



2012
**Code of Conduct and Ethics for
Elected and Appointed Officials**

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PREAMBLE

The citizens of the City of Norwalk are entitled to responsible, transparent, fair and honest city government that operates in an atmosphere of respect and civility. Accordingly, the Norwalk City Council, with citizen input, has adopted this code to:

1. Describe the standards of behavior to which its leaders aspire;
2. Provide an ongoing source of guidance to elected leaders, and appointed officials in their day-to-day service to the city; and
3. Promote and maintain high ethical standards.

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

- public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- public officials be independent, impartial and fair in their judgment and actions;
- public office be used for the public good, not for personal gain; and
- public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Norwalk City Council adopts this Code of Conduct and Ethics for members of the City Council and of the City's Advisory Bodies (Members) to assure public confidence in the integrity of local government and its effective and fair operation.

For ease of reference in the Code of Conduct and Ethics, the term "Members" refers to any member of the Norwalk City Council or the City's Advisory Bodies established by City Ordinance or Resolution.

A. ETHICS

The Ethics section of the City's Code of Conduct and Ethics provides guidance on ethical issues and questions of right and wrong.

1. Act in the Public Interest: Members will work for the common good of the people of Norwalk and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Norwalk City Council and Advisory Bodies.
2. Comply with both the spirit and the letter of the Law and City Policy: Members shall comply with the laws of the nation, the State of California and the City of Norwalk in the performance of their public duties.
3. Conduct of Members: The professional and personal conduct of Members must be above reproach and avoid even the appearance of impropriety.
4. Respect for Process: Members shall perform their duties in accordance with the processes and rules of order established by the City.
5. Conduct of Public Meetings: Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. (for more, see "Conduct with One Another" under Section B.1)
6. Decisions Based on Merit: Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
7. Communication: Members shall publicly disclose substantive information that is relevant to a matter under consideration by the City Council or Advisory Body, which they may have received from sources outside of the public decision-making process.
8. Conflict of Interest: Members are required to adhere to the rules and regulations as stated in the City's Conflict of Interest Code. These include, but are not limited to: Members shall not use their official positions to influence government decisions in which they have a material financial interest. Members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.
9. Gifts and Favors: Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, that are not available to the public in general. Members must comply with the City's Complimentary Ticket Policy (No. 10-01), and shall refrain from accepting any gifts, favors or promises of

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future benefits, which might compromise their independence of judgment or action. In all cases members shall comply with gift reporting laws of the State of California.

10. Confidential Information: Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
11. Use of Public Resources: Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.
12. Representation of Private Interests: In keeping with their role as stewards of the public interest, Members shall not appear before the City Council, and/or Advisory Body meetings on behalf of the private interests of third parties.
13. Advocacy: Members shall represent the official policies or positions of the City Council and Advisory Bodies to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Members shall explicitly state they do not represent their Advisory Body or the City of Norwalk, nor will they allow the inference that they do. Members have the right to endorse candidates for all City Council seats or other elected offices. It is inappropriate to mention or display endorsements during City Council meetings, Advisory Body meetings, or other official City meetings.
14. Policy Role of Members: Members shall respect and adhere to the Council-Manager structure of Norwalk City government, as outlined by the Norwalk Municipal Code and the contract with the City Manager. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, Advisory Bodies, and City staff. Except as provided by the Norwalk Municipal Code, Members shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.
15. Independence of Advisory Bodies: Because of the value of the independent advice of Advisory Bodies to the public decision-making process, Councilmembers shall refrain from using their position to unduly influence the deliberations or outcomes of Advisory Body proceedings.
16. Positive Work Place Environment: Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees and in no way create the perception of inappropriate direction to staff.

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17. *Ethics Training:* Members must comply with the ethics training requirement outlined under AB1234. Training Certification will be required from each Member and City department directors every two years. The City will provide bi-annual training for all those required to attend. Members are encouraged to attend the City sponsored training. If unable to do so, Members will arrange for such alternative training that complies with the law.

B. CONDUCT

The Conduct section of the City's Code of Conduct and Ethics is designed to describe the manner in which Members should treat one another, City staff, constituents, and others they come into contact with in representing the City of Norwalk. The constant and consistent theme through all of the conduct guidelines is "respect." Members are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Members to do the right thing even in the most difficult situations.

1. Members' Conduct with One Another

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

2. Members' Conduct In Public Meetings

- ***Practice civility and decorum in discussions and debate:*** Members should refrain from comments that in any way promote interpersonal conflict or derision.
- ***Honor the role of the Mayor/Chair in maintaining order:*** Members should honor efforts by the Mayor/Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor/Chair's actions, those objections should be voiced politely and with reason.
- ***Avoid personal comments that could offend other members:*** The Mayor/Chair will maintain control of discussions in accordance with topics related to the posted agenda.

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

3. Members' Conduct In Private Encounters

- ***Continue respectful behavior in private***
- ***Be aware of the insecurity of written notes, voicemail messages, text messages and E-mail***
Written notes, voicemail messages, text messages and e-mail should be treated as potentially "public" communication.
- ***Even private conversations can have a public presence***
Members are always on display – their actions, mannerisms, and language are monitored by people around them.

Although an Advisory Body may disagree with the final decision the City Council makes, the Advisory Body shall not act in any manner contrary to the approved City Council decision.

4. Members' Conduct with City Staff

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

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

Members have a responsibility to the community to be knowledgeable of issues affecting the community. For this reason open and honest communications between members and the City staff is important. The City Manager is responsible to the entire City Council and therefore has an absolute right and responsibility to know of any communication between an elected or appointed official and the City Manager's subordinate staff. Members should take care to keep the City Manager informed of any

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substantive communications between themselves and staff. In the case of Advisory Committee Members this applies to keeping the cognizant City Department Head informed in like manner. City staff members are obligated to ensure the City Manager or cognizant Department Head is made aware of all substantive communications between them and Members.

- a. General: Members' communications with City staff should be limited to normal City business hours with the exception of the City Manager and department directors unless the circumstances warrant otherwise. Responses to City Council questions posed outside of normal business hours should be expected no earlier than the next business day.
- b. Routine Requests for Information and Inquiries: Members may contact staff directly for information made readily available to the general public on a regular basis (e.g., "What are the Parks' hours of operation?" or "How does one reserve a room at a City facility?"). Under these circumstances staff shall treat the Member no differently than they would the general public, and the Member shall not use their elected/appointed status to secure preferential treatment from subordinate staff. The City Manager should be advised of any such contacts.
- c. Non-Routine Requests for Readily Available Information: Members may also contact staff directly for easily retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion (e.g., "How many traffic lights are there in the City?" or "Under what circumstances does the City lower its flags to half mast?").
- d. Non-Routine Requests Requiring Special Effort: Any Members' request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff to express an opinion (legal or otherwise) must be directed to the City Manager (e.g., "How many Study Issues completed over the past five years have required 500 or more hours of staff time?", or "What is the logic behind the City's sign ordinances affecting businesses along a corridor?"). The City Manager shall be responsible for distributing such requests to staff for follow-up. Responses to such requests shall be copied to all Councilmembers (if originating from a Councilmember), relevant Advisory Body members (if originating from an Advisory Body member), the City Manager, and affected department directors.
- e. Special Requests: Members should not ask staff to deviate from established policies and procedures. It is staff's responsibility to report any such request directly to the City Manager.
- f. Legal Restrictions: Legal restrictions may limit requests for information regarding operations, negotiations, personnel or client related matters.

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- ***Do not disrupt City staff from their jobs***
Members should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their personal agenda addressed. Do not attend City staff meetings unless requested by staff – even if the Member does not say anything, his or her presence could imply support, show partiality, intimidate staff, and hamper staff’s ability to do their job objectively.
- ***Never publicly criticize an individual employee***
Members should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee’s supervisor. Comments about staff performance should only be made to the city manager through private correspondence or conversation.
- ***Do not get involved in administrative functions***
Members must not attempt to influence City staff while performing administrative functions such as making of appointments, awarding contracts, selecting consultants, processing development applications, or granting City licenses and permits.
- ***Check with City staff on correspondence before taking action***
Before sending correspondence, Councilmembers should check with the City Manager’s Office to see if an official City response has already been sent or is in progress. Advisory Body members shall not send correspondence.
- ***Limit requests for staff support***
Routine secretarial support will be provided to all Councilmembers for City business only. An Executive Secretary opens all mail for Members. Mail addressed to the City Council is reviewed first by the City Manager, who notes suggested action and/or follow-up items. Mail addressed to Advisory Bodies is reviewed first by the assigned department directors, who note suggested action and/or follow-up items.

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

- ***Do not solicit political support from staff***
Members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff as indicated in the California Government Code. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace, during non-working hours.

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5. Members' Conduct with the Public

a. In Public Meetings

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

- Be welcoming, cordial, and respectful to the public and to each other.
- Be fair and equitable in allocating public hearing time to individual speakers.
- Demonstrate active listening skills.
- Maintain an open mind.
- Ask for clarification, but avoid debate and argument with the public.

b. In Unofficial Settings

- *Make no promises on behalf of the City Council, Advisory Body or City*
Members will frequently be asked to explain a City Council or Advisory Body action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer requests for follow up to City staff for further information. It is inappropriate to overtly or implicitly promise City Council or Advisory Body action, or to promise City staff will do something specific within a specific time frame (fix a pothole, plant new flowers in the median, consider or grant a permit, etc.).
- *Make no personal comments about other members*
It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other members, their opinions and actions.

Members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Norwalk. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

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6. City Council Conduct with Other Public Agencies

- *Be clear about representing the City or personal interests*
When representing the City, Councilmembers must support and advocate the official City position on an issue, not a personal viewpoint. When representing another organization whose position is different from the City, the Councilmember should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Councilmembers should be clear about which organizations they represent and inform the City Council of their involvement.
- *Correspondence should be equally clear about representation*
City letterhead may be used when the Councilmember is representing the City and the City's official position. A copy of official correspondence is to be given to the Council Executive Secretary to be filed in the City Council Office as part of the public record retained in accordance with the City's adopted Retention Schedule. City letterhead should not be used for non-City business or for correspondence representing a dissenting point of view from an official City Council position.

7. Council Conduct with Advisory Bodies

The City has established several Advisory Bodies as a means of encouraging community input. Citizens who serve on Advisory Bodies become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect. To be most effective advisory bodies should be free to function independently when considering issues and recommendations. The City Council retains the final authority in all policy matters related to the City.

- *If attending an Advisory Body meeting, Councilmembers should take caution not to unduly influence the Committee's decision making process or decision:*
Councilmembers may attend any Advisory Body meeting, which are always open to any member of the public. However, their presence could be viewed as unfairly affecting the process. In some cases, this could result in limiting their capacity to participate in any future City Council proceedings addressing Advisory Body recommendations. Advisory bodies should be allowed to deliberate and act independently to the maximum extent practicable. The City Council, acting as a body, may overturn any decision of an advisory body it deems is not in the interest of the City.

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- Limit contact with Advisory Body members to questions of clarification: It is inappropriate for a Councilmember to contact an Advisory Body member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact Advisory Body members in order to clarify a position taken by the Advisory Body.
- Advisory Bodies serve the community, not individual Councilmembers: The City Council appoints individuals to serve on Advisory Bodies, and it is the responsibility of Advisory Bodies to follow policy established by the City Council. Advisory bodies are also bound by state law and the Ralph M. Brown Act. Councilmembers should not threaten Advisory Body members with removal if they disagree about an issue. Appointment and re-appointment to an Advisory Body should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties in compliance with the letter and spirit of the law and City policy. An Advisory Body appointment should not be used as a political "reward."
- Be respectful of diverse opinions: A primary role of Advisory Bodies is to represent diverse points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Advisory Bodies, but must be fair and respectful of all citizens serving on Advisory Bodies.
- Keep political support away from public forums: Advisory Body members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Similarly, Councilmembers may support Advisory Body members who are running for office, but not in an official forum in their capacity as a Councilmember.

8. Contact with the Media

Councilmembers are frequently contacted by the media for background and quotes. Advisory Body members are not authorized to represent the City outside of official Advisory Body meetings unless specifically authorized to do so by the City Council.

The important role of the media in a free society is well documented in history. The City and its residents have an inherent interest in open and honest communications between their public officials and representatives of the media.

Media inquiries should be responded to within reasonable timeframes. Official City responses will be given by the Mayor or Council designee (i.e. Vice Mayor in Mayor's absence), the City Manager or his/her designee.

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- *Never go "off the record"*
Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be disruptive and very uncomfortable. Words that are not said cannot be quoted.
- *The Mayor is the official spokesperson for the City on City positions.*
The Mayor is the designated representative of the City Council to present and speak on the official City position. If an individual Councilmember is contacted by the media, the Councilmember should be clear about whether their comments represent the official City position or a personal viewpoint.
- *Choose words carefully*
Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

C. IMPLEMENTATION

As an expression of the standards of conduct for Members expected by the City, the Norwalk Code of Conduct and Ethics is intended to be self-enforcing. It therefore becomes most effective when Members are thoroughly familiar with it and embrace its provisions. For this reason, the City Clerk shall ensure that this document shall be included in the regular orientations for candidates for City Council, applicants to Advisory Bodies, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of Norwalk Code of Conduct and Ethics. In addition, the Code of Conduct and Ethics shall be annually reviewed by the City Council and Advisory Bodies, and the City Council shall consider possible amendment recommendations from the Advisory Bodies.

D. ENFORCEMENT

- *Inappropriate Staff Behavior*
Councilmembers should refer to the City Manager any questions or concerns regarding any City staff who do not follow proper conduct in their dealings with Members, other City staff, or the public.
- *Councilmembers' Behavior and Conduct*
The City Council has the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

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The City Council has the authority and responsibility to enforce provisions of this code on the City's behalf. Any member of the City Council may raise a question as it applies to the implementation or enforcement of this code and the City Council as a body will decide all such matters referred to it for consideration.

- *Advisory Body Members Behavior and Conduct*

The City Council may impose sanctions on Advisory Body members whose conduct does not comply with the City's policies, up to and including removal. Any form of discipline imposed by the City Council shall be determined by the City Council at a duly noticed, regular public meeting.

A member of the City Council may request the City Council investigate an Advisory Body member's alleged misconduct. If the City Council determines an investigation is warranted they shall ask the City Manager and/or the City Attorney to investigate the allegation and report the findings. Ultimately, the City Council may remove members of Advisory Bodies from office by a majority vote at a regular public meeting. Advisory Body members are at-will and may be removed without cause.

SUMMARY

The Norwalk Code of Conduct and Ethics is supported by policies, procedures and guidelines outlined in the Federal and State Constitutions, California Government Code, Fair Political Practices Commission Regulations, Political Reform Act, Norwalk Municipal Code and Norwalk City Policies. Any violation of these regulations constitutes a violation of the Norwalk Code of Conduct and Ethics.

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