

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA
AMENDING TITLE 2 OF THE GLENDALE MUNICIPAL CODE, 1995, BY DELETING
SECTIONS 2.83.030, 2.83.040, 2.83.050, 2.83.060, 2.83.070, 2.83.080, 2.83.090,
2.83.100, 2.83.102, 2.83.103, 2.83.104 AND 2.83.105, ENACTING NEW SECTIONS
2.83.030, 2.83.040, 2.83.050, 2.83.060, 2.83.070, 2.83.080, 2.83.090, 2.83.100, AND
AMENDING SECTION 2.83.110 PERTAINING TO THE CODE OF ETHICS FOR
ELECTED AND APPOINTED OFFICIALS**

WHEREAS, the Council desires to adopt an updated Code of Conduct applicable to Councilmembers and Boards and Commissions

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE:

SECTION 1. Sections 2.83.030, 2.83.040, 2.83.050, 2.83.060, 2.83.070, 2.83.080, 2.83.090, 2.83.100, 2.83.102, 2.83.103, 2.83.104 and 2.83.105 of the Glendale Municipal Code, 1995, are deleted in their entirety.

SECTION 2. Section 2.83.030 is added to the Glendale Municipal Code, 1995, to read as follows:

“2.83.030 Accepting employment during pendency of action.

A. No official shall solicit or accept or promise to accept employment as a compensated representative of any person or entity which actually has a matter pending before the city council (if the official is a councilmember), or any board or commission (if the official is a member of a board or commission which has jurisdiction over a matter). This section applies only to the actual solicitation, acceptance or promise of acceptance of employment at the time the matter is pending before the council or any board or the time the matter is pending before the council or any board or commission. This section shall not apply to any activity wherein an official has accepted employment with an individual or entity prior to the matter for which the official has accepted employment is accepted for filing or appealed to, the city council or board or commission of which the official is a member. Example: A member of the planning commission should not solicit, accept or promise to accept employment with an applicant for a parcel map after the matter has been filed for review by the planning division. However, the member may accept employment prior to the application being submitted to the planning division

B. A written agreement to retain a council member, member of a board or commission or their firm or company, which agreement is executed by all parties prior to the matter being accepted for filing or appealed to, the city council or board or commission of which the official is a member shall create a rebuttable presumption that the matter was accepted prior to the filing of an application or appeal.”

SECTION 3. Section 2.83.040 is added to the Glendale Municipal Code, 1995, to read as follows:

“2.83.040 Protection of employees and others against retaliation for reporting fraud, waste or misuse of office.

A. No official of the city shall use or threaten to use any official authority or influence to discourage, restrain or interfere with any person for the purpose of or preventing such person from acting in good faith to report or otherwise bring to the attention of the city or other appropriate agency, office or department, any information which, if true, would constitute a gross waste of city funds, gross abuse of authority, a specified and substantial danger to public health or safety due to an act or omission of an official, or use of a city office or position or of city resources for personal gain.

B. No official of the city shall use or threaten to use any official authority or influence to affect or a reprisal against a city official, employee, or any other person who reports or otherwise brings to the attention of the city or other appropriate agency any information regarding the subjects set forth in subsection A, above.”

SECTION 4. Section 2.83.050 is added to the Glendale Municipal Code, 1995, to read as follows:

“2.83.050 Prohibition against future employment.

It is improper for any former official to appear as a compensated representative at any time before the city council or any board or commission, of which they were formerly a member, in connection with any case or other matter in which such former official was duly connected in a policy-making capacity while an official with the city, for six months following the termination, resignation or expiration of the term of the official. Such official may be released from the obligation imposed by the provisions of this section upon the submission of a written request to the city council in advance of his/her proposed appearance and a certification that while an official of the city, took no action or obtained no information which would prejudice his/her conduct or presentation, either at the time he/she was an official or at the time of the presentation.”

SECTION 5. Section 2.83.060 is added to the Glendale Municipal Code, 1995, to read as follows:

“2.83.060 Purpose and findings of solicitation regulations.

In enacting sections 2.83.060 through and including 2.83.090, Council finds that the solicitation of funds by elected officials who use their official position or official title is more than just a subtle means of compelling an individual or entity to provide funds to a non-profit or for-profit entity favored by an elected official. Using an official position or title to “force donations” to non-profits or other entities violates state and federal laws that prohibit extortion and deprives the public of its right to an official’s honest services for the benefit of the community. Such use of an official title or position in a letter or electronic message seeking a solicitation of funds, property or services places the

person or entity receiving the solicitation in the position of feeling pressured to respond with money, property or services, lest the individual perceives that any discretionary review of a project, permit, license or contract may receive positive or negative consideration by the elected official seeking the solicitation. In addition, in the same manner campaign contributions can cause a public perception that votes are being improperly influenced by monetary contributions, solicitation of funds, property or services for groups or entities carry with it the same perception that votes may be influenced through the response to such a solicitation. This perception undermines the credibility and integrity of the governmental process and fosters the public impression that there exists a pay-to-play quid pro quo through pressure applied to an individual or entity to provide funds, property or services to a non-profit or for-profit at the behest of an elected official. This, in turn may have a corrupting influence affecting the integrity of the governmental process and public confidence in local officials.

Prohibiting solicitation by elected officials of persons or entities with city, successor agency (hereafter agency) or housing authority (hereafter authority) contracts or applications pending before the council, agency, authority or city clerk likewise will restore public confidence in elected officials and reduce the appearance of undue influence and the pay-to-play quid pro quo assertion which occurs when an elected official seeks funds, property or services from an individual or entity having a contract or application pending. Finally, transparency necessitates that funds, property or services made at the behest of an elected official be disclosed at a meaningful threshold so the public has an opportunity to know who is giving large contributions to non-profits or other entities at an elected official's request. This legislation is necessary to reduce the perception that decisions are influenced more by contributions made at the behest of an elected official than the best interests of the people of the city.

SECTION 6 Section 2.83.070 is added to the Glendale Municipal Code, 1995, to read as follows:

2.83.070 Definitions.

The definitions set forth herein shall govern the interpretation of sections 2.83.080 and 2.83.090 of this chapter.

“Agency” means the Glendale Successor Agency, the successor agency to the Glendale Redevelopment Agency.

“Applicant seeking entitlement” means any person, group or entity however constituted who has filed an application or letter with the city, agency, authority or city clerk or is an owner or lessee of property on whose behalf an application or letter is filed, seeking approval of a permit, license, conditional use permit, variance, architectural design (at any stage), franchise, administrative exception, parking reduction, review of plans, development agreement, exclusive negotiation agreement, owner participation agreement, financial assistance for a proposed project, or any other land use entitlement.

“Application is pending” means an application or letter which is subject to review, hearing or consideration by the city council, agency, authority or the city clerk, and the application or letter seeking a permit, license, conditional use permit, variance, architectural design (at any stage), franchise, administrative exception, parking reduction, review of plans, development agreement, exclusive negotiation agreement, owner participation agreement, financial assistance for a proposed project, or any other land use entitlement has been filed and either; (a) will be set for review, hearing or otherwise considered by the city council, successor agency, housing authority or city clerk as a matter of right, or (b) has been formally appealed to the city council, successor agency or housing authority.

“Authority” means the Housing Authority of the City of Glendale.

“Contract” means any agreement or contract including any amendment or modification to an agreement or contract with the city, agency or authority for (a) the rendition of personal services; (b) the furnishing of any material, supplies or equipment; (c) the sale or lease of any land or building; or (d) a grant, loan or loan guaranty.

“Council member” means an individual who has been elected or appointed to, and is serving on the city council as a member thereof. Sometimes referred to as a member of council.

“Funds” means money, cash, check, draft, warrant, notes, bonds, stock, or securities, precious metals or jewels, including but not limited to gold, diamonds and platinum.

“Immediate family” means spouse and dependent children.

“Made at the behest of” means made under the control or at the direction of, in cooperation, consultation, coordination, or concert with, at the request of, suggestion of, or with the express prior consent of.

“Person” means an individual, proprietorship, firm, corporation, partnership, joint venture, association, limited liability entity, business trust, company, labor organization or union, or any other organization or group of persons acting in concert.

“Person who contracts with” includes any party or prospective party to a contract, as well as any member of that party’s board of directors, its chairperson, chief executive officer, chief administrative officer, chief operating officer, or any person with an ownership interest of more than ten (10) percent in the party.

“Property” means any real or personal property, of whatever kind or nature, including without limitation, precious metal or stones such as silver, gold, platinum and diamonds, gift cards, gift certificates, passes, or tickets which may be converted into the purchase of goods, commodities or services, or provide admission to or use of a facility.

“Services” means non-monetary labor or activity to be performed for the benefit of another.

“Solicit” or “solicitation” means a request of any kind or nature, whether oral or in writing, for funds, property, or services. “Solicit” or “solicitation” herein does not include a request for campaign contributions.

“Writing” means any document, letter, message, solicitation, or request, whether handwritten, printed, typed, or in electronic form, including but not limited to, electronic-mail.

SECTION 7. Section 2.83.080 is added to the Glendale Municipal Code, 1995, to read as follows:

“2.83.080 Solicitation of funds, property or services – Limitations.

A. No member of council, the agency or authority, or city clerk, or his or her immediate family shall solicit funds, property or services, either orally or in writing from an applicant seeking entitlement while such application is pending before the city, agency, authority or city clerk and for a period of ninety (90) days after the last and final approval by the city council, agency, authority or city clerk has been granted.

B. No member of council, agency or authority, the city clerk or city treasurer, or his or her immediate family shall solicit funds, property or services, either orally or in writing from any person who contracts with the city, agency or authority where the agreement or contract has a total anticipated or actual value of twenty-five thousand dollars (\$25,000.00) or more, or a combination or series of such agreements or contracts having a value of twenty-five thousand dollars (\$25,000.00) or more, in a fiscal year of the city.

C. No member of council, agency or authority, the city clerk or city treasurer or his or her immediate family shall solicit funds, property or services, either orally or in writing from an officer, employee or department of the city, unless a majority of the city council has approved at an open and public meeting such solicitation of funds, property or services, and the solicitation thereof does not violate any other provision of federal, state or local law.

D. No member of council, agency or authority, the city clerk or city treasurer, or their immediate family shall, while a shareholder with ten (10) percent or more of the shares of stock, or while on the board of directors, or as the president, chief executive officer (CEO), chief administrative officer (CAO) or chief operating officer (COO), of a non-profit or for-profit entity, use the official title or designation “councilman”, “council woman”, “council person”, “mayor”, “elected official”, “elected officer” “city clerk”, “city treasurer” or other variant of their official elected or appointed status as a council, agency or authority member or city clerk or city treasurer to sign a “writing” which solicits funds, property or services for the non-profit or for-profit entity on which the elected official sits as a member of the board of directors, or as the president, CEO, CAO or COO, or as holder of ten (10) percent or more of the shares of stock. The listing of the council, agency or authority member, city clerk or city treasurer on a letterhead of a non-profit or for-profit entity along with other names of other board members or officers is not considered to be the signing of a “writing” soliciting funds, so long as the

names of all board members or officers are listed and the name of the council, agency or authority member, city clerk or city treasurer is not prominently featured by title in, for example, a type style or size which is different than the style or size used to list the names and titles of other board members or officers.

E. The limitations set forth in this section 2.83.080 shall not apply to a solicitation for campaign contributions.

SECTION 8. Section 2.83.090 is added to the Glendale Municipal Code, 1995, to read as follows:

“Section 2.83.090 Reporting of donations made at the behest of a councilmember, successor agency member, housing authority member, clerk or treasurer.

Any payment of funds or provision of property or services made by an individual or entity (donor), or by an individual or entity acting as an intermediary or agent of the donor where the funds, property or services equal or exceed one thousand dollars (\$1,000.00) and are made at the behest of a council, agency or authority member, the city clerk or city treasurer, shall be reported by the council, agency or authority member, city clerk or city treasurer within thirty (30) days following the date on which the payment or value of goods and/or services equal or exceed one thousand dollars (\$1,000.00) in the aggregate from the same donor and/or intermediary or agent of the donor in the same calendar year in which they are made. The report shall be made under penalty of perjury and shall be on a form provided by the city attorney and filed with the city clerk and city attorney. Any report made and filed hereunder shall be a public record.

SECTION 9. Section 2.83.110 of the Glendale Municipal Code, 1995, is hereby amended to read as follows:

“2.83 Penalties for noncompliance – No new legal rights created.

A. In addition to any other penalty provided by law, violation of sections 2.83.030 through and including 2.83.060 shall be a basis for disciplinary action of a board or commission member, including removal from the position to which he/she was appointed. Any elected official who violates any provision of sections 2.83.030 through and including 2.83.060 may be subject to censure by the city council or other remedy permitted by law.

B. Any violation of section 2.83.080 shall be a misdemeanor punishable as prescribed under section 1.20.010.A. of this code.

C. This chapter shall not be construed to create a cause of action or other remedy for damages against the city or any officer or employee. It is intended solely to provide a basis for disciplinary action, censure, or removal from office as permitted by law, or in the case of a violation of section 2.83.080, prosecution as an additional remedy.”

Adopted by the Council of the City of Glendale on this ____ day of _____,
2021.

Mayor

ATTEST:

City Clerk

STATE OF CALIFORNIA)
) ss:
COUNTY OF LOS ANGELES)

I, ARAM ADJEMIAN, City Clerk of the City of Glendale, certify that the foregoing Ordinance No. _____ was passed by the Council of the City of Glendale, California, at a regular meeting held on the _____ day of _____, 2021, and that the same was passed by the following vote:

Ayes:

Noes:

Absent:

Abstain:

City Clerk