



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Adoption of a Code of Conduct for the City Council and Members of the City's Boards and Commissions

1. Introduction of Ordinance Amending Title 2.83 of the Glendale Municipal Code, 1995
2. Resolution Adopting Code of Conduct for Councilmembers and Members of Boards and Commissions

COUNCIL ACTION

Item Type: Action Item

Approved for August 24, 2021 **calendar**

ADMINISTRATIVE ACTION

Submitted by:

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Prepared by:

Michael J. Garcia, City Attorney

Reviewed by:

Michele Flynn, Director of Finance

Michael J. Garcia, City Attorney

Approved by:

Roubik R. Golanian, P.E., City Manager

RECOMMENDATION

It is recommended that the Council introduce the Ordinance amending Chapter 2.83 of the Glendale Municipal Code pertaining to the Code of Ethics for Elected and Appointed Officials and adopt the Resolution adopting a Code of Conduct for Councilmembers and Members of Boards and Commissions.

BACKGROUND/ANALYSIS

On June 15, 2021, the Council received a report regarding an updated Code of Conduct for Councilmembers and Members of Boards and Commissions (“Members”). The Council reviewed the Report and Sample Code of Conduct and provided direction to the City Attorney to return with revisions to the proposed Code of Conduct. The Council also directed the City Attorney to prepare an ordinance to revise Chapter 2.83 of the Glendale Municipal Code pertaining to the Code of Ethics for Elected and Appointed Officials.

Code of Conduct

The Council directed the City Attorney to prepare the Code of Conduct for final approval which includes the following changes:

- Clarifies the intent regarding drug and alcohol usage that Members shall not be intoxicated or impaired during a public meeting or while conducting City business.
- Clarifies that Members shall abstain from using any tobacco or marijuana products during any public meeting, whether by cigarette, vaping device, chewing tobacco or any other instrumentality.
- Prohibits Members from appearing (for compensation) before the Council, Board or Commission upon which they serve to represent or advocate on behalf of another individual or entity with business before the Council, Board or Commission.
- Provides for progressive discipline in the enforcement of the Code of Conduct, provided that depending on the nature or seriousness of the violation, the Council reserves the right to impose any sanction authorized by the Code of Conduct.
- Will require members of the Boards and Commissions (in addition to Council who is already mandated) to take AB 1234 Ethics Training. Staff seeks further direction on the deadline to take said training. The proposed Code of Conduct would require taking the AB 1234 Training within 6 months of appointment or 6 months from the adoption of this policy, whichever occurs first. For Councilmembers, the requirement is once every two years by state law. If, at a future time, the Council chooses to provide compensation or a stipend to board members or commissioners, then they will be required to take the AB 1234 training every 2 years as well.
- Members will strive to refrain from excessive use of mobile phones, tablets or other electronic devices when the Council, Board or Commission is being addressed by the public.

The revised Code of Conduct showing the changes in ~~strikeout~~ and underline is attached as Exhibit 1.

Ordinance Amending GMC Chapter 2.83 – Code of Ethics

The proposed Ordinance would revise Chapter 2.83 to remove certain overlapping provisions of the municipal code that are incorporated into the new Code of Conduct. The following provisions will remain, although some will be renumbered:

- Section 2.83.010 Declaration of Policy. Establishes the policy purposes for the Code of Ethics
- Section 2.83.020 Definitions
- Section 2.83.060 (to be renumbered 2.83.030) Accepting employment during pendency of action. This provision prohibits a Member from accepting employment as a compensated representative of any person or entity with a matter pending before the Council, Board or Commission. While it is duplicative of a provision that will exist in the new Code of Conduct, the City Attorney is of the opinion that this could remain in the municipal code.
- Section 2.83.090 (to be renumbered 2.83.040) – Protection of employees and others against retaliation for reporting fraud, waste or misuse of office. As the name suggests, this provision prohibits a Member from using or threatening to use his or her official authority or influence to discourage, restrain or interfere with any person who acts in good faith to report fraud, waste or misuse of office.
- Section 2.83.100 (to be renumbered 2.83.050) – Prohibition against future employment. This provision prohibits a former Member from appearing as a compensated representative before the body they were a member for six months after leaving said body.
- Sections 2.83.102 through 2.83.105 (to be renumbered 2.83.060 through 2.83.090) contains prohibitions on members of the Council, Successor Agency or Housing Authority from soliciting funds on behalf of third parties (e.g. donations to nonprofits) from persons or entities with matters pending before the Council/Housing Authority and for 90 days thereafter, and also contains reporting requirements for solicitation of funds outside that window when the funds solicited exceed \$1,000.
- Section 2.83.110 Penalties for noncompliance – No new legal rights created. This section provides for the penalties and enforcement of Chapter 2.83. Other than the sections dealing with solicitation of funds, violation of these provisions, as with the Code of Conduct, are subject to being a basis for disciplinary action.

As noted during the June 15, 2021 Council meeting, the Code of Conduct will require all Members to review and sign an acknowledgement that they have reviewed the document. As requested by the Council, staff from the City Attorney's Office will provide training on the Code of Conduct to the Boards and Commissions.

FISCAL IMPACT

There is no fiscal impact associated with this item.

ALTERNATIVES

1. The Council can introduce the Ordinance amending Chapter 2.83 of the Glendale Municipal Code and adopt the Resolution adopting a Code of Conduct for Councilmembers and Members of Boards and Commissions.
2. The Council can choose not to introduce the Ordinance and adopt the Code of Conduct.
3. The Council can choose an alternative not identified by staff.

CAMPAIGN DISCLOSURE

Not applicable.

EXHIBITS

1. Code of Conduct for Councilmembers and Members of Boards and Commissions (Strikeout, Underlined Version)
2. Code of Conduct (Clean Version)