence.
- 3.5.2 Councilmembers wishing to report a suspected violation by a staff member should report it to both the City Manager and City Attorney.
- 3.5.3 This policy and the protocols set forth are alternatives to any remedy that might otherwise be available or prudent. In order to ensure good government, any individual, including the City Manager and City Attorney, who believes a violation may have occurred is hereby authorized to report the violation to other appropriate authorities.
- 3.5.4 These same protocols may be utilized for any suspected violations or alleged violations by a Council advisory body member. In addition to those protocols, the City Manager or City Attorney may also refer the matter to the City Council if further action is needed.

3.6 AB 1234—Required Ethics Training

AB 1234 requires elected or appointed officials who are compensated for their service or reimbursed for their expenses to take two hours of training in ethics principles and laws every two years. It is the City's policy to emphasize the importance of ethics in government and although not required, it is highly encouraged that all advisory body members, including Committees and Commissions, adhere to the same requirements. The training must occur within two months of assuming office and be renewed within two months of the expiration of the current certificate.

The training must cover general ethics principles relating to public service and ethics laws including:

- Laws relating to personal financial gain by public officials (including bribery and conflict of interest laws);
- Laws relating to office-holder perks, including gifts and travel restrictions, personal and political use of public resources, and prohibitions against gifts of public funds;
- Governmental transparency laws, including financial disclosure requirements and open government laws (the Brown Act and Public Records Act);
- Laws relating to fair processes, including fair contracting requirements, common law bias requirements, and due process.

3.6.1 Enforcement

- Noncompliant Council or advisory body members may not attend conferences or training (except ethics training), using tickets provided through the City's ticket distribution program at the City's expense, during the period of noncompliance;
- Should noncompliance by an advisory body member continue for 30 days without substantiated extenuating circumstances such as illness, disability, family tragedy, etc., the City Clerk is directed to bring the matter to the City Council for consideration of removing the advisory body member from service on their respective body; and
- Training deadlines may be temporarily postponed for noncompliant advisory body members who are temporarily unable to fulfill their duties, including attending scheduled meetings. Training must be completed within 60 days of returning to service.

CHAPTER 4—COMMUNICATIONS

4.1 Written Communications

4.1.1 Written communications addressed to the City Council and all commission legislative bodies are to be referred to the City Clerk for:

Forwarding to the Council and Commissioners with their agenda packet, or place in their in-box.

4.2 Request for Staff Resources

4.2.1 Council requests for research or other staff work must be directed to the City Manager, or to the City Attorney if regarding legal matters.

If more than one hour of staff time will be required to complete the task/project, the item will be agendized to ask the City Council if time should be spent on preparing a report on the proposed item.

Staff responses prepared to Council inquiries shall be distributed to all City Councilmembers through the Council monthly update.

4.3 Relationship/Communications with Staff

Staff serves the City Council, through the authority of the City Manager, as a whole, therefore:

4.3.1 A Councilmember shall not direct staff to initiate any action, change a course of action, or prepare any report. A Councilmember shall not initiate any project or study without the approval of the majority of the Council.

4.3.2 Councilmembers shall not attempt to pressure or influence discussions, recommendations, workloads, schedules, or department priorities absent the approval of a majority of the Council.

4.3.3 When preparing for Council meetings, Councilmembers should direct questions ahead of time to the City Manager during Council briefings so that staff can provide the desired information at the Council meeting.

4.3.4 Any concerns by a member of the City Council regarding the behavior or work of a City employee should be directed to the City Manager privately to ensure the concern is resolved. Councilmembers shall not reprimand employees directly nor should they communicate their concerns to anyone other than the City Manager.

4.3.5 Councilmembers may direct routine inquiries to the City Manager.

4.3.6 Councilmembers serving on Council committees or as the City's representative to an outside agency may interact directly with City staff assigned to that effort as the City Manager's designee. The City staff member so designated and assigned will keep the City Manager appropriately informed.

- 4.3.7 Soliciting political support from staff (e.g., financial contributions, display of posters or lawn signs, name on support list, etc.) is prohibited. City staff may, as private citizens with constitutional rights, support political candidates, but all such activities must be done away from the workplace and may not be conducted while in uniform.

4.4 Council Relationship/Communication with Council Advisory Bodies

- 4.4.1 Councilmembers shall not attempt to pressure or influence commission, or committee decisions, recommendations, or priorities absent the approval of the majority of the Council. However, a majority vote of the City Council can authorize a work item for an advisory body under certain circumstances.

4.5 Handling of Litigation and Other Confidential Information

- 4.5.1 All written materials and verbal information provided to Councilmembers on matters that are confidential and/or privileged under State law shall be kept in complete confidence to ensure that the City's position is not compromised. No disclosure or mention of any information in these materials may be made to anyone other than Councilmembers, the City Attorney, or City Manager.
- 4.5.1.1 Confidential materials provided in preparation for and during Closed Sessions shall not be retained and electronic copies must be deleted or documents returned to staff at the conclusion of the Closed Session.
- 4.5.1.2 Confidential materials provided to Councilmembers outside of Closed Sessions must be destroyed, deleted, or returned to staff within thirty (30) days of their receipt.
- 4.5.1.3 Councilmembers may not request confidential written information from staff that has not been provided to all Councilmembers.

4.6 Representing an Official City Position

- 4.6.1 City Councilmembers may use their title only when conducting official City business, for information purposes, or as an indication of background and expertise, carefully considering whether they are exceeding or appearing to exceed their authority.
- 4.6.2 Once the City Council has taken a position on an issue, all official City correspondence regarding that issue will reflect the Council's adopted position.
- 4.6.3 In most instances, the Council will authorize the Mayor, at a public City Council meeting, to send letters stating the City's official position to appropriate legislators.
- 4.6.4 If any Councilmember would like to prepare a letter, the City Manager must authorize it.
- 4.6.5 If a member of the City Council appears before another governmental agency organization to give a statement on an issue affecting the City, the Councilmember should indicate the majority position and opinion of the Council.

4.6.6 Personal opinions and comments may be expressed only if the Councilmember clarifies that these statements do not reflect the official position of the City Council.

4.7 Quasi-Judicial Role/Ex Parte Contacts

The City Council has a number of roles. It legislates and makes administrative and executive decisions. The Council also acts in a quasi-judicial capacity or “like a judge” when it rules on various permits, licenses, and land use entitlements.

In this last capacity, quasi-judicial, the Council holds a hearing, takes evidence, determines what the evidence shows, and exercises its discretion in applying the facts to the law shown by the evidence. It is to these proceedings that the rule relative to ex parte contacts applies.

4.7.1 Ex Parte Contacts/Fair Hearings. The Council shall refrain from receiving information and evidence on any quasi-judicial matter while such matter is pending before the City Council or any agency, board, or commission thereof, except at the public hearing.

As an elected official, it is often impossible to avoid such contacts and exposure to information. Therefore, if any member is exposed to information or evidence about a pending matter outside of the public hearing, through contacts by constituents, the applicant or through site visits, the member shall disclose all such information and/or evidence acquired from such contacts, which is not otherwise included in the written or oral staff report, during the public hearing, and before the public comments period is opened.

Matters are “pending” when an application has been filed. Information and evidence gained by members via their attendance at noticed public hearings before subordinate boards and commissions are not subject to this rule.

4.8 No Attorney-Client Relationship

Councilmembers who consult the City Attorney, his or her staff, and/or attorney(s) contracted to work on behalf of the City cannot enjoy or establish an attorney-client relationship with said attorney(s) by consulting with or speaking to same. Any attorney-client relationship established belongs to the City, acting through the City Council, and as may be allowed in State law for purposes of defending the City and/or the City Council in the course of litigation and/or administrative procedures, etc.

CHAPTER 5—COUNCIL ADVISORY BODIES

5.1 Commissions, and Committees Generally

- 5.1.1 The City of Menifee City Municipal Code establishes the following commissions to advise the City Council, and adopted resolutions establishing the following committees:
- Planning Commission
 - Parks, Recreation , and Trails Commission
 - Senior Advisory Committee
 - Measure DD Oversight Committee
 - Menifee Citizens Advisory Committee
- 5.1.2 The City Municipal Code authorizes the City Council to establish additional advisory boards and commissions to assist the Council in its policy decisions. The City Council has the inherent power to create committees.
- 5.1.3 City commissions, and committees (collectively “Council advisory bodies”) do not set or establish City policy or administrative direction to City staff.
- 5.1.4 Appointments to commissions and committees are made by each City Councilmember, in his or her sole discretion. Appointees to Council advisory bodies serve at the pleasure of the City Council.
- 5.1.5 Commissions typically have broader policy and advisory responsibilities than committees, which typically have much more focused advisory roles to the Council, such as Senior Advisory and Measure DD Committees.

5.2 Commission and Committee Organization and Conduct

- 5.2.1 Annually, each commission and committee elects one of their members to serve as the presiding officer or chair.
- 5.2.2 Commissions, and Committees established by the City Council shall hold regular and special meetings as may be required. The conduct of commission and committee meetings are governed by the same rules of policy and procedure as the City Council.
- 5.2.3 Commissions, and Committees should comply with all applicable open meeting and conflict-of-interest laws of the State.
- 5.2.4 Upon appointment or reappointment, Council advisory body members shall sign affirming they have read and understand this City of Menifee City Council Code of Ethics.

5.3 Commission, and Committee Appointments

5.3.1 The City requires that members of City commissions be qualified electors of the City (resident of City of Menifee and United States citizen).

Appointments will provide, as nearly as possible, a representative balance of the broad population of the City. All appointees should bring the skill, integrity, knowledge, interest, and commitment to evaluating issues in the broad context of the public interest.

5.3.2 The term of office for each commission and committee member generally expires upon office of the same term as the appointing City Councilmember, or Mayor.

5.3.3 The City Clerk provides application forms and maintains a composite listing of all applications on file which have been received.

5.3.4 The City Clerk solicits applications for vacancies in accordance with the procedures outlined in Government Code section 54974.

5.3.5 Persons being considered for appointment (or reappointment) may be interviewed at least once to qualify for appointment.

5.4 Commissions, and Committees—Vacancy of Office

5.4.1 If a member of a commission or committee is absent from three regular meetings of such commission or committee consecutively or from six regular meetings within a calendar year, or is convicted of a fraud, bribery, embezzlement, corruption, or any like crime involving dishonesty or abuse of trust (collectively, “crimes of moral turpitude”), or ceases to be a qualified elector and resident of the City, that office shall become vacant upon the declaration of Council. The Council may, for good cause, determine that a vacancy has been created.

5.4.2 Resignations may be submitted at any time to the City Council either directly or through the commission or committee chair. Resignations are effective upon submittal.

5.4.3 Upon notice of a vacancy, the Council Appointments shall initiate the appointment procedure detailed in City Council, Commission, and Committee Appointments, leading to a recommendation to the City Council for a successor of such vacancy and the successor will be appointed to serve only to the date of the unexpired term pursuant the City Municipal Code.

5.5 Commissions, and Committees—Removal

5.5.1 A Commissioner, or Committee member is subject to removal by motion of the City Council adopted by at least a simple majority of votes, or by the Councilmember which made the appointment.

CHAPTER 6—MEETINGS

6.1. Ralph M. Brown Act

All meetings of the City Council, standing Councilmember committees, and Council advisory bodies are governed by the Ralph M. Brown Act (Government Code 54950 et seq.). The City Council views the Brown Act as a minimum set of standards and in several respects, the City's open meeting requirements meet or exceed the requirements of the Brown Act.

If any member of a City legislative body, or City staff, believe that action has been taken on an item in contravention of the Brown Act, that person is privileged to place the item on a future agenda for reconsideration and/or action.

6.2. Regular Meetings

6.2.1 City Council Policy No. 01 establishes the Rules of Decorum and Procedures for the Conduct of City Council Meetings. The policy outlines the order of agenda items, rules of procedure and decorum. The policy applies to the Planning Commission and other City committees and commissions subject to the Brown Act and shall apply to the City Council Chambers or any other location where a meeting subject to these rules takes place.

6.3. Special and Emergency Meetings

6.3.1 Pursuant to the Ralph M. Brown Act, the Council may also hold special or emergency meetings as deemed necessary.

6.4. Meeting Agendas

6.4.1 Preparation of Agendas

6.4.1.1 Council agendas and supporting information are prepared by the City Manager and City Clerk.

6.4.1.2 For Council advisory bodies and Councilmember committees, agendas and supporting information are prepared by the supporting City department to the Council advisory body or Councilmember committee as directed by the City Manager.

6.4.2 Placing Items on Agendas

6.4.2.1 Council Agendas

- 6.4.2.1.1 The City Manager in conjunction with staff shall have the primary responsibility for placing matters on the City Council agenda in accord with the identified City needs and scheduling.
- 6.4.2.1.2 The Mayor and Councilmembers may add an item to the agenda in a public meeting as stated in All regular City Council Agendas shall include an item entitled "Future Agenda Requests from Councilmembers." See section 6.6.3, No. 15.

6.5 Agenda Packets

- 6.5.1 Agenda packets are to be made available at City Hall, the City Clerk's Office, the City's web site (www.cityofmenifee.us), and at the Council meeting.

Regular Council meeting agendas, minutes, and staff reports are generally available beginning the Friday evening before each Council meeting.

NOTE: Also refer to City Council Policy No. 01, Rules of Decorum and Procedures, which sets forth the rules of procedure for the conduct of City business.

CHAPTER 7—COUNCIL FINANCIAL MATTERS

7.1 Compensation

- 7.1.1 Pursuant to Section 2.04.040 of the City of Menifee City Municipal Code, each Councilmember will receive a monthly salary.
- 7.1.2 The Mayor receives a monthly salary equal to the salary of a Councilmember plus an additional \$100 per month.
- 7.1.3 The City Council has no power to increase its salary by ordinance, resolution, or motion.

7.2 Benefits

- 7.2.1 The California Government Code provides that Councilmembers may receive health, retirement, and other benefits.
- 7.2.2 City-funded medical, dental, optical, and life insurance plan benefits are provided; the same as offered to staff.

7.3 City Council Budget and Expenses

- 7.3.1 City Council Policy No. 02, Reimbursement of Expenses for City Business for Elected or Appointed Officials and City Employees, provides policy guidance regarding Council expenditures for equipment, supplies and communications; travel; local expenses; and expenses charged against the City Council budget.





New. Better. Best.