

ORDINANCE NO. 2297

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING  
CHAPTER 2.28 OF THE CHULA VISTA MUNICIPAL CODE  
TO ADD A CODE OF ETHICS

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

SECTION I: That Chapter 2.28 of the Chula Vista  
Municipal Code is hereby amended to read as follows:

Sec. 2.28.010 Establishment of Code of Ethics.

The respected operation of democratic government emphasizes that public officials be independent, impartial, and responsible to the people. The public judges its government by the way public officials conduct themselves in the posts to which they are elected or appointed. All public officials should conduct themselves in a manner that will tend to preserve public confidence in, and respect for, the government represented. Such confidence and respect can best be promoted if every official, whether paid or unpaid, and whether elected or appointed, will seek to carry out these goals.

The purpose of this Code is to establish ethical standards of conduct by setting forth those acts or actions that are incompatible with the best interests of the City and by directing disclosure by such officials of private financial or other conflict of interests in matters affecting the City. Further, it is the purpose of this Code to assist the aforementioned officials in the task of judging themselves, so as to enable them to properly carry out their responsibilities as trustees and fiduciaries of the public interest.

Sec. 2.28.020 Application of Ordinance.

This chapter shall apply only to the City Council, board members and commissioners, the City Manager, the City Attorney and the City Clerk.

Sec. 2.28.025 Responsibilities of Public Office.

Public officials 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 a high standard of morality and to discharge faithfully the duties of their office, recognizing that the public interest must be a primary concern.

Sec. 2.28.030 Loyalty.

Loyalty. ~~All officials of this City should be loyal to the political objectives expressed by the electorate and the programs benevolent to all within these objectives.~~ Elected and appointive officials should adhere to the rules of work and performance established as the standards for their position by the appropriate authority. Officials should not exceed their authority or breach the law or ask others to do so.

Sec. 2.28.040 Fair and Equal Treatment.

Consistent with Charter Section 305, no official 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.

(Refer to Civil Service Commission for the hiring rules)

Sec. 2.28.050 Unethical Conduct.

1. **General Policy.** One of the highest callings is that of public service. With that service comes a requirement to conduct oneself in a manner above reproach, since the citizens of the community expect and deserve a high standard of conduct and performance. This Code of Ethics provides the following general guidelines and specific prohibitions to which City officials must conform in the pursuit of their assigned duties and responsibilities.

a. All City officials should endeavor to fulfill their obligations to the citizens of Chula Vista, city management and fellow employees through respect and cooperation. They should strive to protect and enhance the image and reputation of the City, its elected and appointed officials, and its employees. All citizens conducting business with the City shall be treated ~~equally~~ with courtesy, efficiency and impartiality and none shall receive special advantage beyond that available to any others. Officials shall always be mindful of the public trust and confidence in the daily exercise of their assigned duties, striving to conserve public funds through diligent and judicious management.

2. Specific Prohibitions. ~~These // additions // are representative // of // the // acts // which // constitute unethical conduct, but are not all inclusive~~

City officials (including nonpaid commission, board and committee members) shall be considered to have committed unethical conduct if any of the following occur:

- a. Used one's position or title for personal gain but not found to be an act of illegality or conflict of interest by the District Attorney, Grand Jury or Fair Political Practices Commission.
- b. Knowingly divulge confidential information for personal gain or for the gain of associates in a manner disloyal to the City.
- ~~c. Solicited // or // accepted // emoluments // excluding // meals exceeding // fifty // dollars // (\$50.00) // in // value // from any // individual // or // organization // doing // planning // or attempting // to // do // business // with // the // city~~
- c. Knowingly make false statements about members of the City Council or other City employees that tend to discredit or embarrass, those persons.
- d. Used or permitted the use of City time, personnel, supplies, equipment, identification cards/badges or facilities for unapproved non-City activities, except when available to the general public or provided for by administrative regulations.

- e. Ex-City officers who were compensated for services are barred for one year from directly representing any person, including themselves, for compensation, in any matter before those units of the City departments, boards, or commissions where they had direct responsibilities, functions, and influence during their public service.
- f. Endorsed or recommended for compensation any commercial product or service in the name of the city or in the employee's official capacity within the city without prior approval by a City Council policy.

Sec. 2.28.060 Advisory Opinions.

When a Councilmember or other official has doubt as to the applicability of a provision of this Code to a particular situation, written inquiry should be made to the Board of Ethics for an advisory opinion. Said person should be guided by that opinion when given. The Councilmembers or other officials shall have the opportunity to present their interpretation of the facts at issue and of the applicable provisions of the Code before such advisory decision is made.

Sec. 2.28.070 Creation of the Board of Ethics.

A Board of Ethics shall be created and appointed in accordance with Section 600 of the City of Chula Vista Charter and Chapter 2.28 of the Chula Vista Municipal Code.

Sec. 2.28.080 Purpose.

It is the purpose of this Board to advise the City Council of the City of Chula Vista on all matters relating to potential unethical conduct and to make such necessary and appropriate recommendations to the City Council for the implementation of the Code of Ethics and amendments thereto, which may become necessary from time to time. This Board will serve as a hearing body on all such matters and shall render impartial and objective opinions and insure that those covered by this ordinance are appropriately informed.

Sec. 2.28.090 Duties of the Board.

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 or initiate complaints of violations of the Code of Ethics. All complaints shall be sworn under penalty of perjury and shall be in writing, containing full allegation of facts which would constitute a violation of the Code. All alleged violations must be submitted within sixty (60) days of occurrence or when it should have been discovered with the exercise of reasonable diligence. Justification for any delay in filing complaints is the responsibility of the complainant.

For board action; complaints concerning unethical patterns of behavior must be received by the Board within sixty (60) days of the most recent event comprising the pattern of behavior complained of, or within sixty (60) days of when the last event should have been discovered with the exercise of reasonable diligence.

The Board will, in its discretion, limit the pattern of behavior to those events the Board feels are proximately related in time to be a part of the same pattern of behavior.

2. To hear and investigate complaints and transmit the findings and recommendations to the City Council.
3. To render advisory opinions or interpretations with respect to the 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. The affirmative vote of five (5) members of the board shall be necessary for it to find conduct to be unethical.

Sec. 2.28.100 Powers of the Board.

The Board of Ethics is authorized to receive complaints, conduct investigations upon complaints or information received, hold hearings, swear witnesses, render advisory opinions and adopt rules of procedure for the conduct of its business.

Sec. 2.28.110 Organization.

1. The Board shall be composed of seven members appointed by the City Council for a term of four years, as prescribed by the provisions of the City Charter and the Municipal Code of the City of Chula Vista. The City Council shall be required to submit the list of candidates to the Presiding Judge of the South Bay Municipal Court Judicial District and seek the judge's recommendation with regard to appointments.
2. The Board shall elect from its membership a chairman and a vice-chairman. The term of the chairman and vice-chairman shall be for the period of one year, commencing on July 1 each year. The chairman shall preside at all meetings. In the absence of the chairman at any meeting, the vice-chairman shall preside, and in the absence of both chairman and vice-chairman, the Board members present shall elect a chairman pro tempore for said meeting.
3. The City Attorney or an appointed representative shall act as secretary to the Board. The secretary shall cause notice of the meetings of the Board to be kept and distributed. The secretary shall also give appropriate and required written notice of all meetings to all members and persons having business before the Board.

Sec. 2.28.120 Meetings.

1. The Board of Ethics will hold meetings at the call of the chairman or the vice-chairman or a majority of the members of the Board. The Board shall hold at least one meeting per year.

Sec. 2.28.130 Order of Business.

The following shall be the order of business for all meetings:

1. Roll call of members.
2. Reading of minutes of previous meeting.
3. Amendment or approval of minutes of previous meeting.
4. Consideration of matters continued from previous meeting.
5. Consideration of new complaints or requests.
6. Consideration of proposed or existing state legislation in the field of ethics and amendments to the Code of Ethics of the City of Chula Vista.
7. Other business.
8. Oral communication.

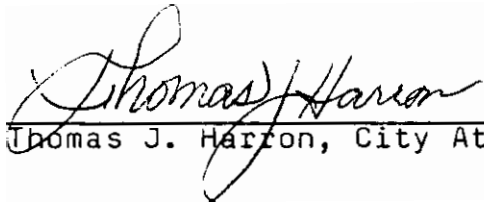
Sec. 2.28.150 Conduct of Hearing upon Complaint.

1. Upon receipt of a complaint or information as prescribed by the Code of Ethics, the Board shall determine by a majority vote if there is probable cause to believe a violation has occurred. The Board shall notify the officer alleged to have violated the Code of Ethics of the charges contained in the complaint or information immediately but shall not reveal the identity of the complainant until and unless it is determined that probable cause for such complaint exists. The officer shall be entitled to submit a statement to the Board of Ethics for consideration or may appear personally at such time as the issue of probable cause is to be discussed by the Board. If no probable cause is determined, the Board shall dismiss the matter summarily and notify interested parties in writing. If probable cause is determined, the Board shall take further investigatory and procedural steps necessary to resolve the matter.

2. If, after appropriate investigation or hearing, the Board shall find that a conflict of interest or a breach of ethics, as prohibited by the Code of Ethics, did or continues to exist, the Board shall forward its findings to the City Council to correct or rectify the condition that exists. Said notification shall be accompanied by a statement of facts and findings and recommendations.

SECTION II: This ordinance shall take effect and be in full force on the thirtieth day from and after its second reading and adoption.

Presented and Approved as to form by

  
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Thomas J. Harron, City Attorney

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CHULA VISTA  
CODE OF ETHICS

As an elected or appointed public official of the City of Chula Vista, California:

1. I will not use the city or its resources for private gain, political solicitation, or purposes other than official governmental business.
2. I will avoid conflicts of interest and the appearance of such conflicts.
3. I will not divulge or use for personal benefit confidential information obtained in the course of my duties.
4. I will not ~~accept~~ use my city position to seek or receive special favors for myself, family or friends.
5. I will report suspected corruption, ~~waste, and inefficiency~~ wherever discovered.
6. I will be guided in all my activities by truth, fair dealings, and good judgment.
7. I will recognize and promote the good performance of others.
8. I will promote the City of Chula Vista, this Code of Ethics, and be proud to have served as an elected or appointed public official.

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FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA, HELD February 14, 19 89, AND FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD February 21, 19 89, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen : McCandliss, Nader, Cox, Malcolm, Moore

NAYES: Councilmen : None

ABSTAIN: Councilmen : None

ABSENT: Councilmen : None

Gregory R. Cox  
Mayor of the City of Chula Vista

ATTEST Jennie M. Fulasz  
City Clerk

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

I, JENNIE M. FULASZ, CMC, 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 ORDINANCE NO. 2297, and that the same has not been amended or repealed.

DATED \_\_\_\_\_



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City Clerk