

CITY OF MORGAN HILL

CITY COUNCIL POLICIES AND PROCEDURES

CP 05-01

SUBJECT:

ETHICS POLICY

EFFECTIVE DATE:

**APRIL 20, 2005; Amended September 7, 2005;
Amended September 13, 2006, REVIEWED JULY 18, 07**

ORIGINATING DEPARTMENT:

CITY COUNCIL

1. INTRODUCTION

Democratic government can function properly only when the citizenry has confidence in its public officials. Once public trust is damaged, it is difficult to reestablish. As a result, a public agency may not be able to function effectively. Moreover, individual careers or reputations may be irreparably damaged. Hence, it is imperative to foster the highest standards of personal integrity and honesty in discharging public duties. Public officials should never compromise their honesty or integrity for personal gain or advancement. They should remain sensitive to the values of the public they serve.

The citizens, businesses and employees of Morgan Hill are entitled to fair and ethical local government. The ethical operation of local government therefore requires that decision-makers be independent, impartial and accountable. It is the Council's expectation that our city government will act in ways that inspire and retain the trust and confidence of the community we serve.

The City of Morgan Hill has adopted this Ethics Policy to promote the highest standards of personal and professional ethics by individuals charged with carrying on the City's business. This is a "values based" approach to ethical behavior, rather than a rules-based system. It is not intended to address all potential ethical issues which may arise, or to replace the various codes of ethics of professional associations but to supplement those codes. Ethics is a top priority for the City of Morgan Hill.

This Policy articulates values that are designed to ensure the public's confidence by requiring that:

- public officials, both elected and appointed, comply with both the letter and the 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 required to be confidential, in an atmosphere of respect and civility.

To that end, and to foster the highest standards of integrity and honesty, the City Council of the City of Morgan Hill hereby adopts this Ethics Policy.

2. APPLICATION

All elected and appointed officials are required to subscribe to this Policy, understand how it applies to their specific responsibilities, and practice the core values set forth herein in their public service.

3. CORE VALUES

Representatives of the City of Morgan Hill shall be *ethical*. This means they should endeavor to practice the following core values:

- a) Honesty. I am honest with my fellow elected officials, the public and others. I am prepared to make unpopular decisions when my sense of the public's best interests requires it; and I take responsibility for my actions, even when it is uncomfortable to do so. I am trustworthy.
- b) Respect. I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community. I respect others' time by coming to meetings prepared and offering observations only when I believe it will move the discussion forward. I work to gain value from diverse opinions and build consensus. I am approachable, open-minded and willing to participate in dialog and I work to convey this to others. I recognize government's responsibilities to everyone. I convey the agency's care for and commitment to its community members through my words and deeds. I am attuned to, and care about, the needs and issues of citizens, public officials and agency workers.
- c) Responsibility. I do not accept gifts, services or other special considerations because of my public position. I refrain from any action that might appear to compromise my independent judgment. I support merit-based processes for the award of public employment and public contracts. I demonstrate concern for the proper use of agency assets (such as personnel, time, property, equipment, funds).
- d) Fairness. I support the public's right to know and participate in the conduct of the public's business. I am impartial when making decisions. I make decisions based on the merits of the issue.
- e) Loyalty. I respect the confidentiality of information concerning the agency's property, personnel and affairs. When presenting my individual opinions and positions, I explicitly state that my opinions do not represent the agency's position and I will not allow the inference that they do.

4. ACCOUNTABILITY

- a) On a yearly basis, on or before the due date of the submittal of the Conflict of Interest – Form 700, all persons subject to this Policy shall sign a statement affirming that they have read and understood the provisions of this Policy within the last 30 days.
- b) Violations of this Policy by commission, committee, board members and anyone appointed by the City Council in any manner, may be punishable, in the discretion of a majority of the City Council, by censure, public reproof, removal from appointed position, or, for serious violations warranting criminal charges, referral of the matter to the Santa Clara County District Attorney's Office for prosecution.

5. ANNUAL REVIEW

The Ethics Policy is to be reviewed on an annual basis.

This policy shall remain in effect until modified by the City Council.

APPROVED: _____


DENNIS KENNEDY, MAYOR

DATE: _____

9/29/06

CITY CORE VALUES	EXPRESSIONS OF CORE VALUES	POSITIVE BEHAVIORS	NEGATIVE BEHAVIORS
Honesty	I am honest with my fellow elected officials, the public and others.	Encouraging open discussion. Fully disclosing my interests in and my motivations for raising the issue. Acknowledging past mistakes, and attempting to correct them.	Being elusive, indirect. Misrepresenting the motives behind my decision.
Integrity	I am prepared to make unpopular decisions when my sense of the public's best interests requires it; and I take responsibility for my actions, even when it is uncomfortable to do so.	Becoming knowledgeable of the pros and cons of all issues, and stating clearly on what basis a decision is being made. Questioning the validity of the proposal or position, and being willing to challenge the status quo or the majority to ensure the proper decision is being made for the right reasons.	Not attending meetings to avoid controversial votes. Unwilling to oppose actions just to avoid controversy. Creating "spin" explanations of mistakes. Blaming or ascribing ownership to others.
	I am trustworthy	Going out of the way to build trust. Carefully considering the impact of one's actions on public confidence.	Not being candid. Taking actions that destroy relationships.
Respect	I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.	Actively listening with the intent of truly understanding. If the proposal/issue once opposed now is presented with valid points to convince a reversal in position, acknowledging the validity. Acknowledging the effort whether agree or disagree with the findings.	Being rude, and ridiculing others in public and in private. Ascribing bad motives to those who disagree.
	I respect others' time by coming to meetings prepared and offering observations only when I believe it will move the discussion forward.	Being on-time and prepared. Actively helping the meeting move forward by asking questions, rephrasing statements that are not clear, and making observations to enhance the quality of the debate.	Being unprepared. Monopolizing the conversation; speak off point.

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	I work to gain value from diverse opinions and build consensus.	Actively seeking out differing viewpoints and common threads. Encouraging productive debate. Working to craft solutions.	Refusing to listen/meet/talk/have dialog/interchange. Being unresponsive or ignoring others. Being unwilling to make concessions.
Respect (continued)	I am approachable, open-minded and willing to participate in dialog and I work to convey this to others.	Focusing on solving problems. Encouraging input and incorporating it into decisions. Being accessible via all media; expressing a willingness to meet with others. Actively listening.	Using a closed, irritated tone of voice and body language. Unwilling to listen to others' opinions.
	I recognize government's responsibilities to everyone.	Facilitating civil dialogue with all elements of the community.	Being biased, prejudiced or arrogant. Engaging in intimidating behavior. Being indifferent.
	I convey the agency's care for and commitment to its community members through my words and deeds.	Volunteering; being a visible part of the community. Attending and supporting community events that reflect "commitment to community." Publicly honoring those who have contributed to the good of the community.	Never being seen publicly, a "no-show."
	I am attuned to, and care about, the needs and issues of citizens, public officials and agency workers.	Establishing citizen/customer/employee-friendly environment. Being a good listener; understanding others' perspective.	Being unavailable.
Responsibility	I do not accept gifts, services or other special considerations because of my public position.	Not accepting gifts which would influence my decisions. Informing those who might offer gifts of the City's core value.	Being "in the camp of;" affiliating with big bucks folks. Seeking public favors for supporters. Accepting special privileges for influencing others.

CITY CORE VALUES	EXPRESSIONS OF CORE VALUES	POSITIVE BEHAVIORS	NEGATIVE BEHAVIORS
	I refrain from any action that might appear to compromise my independent judgment.	Declaring conflicts of interest, or even the appearance thereof.	Leaning toward favoring supporters/friends/contributors.
	I support merit-based processes for the award of public employment and public contracts.	Keeping the public welfare/benefit foremost in consideration. Ensuring that there are open competitive processes based on appropriate criteria that can be measured.	Concealing an action "because others might misunderstand." Lobbying for friends for jobs and contracts.
	I demonstrate concern for the proper use of agency assets (such as personnel, time, property, equipment, funds)	Treating agency assets like a public trust. Assuring processes are attuned to best interests of the City.	"Rigging" the criteria.
Fairness	I support the public's right to know and participate in the conduct of the public's business.	Ensuring that meetings include opportunities for all people to provide meaningful input. Being proactive by supporting communication processes that inform the public and forums that encourage input.	Ignoring the consequences of requests on the time or costs imposed on colleagues, staff or city resources.
	I am impartial when making decisions.	Articulating clearly that decisions I make or support are based on the merits of the project and not on the relationships or the personalities. Making decisions based on criteria that are objective and meaningful.	Discouraging public input and participation by holding meetings at inconvenient times and locations. Rushing decisions. Not allowing everyone to speak who wishes to do so. Demeaning those who disagree with you. Taking care of those that take care of you.
	I make decisions based on the merits of the issue.	Researching to thoroughly understand all issues including the pros & cons of alternatives. Explaining your decision thoroughly.	Being closed; don't listen, reject out of hand, etc. Appeasing the loudest group.

CITY CORE VALUES	EXPRESSIONS OF CORE VALUES	POSITIVE BEHAVIORS	NEGATIVE BEHAVIORS
Loyalty	I respect the confidentiality of information concerning the agency's property, personnel and affairs.	Seeking guidance when in doubt about the confidentiality of information. Keeping commitments. Honoring the process; respecting the procedures. When change is needed, changing within the system.	Giving out information when it serves my personal purposes even if it hurts others. Making something confidential to avoid controversy or loss of face or to cover up issues that should be public. Using confidential information to gain credibility or to discredit others.
	When presenting my individual opinions and positions, I explicitly state that my opinions do not represent the agency's position and I will not allow the inference that they do.	Declaring conflict of interest on issues or matters for which have or could have personal gain.	Divulging information to selected sources for gain or prestige. Speaking for the agency or any fellow body member without explicit authorization.