

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.

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	<p>I am honest with my fellow elected officials, the public and others.</p> <p>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.</p> <p>I am trustworthy</p>	<p>Encouraging open discussion.</p> <p>Fully disclosing my interests in and my motivations for raising the issue.</p> <p>Acknowledging past mistakes, and attempting to correct them.</p> <p>Becoming knowledgeable of the pros and cons of all issues, and stating clearly on what basis a decision is being made.</p> <p>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.</p> <p>Going out of the way to build trust.</p> <p>Carefully considering the impact of one's actions on public confidence.</p> <p>Actively listening with the intent of truly understanding.</p> <p>If the proposal/issue once opposed now is presented with valid points to convince a reversal in position, acknowledging the validity.</p> <p>Acknowledging the effort whether agree or disagree with the findings.</p> <p>Being on-time and prepared.</p> <p>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.</p>	<p>Being elusive, indirect.</p> <p>Misrepresenting the motives behind my decision.</p> <p>Not attending meetings to avoid controversial votes.</p> <p>Unwilling to oppose actions just to avoid controversy.</p> <p>Creating "spin" explanations of mistakes.</p> <p>Blaming or ascribing ownership to others.</p> <p>Not being candid.</p> <p>Taking actions that destroy relationships.</p> <p>Being rude, and ridiculing others in public and in private.</p> <p>Ascribing bad motives to those who disagree.</p> <p>Being unprepared.</p> <p>Monopolizing the conversation; speak off point.</p>
<p>1 2 3 4</p> <p>Respect</p>	<p>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.</p> <p>I respect others' time by coming to meetings prepared and offering observations only when I believe it will move the discussion forward.</p>		

CITY CORE VALUES	EXPRESSIONS OF CORE VALUES	POSITIVE BEHAVIORS	NEGATIVE BEHAVIORS
	<p>I refrain from any action that might appear to compromise my independent judgment.</p> <p>I support merit-based processes for the award of public employment and public contracts.</p>	<p>Declaring conflicts of interest, or even the appearance thereof.</p> <p>Keeping the public welfare/benefit foremost in consideration.</p> <p>Ensuring that there are open competitive processes based on appropriate criteria that can be measured.</p> <p>Treating agency assets like a public trust.</p> <p>Assuring processes are attuned to best interests of the City.</p>	<p>Leaning toward favoring supporters/friends/contributors.</p> <p>Concealing an action "because others might misunderstand."</p> <p>Lobbying for friends for jobs and contracts.</p> <p>"Rigging" the criteria.</p>
	<p>I demonstrate concern for the proper use of agency assets (such as personnel, time, property, equipment, funds)</p>	<p>Ensuring that meetings include opportunities for all people to provide meaningful input.</p> <p>Being proactive by supporting communication processes that inform the public and forums that encourage input.</p>	<p>Ignoring the consequences of requests on the time or costs imposed on colleagues, staff or city resources.</p>
<p>Fairness 4</p>	<p>I support the public's right to know and participate in the conduct of the public's business.</p> <p>I am impartial when making decisions.</p>	<p>Articulating clearly that decisions I make or support are based on the merits of the project and not on the relationships or the personalities.</p> <p>Making decisions based on criteria that are objective and meaningful.</p> <p>Researching to thoroughly understand all issues including the pros & cons of alternatives.</p> <p>Explaining your decision thoroughly.</p>	<p>Discouraging public input and participation by holding meetings at inconvenient times and locations.</p> <p>Rushing decisions.</p> <p>Not allowing everyone to speak who wishes to do so.</p> <p>Demeaning those who disagree with you.</p> <p>Taking care of those that take care of you.</p>
	<p>I make decisions based on the merits of the issue.</p>		<p>Being closed; don't listen, reject out of hand, etc.</p> <p>Appeasing the loudest group.</p>