

AN ORDINANCE AMENDING CHAPTER 1 OF THE CHULA VISTA
CITY CODE BY ADDING THERETO A NEW ARTICLE III, SECTIONS
1.42 THROUGH 1.51, ALL RELATING TO A CODE OF ETHICS

The City Council of the City of Chula Vista does ordain
as follows:

SECTION I. - That Chapter 1 of the Chula Vista City Code
be, and the same is hereby amended by adding thereto a new Article
III, to be and to read as follows:

ARTICLE III. CODE OF ETHICS.

Section 1.42. Establishment of Code of Ethics.

The proper operation of democratic government requires that
public officials and employees be independent, impartial, and respons-
ible to the people. The public judges its government by the way public
officials and employees conduct themselves in the posts to which they
are elected or appointed. The people have a right to expect that
every public official and employee will conduct himself in a manner
that will tend to preserve public confidence in, and respect for, the
government he represents. Such confidence and respect can best be
promoted if every public official and employee, whether paid or unpaid,
and whether elected or appointed, will uniformly seek to carry out
these goals:

1. That government decisions and policy be made in the
proper channels of the governmental structure pursuant to the procedures
and restrictions established by the City of Chula Vista.
2. That public office not be used for personal gain.
3. That officials and employees avoid both actual and
potential conflicts between their private self-interest and the public
interest so as to prevent public suspicion of conflict and maintain
confidence in the integrity of government.

To assist public officials and employees in achieving these
goals there is hereby established a Code of Ethics for all such officials
and employees. The purpose of this Code is to establish ethical stand-
ards of conduct by setting forth those acts or actions that are incom-
patible to the best interests of the City and by directing disclosure by
such officials and employees of private financial or other interests in
matters affecting the City. Further, it is the purpose of this Code to

relieve officials and employees of the impossible task of judging themselves, and guiding them so as to avoid the problem of attempting to serve two masters and enabling them to carry out their roles as trustees and fiduciaries of the public interest.

Section 1.43. Responsibilities of Public Office.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the nation, state and municipality and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.

Section 1.44. Dedicated Service.

1. Loyalty. All officials and employees of this City should be loyal to the political objectives expressed by the electorate and the programs developed to attain these objectives. Appointive officials and employees should adhere to the rules of work and performance established as the standards for their position by the appropriate authority. Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

2. Political Activity. No official or employee, whether elected or appointed, shall promise an appointment to any municipal position as a reward for any political activity.

No official or employee, whether elected or appointed, shall use the prestige of his position by making verbal statements during the conduct of his official or public duties on behalf of any political party or any political candidate, or by indicating in any manner whatsoever during such times his opposition to or support of any political party, candidate, or by sending any written communication

utilizing city stationery or the official seal of the City of Chula Vista, or by otherwise indicating in such written communication that the position stated therein is stated by the official or employee in his capacity as an official or employee of the City of Chula Vista. This provision is not intended to restrict or limit any of the rights of political activity expressed in Section 809 of the Charter of the City of Chula Vista and, in fact, all employees and officials of the City are encouraged to take an active interest in the political affairs of the County, State and Nation, as a demonstration of their further dedication to the highest ideals of American citizenship.

Section 1.45. Fair and Equal Treatment.

1. Impartiality. No official or employee shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which is the general practice to grant or make available to the public at large.

2. Interest in Appointments. Canvassing of members of the Council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to municipal civil service shall disqualify the candidate for appointment, except with reference to positions filled by appointment by the Council.

3. Use of Public Property. No official or employee shall request, use or permit the use of, any publicly-owned or publicly-supplied property, vehicle, equipment, material, labor or service for the personal convenience of the private advantage of himself or any other person.

Section 1.46. Conflict of Interest. No Councilman or other official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or would tend to impair his independence of judgment or action in the performance of his official duties. Personal, as distinguished from financial, interest includes an interest arising from blood or marriage relationships or close business or political association. Special conflicts of interest are enumerated below for the guidance of officials and employees:

Incompatible Employment. No councilman or other official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties. In any instance where a private employer has matters to be considered by the City Council, a councilman, if employed by him, should abstain from voting on said matter and refrain from participating in the deliberations. In the event that said employment has only a remote relationship with the matter being considered by the Council, the councilman may, upon the approval of the Council, consider a vote on the matter if he shall first make full public disclosure of the nature and extent of such employment and services.

2. **Disclosure and Disqualification of Financial or Personal Interest.** Whenever the performance of his official duties shall require any official or employee to deliberate and vote on any matter involving his financial or personal interest, he shall publicly disclose the nature and extent of such interest and disqualify himself from participating in the deliberations as well as abstaining from voting.

3. **Representing Private Interests Before City Agencies or Courts:** No councilman or other official or employee whose salary is paid in whole or in part by the City shall appear in behalf of private interests before any agency of the City. He shall not represent private interests in any action or proceeding against the interests of the City in any litigation to which the City is a party. This paragraph shall not be construed as prohibiting the appearance of officials or employees when subpoenaed as witnesses by parties involved in litigation which also may involve the City of Chula Vista.

A councilman may appear before city agencies on behalf of constituents in the course of his duties as a representative of the electorate or in the performance of public or civic obligations. However, no councilman or other official or employee shall accept a retainer or compensation that is contingent upon a specific action by a city agency.

4. Gifts and Favors. No councilman or other official or employee shall accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the City; nor shall any such official or employee (a) accept any gift, favor, or thing of value that may tend to influence him in the discharge of his duties, or (b) grant in the discharge of his duties any improper favor, service, or thing of value.

5. Disclosure of Confidential Information. No official or employee shall, without prior formal authorization of the public body having jurisdiction, disclose any confidential information concerning any other official or employee, or any other person, or any property or governmental affairs of the municipality. Whether or not it shall involve disclosure, no official or employee shall use or permit the use of any such confidential information to advance the financial or personal interest of himself or any other person.

6. Contracts with the City. Any councilman or other official or employee who has a substantial or controlling financial interest in any business entity, transaction, or contract with the City, or in the sale of real estate, materials, supplies or services to the City shall make known to the proper authority such interest in any matter on which he may be called to act in his official capacity. He shall refrain from voting upon or otherwise participating in the transaction or making of such contract or sale. A councilman or other official or employee shall not be deemed interested in any contract or purchase or sale of land or other thing of value unless such contract or sale is approved, awarded, entered into, or authorized by him in his official capacity.

7. Disclosure of Interest in Legislation. A councilman who has a financial or other private interest in any legislation shall disclose on the records of the Council or other appropriate authority the nature and extent of such interest. This provision shall not apply if the councilman disqualifies himself from voting and does not participate in the deliberations. Any other official or employee who has a financial or other private interest, and who participates in discussion with or gives an official opinion to the Council, shall disclose on the records of the Council or other appropriate authority the nature and extent of such interest.

Section 1.47. Applicability of Code When a councilman or other official or employee has doubt as to the applicability of a provision of this Code to a particular situation, he should apply to the authority on ethical conduct constituted for the implementation of this Code for an advisory opinion and be guided by that opinion when given. The councilman or other official or employee shall have the opportunity to present his interpretation of the facts at issue and of the applicable provisions of the Code before such advisory decision is made. This Code shall be operative in all instances covered by its provisions except when superseded by an applicable statutory or charter provision and statutory or charter action is mandatory, or when the application of a statutory or charter provision is discretionary but determined to be more appropriate or desirable.

Section 1.48. Board of Ethics--Created. There is hereby created a Board of Ethics consisting of seven (7) members to be appointed by the City Council from the qualified electors of the City in the manner prescribed by and in accordance with the provisions of Section 600 et seq. of the City Charter. The members shall serve for a term of four (4) years except that the initial appointment of two (2) members shall be for a term of four (4) years, two (2) members shall be for a term of three (3) years, two (2) members shall be for a term of two (2) years, and one member for one (1) year, said terms to expire on each succeeding July 1, commencing with July 1, 1968 for the member whose initial term is designated for one year. Selection of initial terms for the members shall be undertaken by the Board of Ethics pursuant to the method determined by the Board. Each member shall serve until his successor is duly appointed and qualified and all vacancies shall be filled for the unexpired term of the member whose place has become vacant. The City Attorney and the Chief Administrative Officer shall be ex officio members of the Board but they shall have no vote. The City Attorney or his appointed representative shall act as secretary to the Board. The Board shall select a chairman from its membership annually. Four members shall constitute a quorum for the transaction of business. The Board shall adopt reasonable rules and regulations for the conduct of their business.

Section 1.49. Board of Ethics--Functions and Duties. It shall be the function of the Board of Ethics to implement the Code of Ethics adopted by the Council for public officers and employees. The duties of the Board shall be:

1. To receive and initiate complaints of violations of the Code of Ethics. All complaints shall be sworn and shall be in writing containing full allegation of facts which would constitute a violation of the Code.

2. To hear and investigate complaints and transmit the findings to the appropriate authorities or officers. In cases relating to civil service employees, the written findings shall be transmitted to the appointing authority and to the Civil Service Commission. In all other cases, findings shall be transmitted to the City Council.

3. To render advisory opinions or interpretations with respect to application of the Code, either on request or on its own initiative.

4. To propose revisions of the Code to assure its continuing pertinence and effectiveness.

Section 1.50. Board of Ethics--Meetings. The Board of Ethics will meet at the call of the Chairman, or in his absence, the Vice-Chairman, or a majority of the members of the Board.


Section 1.51. Sanctions. Violation of any provision of this Code should raise conscientious questions for the councilman or other official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the City. Violation may constitute a cause for suspension, removal from office or employment, or other disciplinary action

SECTION II: This ordinance shall take effect and be in force on the thirty-first day from and after its passage and approval.

Presented by



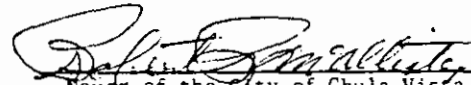
Approved as to form by




George D. Lindberg, City Attorney

ADOPTED AND APPROVED by the CITY COUNCIL of the CITY OF CHULA VISTA,
CALIFORNIA, this 28th day of February, 1967, by the following vote,
to-wit:

AYES: Councilmen Sparling, Sylvester, Anderson, McAllister, McCorquodale
NAYES: Councilmen None
ABSENT: Councilmen None


Mayor of the City of Chula Vista

ATTEST 
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, KENNETH P. CAMPBELL, City Clerk of the City of Chula Vista, California,
DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
_____, and that the same has not been amended
or repealed.

DATED: _____

City Clerk