

Resolution No. **2024-09-17-1501**

STOCKTON CITY COUNCIL

A RESOLUTION ADOPTING THE PROPOSED CITY COUNCIL POLICY MANUAL CHAPTER 3.13, COUNCILMEMBER AND COMMISSIONER CONDUCT POLICY AND ASSOCIATED CREED FOR COUNCILMEMBERS AND COMMISSIONERS

The Creed for Councilmembers was approved by the City Council in the mid-1980s; and

The Legislation and Environmental Committee directed staff to redraft the Creed to current standards and to include Commissioners; and

The Creed was best supported by a Council Policy stating Councilmember and Commissioner Conduct standards; and


The Legislation and Environmental Committee directed staff on August 28, 2024, to forward the recommendation to Council to adopt the proposed City Council Policy Manual Chapter 3.13 Councilmember and Commissioner Conduct Policy and the associated Creed for Councilmembers and Commissioners; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. City Council approves the proposed City Council Policy 3.13 entitled "Councilmember and Commissioner Conduct Policy;" attached hereto as "Exhibit 1."
2. City Council approves the associated Creed for Councilmembers and Commissioners; attached hereto as "Exhibit 2."
3. The City Manager is hereby authorized to take appropriate and necessary actions to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, and ADOPTED September 17, 2024.

ATTEST:


 KATHERINE ROLAND, CMC, CPMC
 Interim City Clerk of the City of Stockton




 KEVIN J. LINCOLN II
 Mayor of the City of Stockton

§3.13.010 Policy.

The proper operation of democratic government requires that public officials be independent and impartial in their judgment and actions; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government and public officials.

And that the realization of these ends is impaired whenever there exists, or appears to exist, an actual or potential conflict between the private interests of a governmental official and his or her public duties. Public interest requires high standards with respect to official conduct.

Therefore, the City Council sets the following standards of conduct for Councilmembers and Commissioners.

1) NORMS AND EXPECTATIONS**i) Members shall:**

- (1) Always put constituents first.
- (2) Treat each other, staff, and members of the public with dignity, courtesy, and respect.
- (3) Value all opinions, be tolerant of new and different ideas, and encourage creativity and innovation.
- (4) Follow through on commitments and be accountable to each other.
- (5) Clarify when items are discussed in confidence and maintain appropriate confidentiality.
- (6) Be attentive to others, limiting interruptions and distractions.
- (7) Encourage dissent in debate while being mindful not to prolong discourse or block consensus.
- (8) Be candid with each other about ideas and feelings and resolve conflicts directly.
- (9) Keep comments clear, concise, and on-topic to maximize opportunities for all to express themselves.
- (10) Continuously strive to improve how members work as a team.
- (11) Place clear and realistic demands on staff resources and time when requesting action.
- (12) Start and end meetings on time, work from an agenda, and be present, attentive, and prepared.
- (13) Present problems in a way that promotes discussion and resolution.

(14) Continually work to build trust in each other.

2) GENERAL CONDUCT

i) Members shall:

- (1) Treat each other and everyone with courtesy and refrain from inappropriate behavior and derogatory comments.
- (2) Be fair, impartial, and unbiased when voting on quasi-judicial actions.
- (3) Use the speaker sequencing system to inform the presiding officer of their wish to speak and wait to be acknowledged by the presiding officer before speaking.
- (4) Move to require the presiding officer to enforce these Rules, and the presiding officer shall do so upon an affirmative vote of a majority of the members present.
- (5) Preserve order and decorum during the meeting.
- (6) Not delay or interrupt the proceedings or the peace of the council, nor disturb any member while speaking, by conversation or otherwise, nor disobey the orders of the council, or the presiding officer, except as otherwise herein provided.
- (7) Support the laws established by the council.
- (8) Abide by these Rules in conducting the business of the City of Stockton.
- (9) Affirm their commitment to these Rules by signing the Creed for Councilmembers and Commissioners.

3) CONDUCT WITH MEMBERS

i) Members shall:

- (1) Value each other's time.
- (2) Attempt to build consensus on an item through an opportunity for dialogue; but when this is not possible, the majority vote shall prevail, and the majority and minority shall show respect for the opinion of all parties.
- (3) Have the right to dissent from, protest, or comment upon any action of the council.
- (4) Respect each other's opportunity to speak and, if necessary, agree to disagree.
- (5) Avoid offensive negative comments and practice civility and decorum during discussions and debate.
- (6) Assist the presiding officer's exercise of the affirmative duty to maintain order.

4) CONDUCT WITH CITY MANAGER AND STAFF

- i) Members of the city council shall:
 - (1) Speak to the city manager directly on issues and concerns.
 - (2) Direct the city manager, by majority vote, to implement council policy decisions through the administrative functions of the city.
 - (3) Treat staff professionally and refrain from publicly criticizing individual employees.
 - (4) Avoid involvement in and commentary on personnel issues except during council closed sessions regarding council-appointed staff, which includes the city attorney, city auditor, city clerk, and city manager.
 - (5) Discuss directly with the city attorney, city auditor, city clerk, and city manager, as appropriate, any displeasure with a department or staff.
 - (6) Request answers to questions on council agenda items from the city attorney, city auditor, city clerk, and city manager prior to the meeting whenever possible.
- ii) General Direction
 - (1) Council requests that deal with policy issues and council requests that may be construed as direction must be directed to the city manager. Members may also deal directly with the city attorney, city clerk, city auditor.

5) CONDUCT WITH THE PUBLIC

- i) Members shall:
 - (1) Make the public feel welcome.
 - (2) Be impartial, respectful, and without prejudice toward the public.
 - (3) Listen courteously and attentively to public comment.
 - (4) Not argue back and forth with members of the public.
 - (5) Make no promises to the public on behalf of the legislative body.

6) CONDUCT WITH OTHER AGENCIES

- i) Members shall:
 - (1) Project a positive image of the city when dealing with other agencies.
 - (2) Show tolerance and respect for other agencies' opinions and issues and, if necessary, agree to disagree.
 - (3) Represent official policies or positions of the council when designated as delegates of a legislative body.

- (4) Explicitly state when their opinions and positions do not represent the legislative body when representing their individual opinions and positions, and not allow the inference that they do.
- (5) Have the ability to lobby or discuss issues that have been adopted by legislative bodies or are standing policies of the legislative bodies with other legislators, government officials, applicants, or other interested persons.

7) CONDUCT WITH BOARDS AND COMMISSIONS

- i) Councilmembers shall:
 - (1) Treat all members of boards, commissions, and committees with appreciation and respect.
 - (2) Refrain from participation at board, commission, and committee meetings with the purpose of influencing the outcome of those meetings.

8) CONDUCT WITH THE MEDIA

- i) Councilmembers shall conduct themselves in accordance with the City Council Communication Guidelines as stated within the Council Policy Manual
- ii) Members shall not discuss – or go "off the record" with the media to discuss – confidential or privileged information pertaining to closed sessions, or attorney-client privileged or attorney work product communications, including but not limited to personnel, litigation, or real property negotiations.
- iii) Providing non-confidential, non-privileged background information is acceptable.

9) ETHICAL CONDUCT

- i) Members shall conduct themselves in accordance with the Council Policy Manual Conflict of Interest Code and Code of Ethics including but not limited to:
 - (1) Members shall comply with the City Charter nepotism policies.
 - (2) Members shall comply with the Mayor and Council Discretionary Funding Policy as stated in the Council Policy Manual.
 - (3) Members are obligated to comply Assembly Bill 1234 by completing ethics training within 30 days of taking office and at least every two years.
 - (4) Members are obligated to comply with Assembly Bills 1825 and 1661 by completing sexual harassment training within 6 months of taking office and at least every two years.
 - (5) Members shall follow the Political Reform Act and Fair Political Practices Commission regulations.
 - (6) Members shall conduct themselves in accordance with all policies and training.

CREED FOR COUNCILMEMBERS AND COMMISSIONERS

As a public official, I believe:

That the proper operation of democratic government requires that public officials be independent and impartial in their judgment and actions; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government and public officials.

And that the realization of these ends is impaired whenever there exists, or appears to exist, an actual or potential conflict between the private interests of a governmental official and his or her public duties. Public interest requires high standards with respect to official conduct.

Therefore, as a public official of the City of Stockton, I assert my solemn belief that the primary responsibility for maintaining a high level of conduct among city officials and employees falls upon the Council as the governing body elected by the people. Consequently, as a public official, I believe it is my duty to uphold the expectations of the Council Policy on Conduct of Councilmembers and Commissioners. In accordance with those policies I commit to:

1. Represent and work for the common good of the people of my city and not for private interest, assuring fair and equal treatment of all persons, claims, and transactions coming before me in my official capacity.
2. Learn the background and purposes of all action items before voting and request answers to questions on council agenda items from the city manager, city attorney, and city clerk prior to the meeting whenever possible.
3. Refrain from disclosing confidential information concerning the city government, in accordance with the provisions of the Brown Act. I understand that speaking on activity during Closed Session is a violation of the Brown Act and I may not share Closed Session information with anyone.
4. Help the Council maintain the highest standard of rules of conduct by refusing to approve breaches of public trust or improper attempts to influence legislation and by being willing to vote to censure any public official who willfully violates the duly established rules of conduct. Censure should be for just cause and not for political purposes consistent with the Council Censure Policy.
5. Uphold the standards outlined in the Council Policy Manual Decorum policy.
6. Faithfully perform my duties as a public official by attending all sessions of the meeting body and if applicable, its committees of which I am a member, unless unable to do so for some compelling reason or disability. I will make every attempt to be punctual and ready to conduct business.

Signature

Date

Printed Name

Title of Office