



City of Belmont

Code of Ethics and Conduct For Elected and Appointed Officials

*"Always do right. This will gratify some people and
astonish the rest."*

-- Mark Twain

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Policy Purpose

The Belmont City Council adopts this Code of Ethics and Conduct for Elected and Appointed Officials to assure that all councilmembers and city advisory body members, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of Belmont's city government. City advisory body members include Planning Commissioners, Parks and Recreation Commissioners, Measure I Committee members, and the members of any other commission, committee, or board created by the City Council under Belmont City Code Section 2-161.

A. ETHICS

The people who live, work and visit in Belmont are entitled to have fair, ethical and accountable local government. To this end, the public should have full confidence that their elected and appointed officials:

- Comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Are independent, impartial and fair in their judgment and actions related to licenses, permits, and other adjudicative government entitlements;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless authorized by law to be confidential, in an atmosphere of respect and civility.

Therefore, members of the City Council and of all city advisory bodies must conduct themselves in accordance with the following ethical standards:

1. **Governance.** The City Council governs the whole city. Councilmembers including the mayor can only act as the council through the body and only the body, not individual members, can act as the council. All councilmembers, whether elected at-large, by-district or appointed to fill a vacancy, represent and serve the whole city.
 - (a) *Represent the Entire Community.* Although a councilmember may be elected only by residents within a certain district, or otherwise have an affinity for a certain portion of the community, good governance requires all members be guided by a citywide prospective and exercise their office in the best interest of the entire community.
 - (b) *Equal Responsiveness.* Councilmembers should be equally available and responsive to all persons in the city community regardless of where in the city the person resides, is employed, conducts business or visits, and should assure fair and equal treatment of all persons, claims and transactions coming before them.
2. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Belmont and not for any private or personal interest.
3. **Comply with Both the Spirit and the Letter of the Law and City Policy.** Members will comply with the laws of the nation, the State of California and the city of Belmont in the performance of their public duties.

4. **Conduct of Members.** The professional and personal conduct of members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members will refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of council, city advisory bodies, the staff or public.
5. **Respect for Process.** Members will perform their duties in accordance with the processes and rules of order established by the City Council.
6. **Conduct at Public Meetings.** Members will prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand.
7. **Decisions Based on Merit.** Members will base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts peculiar to an individual case), members will maintain an open mind until the conclusion of the hearing on the matter and will base their decisions on the facts presented at the hearing and the law.
8. **Communication.** For adjudicative matters pending before the body, members will refrain from receiving information outside of an open public meeting or the agenda materials, except on advice of the city attorney. Members will publicly disclose substantive information that is relevant to a matter under consideration by the body which they may have received from sources outside of the public decision-making process.
9. **Conflict of Interest.** In order to assure their independence and impartiality on behalf of the common good and compliance with conflict-of-interest laws, members will use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Members will not use their official positions to influence government decisions in which they have (a) a material financial interest, (b) an organizational responsibility or personal relationship which may give the appearance of a conflict of interest, or (c) a strong personal bias.

A member who has a potential conflict of interest regarding a particular decision will disclose the matter to the city attorney and reasonably cooperate with the city attorney to analyze the potential conflict. If advised by the city attorney to seek advice from the Fair Political Practices Commission (FPPC) or other appropriate state agency, a member should not participate in a decision unless and until he or she has requested and received advice allowing the member to participate. A member will diligently pursue obtaining such advice. The member will provide the mayor and the city attorney a copy of any written request or advice, and conform his or her participation to the advice given. In providing assistance to members, the city attorney represents the city and not individual members.

In accordance with the law, members will disclose investments, interests in real property, sources of income, and gifts; and if they have a conflict of interest regarding a particular decision, will not, once the conflict is ascertained, participate in the decision and will not discuss or comment on the matter in any way to any person including other members unless otherwise permitted by law.

10. **Gifts and Favors.** Members will not take any special advantage of services or opportunities for

personal gain, by virtue of their public office that is not available to the public in general. They will refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

10. **Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members will 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 will not use public resources which are not available to the public in general (e.g., city staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.
12. **Representation of Private Interests.** In keeping with their role as stewards of the public interest, members of Council will not appear on behalf of the private interests of third parties before the Council or any city advisor body or proceeding of the city, nor will members of city advisory bodies appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
13. **Advocacy.** Members will represent the official policies or positions of the City Council, city advisory body to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members will explicitly state they do not represent their body or the city of Belmont, nor will they allow the inference that they do. Councilmembers and city advisory bodies members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, or city advisory bodies meetings, or other official city meetings.
14. **Policy Role of Members.** Members will respect and adhere to the council-manager structure of Belmont city government as outlined in the Belmont city Code. In this structure, the city Council determines the policies of the city with the advice, information and analysis provided by city staff, city advisory bodies, and the public. Except as provided by the city Code, members will not interfere with the administrative functions of the city or the professional duties of city staff; nor will they impair the ability of staff to implement Council policy decisions.
15. **Independence of City Advisory Bodies.** Because of the value of the independent advice of city advisory bodies to the public decision-making process, members of Council will refrain from using their position to unduly influence the deliberations or outcomes of city advisory bodies proceedings.
16. **Positive Workplace Environment.** Members will support the maintenance of a positive and constructive workplace environment for city employees and for community members and businesses dealing with the city. Members will recognize their special role in dealings with city employees to in no way create the perception of inappropriate direction to staff.

B. CONDUCT GUIDELINES

The Conduct Guidelines are designed to describe the manner in which elected and appointed officials

should treat one another, city staff, constituents, and others they come into contact with while representing the city of Belmont.

1. **Elected and Appointed Officials' Conduct with Each Other in Public Meetings**

Elected and appointed officials are 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 not agree on every issue.

- (a) *Honor the role of the chair in maintaining order*
It is the responsibility of the chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.
- (b) *Practice civility and decorum in discussions and debate*
Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.
- (c) *Avoid personal comments that could offend other members*
If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.
- (d) *Demonstrate effective problem-solving approaches*
Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

2. **Elected and Appointed Officials' Conduct with the Public in Public Meetings**

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

- (a) *Be welcoming to speakers and treat them with care and gentleness.*
While questions of clarification may be asked, the official's primary role during public testimony is to listen.
- (b) *Be fair and equitable in allocating public hearing time to individual speakers.*
The chair will determine and announce limits on speakers at the start of the public hearing process.

- (c) *Practice active listening*
It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Members will try to be conscious of facial expressions, and avoid those that could be interpreted as "smirking," disbelief, anger or boredom.
- (d) *Maintain an open mind*
Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.
- (e) *Ask for clarification, but avoid debate and argument with the public*
Only the chair – not individual members – can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

3. **Elected and Appointed Officials’ Conduct with City Staff**

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

- (a) *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.
- (b) *Do not disrupt city staff from their jobs*
Elected and appointed officials should not disrupt city staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend city staff meetings unless requested by staff – even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, may intimidate staff, and hampers staff’s ability to do their job objectively.
- (c) *Never publicly criticize an individual employee*
Elected and appointed officials should never express concerns about the performance of a city employee in public, to the employee directly, or to the employee’s manager. Comments about staff performance should only be made to the city manager through private correspondence or conversation. Appointed officials should make their comments regarding staff to the city manager or the mayor.
- (d) *Do not get involved in administrative functions*
Elected and appointed officials acting in their individual capacity must not attempt to influence city staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of city licenses and permits.
- (e) *Do not solicit political support from staff*
Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from city staff. city

staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

(f) *No attorney-client relationship*

Members may not seek to establish an attorney-client relationship with the city attorney, including his or her staff and attorneys contracted to work on behalf of the city. The city attorney represents the city and not individual members. Members who consult with the city attorney cannot enjoy or establish an attorney-client relationship with the attorney.

4. **Council Conduct with city Advisory Bodies**

The city has established several city Advisory Bodies as a means of gathering more community input. Individuals who serve on city 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.

(a) *If attending a city advisory body meeting, be careful to only express personal opinions*

Councilmembers may attend any city advisory body meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a city advisory body meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

(b) *Limit contact with city advisory body members to questions of clarification*

It is inappropriate for a councilmember to contact a city advisory body member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for councilmembers to contact city advisory body members in order to clarify a position taken by the city advisory body.

(c) *Respect that city advisory bodies serve the at the pleasure of the Council as whole, not individual councilmembers including the mayor*

The City Council appoints individuals to serve on city advisory bodies, and it is the responsibility of city advisory bodies to follow policy established by the Council. But city advisory body members do not report to individual councilmembers including the mayor, nor should individual councilmembers feel they have authority to direct city advisory body members to recommend or decide an issue in a particular way.

(d) *Be respectful of diverse opinions*

A primary role of city advisory bodies is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Individual councilmembers may have a closer working relationship with some individuals serving on city advisory bodies, but must be fair and respectful of all individuals serving on city advisory bodies.

(e) *Keep electoral politics away from public forums*

City advisory body members may offer election support to a councilmember, but not in a public forum while conducting official duties. Conversely, councilmembers may support city

advisory body members who are running for office, but not in an official forum in their capacity as a councilmember.

C. SANCTIONS

(a) *Acknowledgement of Code of Ethics and Conduct*

Councilmembers who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct are not eligible for intergovernmental assignments or Council subcommittees. City advisory body members who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct are not eligible to hold office.

(b) *Ethics training for local officials*

Councilmembers and city advisory body members who are out of compliance with state or city mandated requirements for ethics training may not represent the city on intergovernmental assignments or Council subcommittees, and may be subject to sanctions.

(c) *Behavior and conduct*

The Belmont Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Belmont City Council and city advisory bodies. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of city advisory bodies and the mayor and Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

Councilmembers:

Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the City of Belmont and with intergovernmental agencies) or other privileges afforded by the Council. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by the Council.

Individual councilmembers should point out to the offending councilmember perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the mayor in private. If the mayor is the individual whose actions are being questioned, then the matter should be referred to the vice mayor. It is the responsibility of the mayor (or vice mayor) to initiate action if a councilmember's behavior may warrant sanction. If no action is taken by the mayor (or vice mayor), then the alleged violation(s) can be brought up with the full Council.

City advisory body members:

City advisory bodies serve at will at the pleasure of the Council and may be removed by the Council without cause. The procedures and sanctions provided for herein are an alternative means for the Council address conduct by a city advisory body member and do not limit or prescribe the method, means or authority of the Council to remove a city advisory body member without cause.

Counseling, verbal reprimands and written warnings may be administered by the mayor to city advisory body members failing to comply with city policy. These lower levels of sanctions will be kept private to the degree allowed by law. Copies of all written reprimands administered by the mayor will be distributed in memo format to the chair of the respective city advisory body, the city clerk, the city attorney, the city manager, and the City Council.

The mayor or majority of Council may, but is not required to, call for an investigation of city advisory body member conduct. Also, should the city manager or city attorney believe an investigation is warranted, they are to confer with the mayor or Council. The mayor or Council may ask the city manager or the city attorney to investigate the allegation and report the findings.

The City Council may choose to impose sanctions on city advisory body members whose conduct does not comply with the city's policies or the Council's expectations. Sanctions imposed by Council will be determined by a majority vote of the total membership of the Council at a noticed public meeting and such action will be preceded by a report to Council with supporting information. A copy of the published agenda and any report should be provided to the advisory body member at the earliest opportunity in a reasonable manner intended to provide notice of the agenda item and meeting information.

These sanctions are alternatives to any other remedy that might otherwise be available to remedy conduct that violates this code or state or federal law. In order to protect and preserve good government, any individual including the city manager, and the city attorney after complying with Rules 1.6 and 1.13 of the State Bar Rules of Professional Conduct, who knows or reasonably believes a member acts or intends or refuses to act in a manner that is or may be a violation of law reasonably imputable to the organization, or in a manner which is likely to result in substantial injury to the organization, may report the violation to the appropriate governmental authorities.

D. IMPLEMENTATION

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the City Council. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document is to be included in the regular orientations for candidates for City Council, applicants to city advisory bodies, and newly elected and appointed officials. Members entering office must sign a statement (example below) acknowledging they have read and understand the Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct should be periodically reviewed by the City Council, city advisory bodies, and updated as necessary.

Example:

I affirm that I have read and understand the City of Belmont Code of Ethics and Conduct for Elected and Appointed Officials.

Signature

Date