

RESOLUTION 18-169

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADOPTING IMPLEMENTATION GUIDELINES (SET ONE) TO ESTABLISH AND EXPAND UPON GOOD, PROPER AND EXPECTED CONDUCT OF ELECTED AND APPOINTED OFFICIALS TOWARDS CITY STAFF, EMPHASIZING A COUNCIL-MANAGER FORM OF GOVERNMENT, AS WELL DETAILING PROPER USE OF CITY PROPERTY

WHEREAS, the City's Code of Ethics regulates the appropriate behavior of the City Council (Section 2450 of the Carson Municipal Code) in order to protect employees. The Code of Ethics is intended to memorialize the trust that the people of Carson place into the hands of their elected officials to assure fair and equal treatment of all persons, claims and transactions. The Ethics Code requires that all Council members comply with the laws of the United States, the State of California and the Carson Municipal Code, as well as compliance with all City policies and practices. The Ethics Code sets forth ethical standards of behavior related to interactions with City staff; and

WHEREAS, the voters of the City of Carson at the November 6, 2018 general municipal election approved by a large margin the adoption of a new City of Carson Charter; and

WHEREAS, Section 202 of the new City of Carson Charter affirms the form of government for the City shall continue to be a "Council-Manager" form of government, meaning "the city council shall establish the policies of the City, and the city manager shall administer the government of the City in accordance with such policies," and consistent with Section 202, new City of Carson Charter provides in Section 307 that "neither the city council nor any of its members shall interfere with the execution by the city manager of his or her powers and duties, or order, directly or indirectly, the appointment by the city manager or by any of the department heads in the administrative service of the City, of any person to an office or employment, or his or her removal therefrom. Except for the purpose of inquiry, the city council and its members shall deal with the administrative service under the city manager solely through the city manager, and neither the city council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately, directly or indirectly."; and

WHEREAS, Rule 14 (Policy Role of Members) of the City's Code of Ethics, Section 2450 of Chapter 4, Article II of the Carson Municipal Code provides that Council members shall respect and adhere to the council-manager structure of Carson City government, and the City Council now desires to elaborate on Rule 14; and

WHEREAS, Rule 11 (Use of Public Resources) of the City's Code of Ethics, Section 2450 of Chapter 4, Article II of the Carson Municipal Code provides for the proper use of public resources, including City staff time, equipment, supplies and facilities, and the City Council now desires to elaborate on Rule 11; and

WHEREAS, Rule 3 (Conduct of Members) of the City's Code of Ethics, Section 2450 of Chapter 4, Article II of the Carson Municipal Code provides that Council members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives other members of the Council, commissions, boards and committees, the staff or the public, and the City Council now desires to elaborate on Rule 3; and

WHEREAS, a paramount duty of the City Council as elected representatives of the People of Carson is to promote and ensure the public health, safety and welfare, and as such the City Council affirms its unwavering commitment to the physical, emotional and mental well-being of all City staff and its officers; and

WHEREAS, City staff and employees working in non-public areas of City Hall have the right to expect a safe and productive workplace free from unwarranted interference by non-City staff and non-City employees; and

WHEREAS, the City has a duty to maintain the security of confidential and privileged information contained in City files, computers and equipment, and the right to deny general access to non-City staff to such confidential and privileged information.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The above recitals are true and correct and incorporated herein by this reference.

SECTION 2. In addition to rules established by federal, State and local law, the City Council adopts and establishes the following Implementation Guidelines (Set One) to further elaborate and clarify the City's Code of Ethics, contained in Section 2450 of Chapter 4 of Article II of the Carson Municipal Code, to govern conduct of all City elected officials towards City staff, to emphasize the Council-Manager form of government, as well as to better define and provide parameters for the use city property by City elected and appointed officials:

- 1) Access for Council members and guests of Council members are permitted to their individual Council Office and areas generally open to the public (City Hall Lobby, Community Center Parks).
- 2) Access to the City Council Lunch Room is for the City Council, City Council staff and Executive Staff members (for purposes of this provision, Executive Staff is comprised of City Manager, Assistant City Managers, Department Directors or the City Attorney or any designee of these individuals for purposes of attending closed session meetings) only. No City Council guests are permitted. Members of the public shall not be permitted into the Council Lunch Room. It is the duty of the individual Council members to discuss these rules with their guests.

- 3) Access to the City Council Restroom is for City Council and staff only. Council guests shall only use the public restrooms. It is the duty of the individual Council members to discuss these rules with their guests.
- 4) Access for Council members and their guests shall be prohibited to all Staff Offices and Work Areas (City Hall, City Yard and the Community Center Staff Offices and Work Areas).
- 5) Council members shall not be permitted in City staff break rooms.
- 6) City elected officials shall have access to the Executive Conference Room by appointment through the Executive Assistant during normal business hours. (Monday through Thursday, 7:00 a.m. to 6:00 p.m.) Council members may schedule after hour meetings in the Community Center and schedule community meetings at the Community Center or at the Parks through Community Services Department following standard procedures.
- 7) City elected officials have assigned parking spaces in the Main City Hall Parking Lot. Council members shall only park their vehicles in the assigned Council parking spaces. The parking area on the east side of City Hall with access to the City Hall basement is for the parking of City vehicles only.
- 8) The City Council is provided with a vehicle stipend and Council members shall not use City vehicles. In addition to the City vehicle prohibition, in no event shall City staff drive Council member's personal vehicles or be their personal driver or passenger.
- 9) As a general rule City Council members and appointed officials shall not meet with individual staff members regarding any City business without the presense of Executive Staff members (for purposes of this section, Executive Staff is comprised of City Manager, Assistant City Managers, Department Directors or the City Attorney) being present in the meeting. Conversations regarding City business from Council members to City staff should go through Department Directors. Futher, even in those conversations with Department Directors, Council members or appointed officials shall not provide any directives to such Department Directors. Any directive coming from Council members or appointed officials to City staff should only go through the City Manager.
- 10) Should there be a need for communications regarding City business between individual Council members or appointed officials and non-Executive Staff, without the presense of a Department Director (such as a short conversation regarding general information or inquiry purposes), such conversation shall only take place at public counters. Council members or appointed officials shall not summon non-Executive Staff as defined in section 9 above to their offices or corner or confront them in their work spaces.
- 11) The City Manager or respective Department Director should be informed if a City elected or appointed official meets with officials from other agencies or jurisdictions, or with developers, contractors, vendors or prospective contractors or vendors, regarding City business, to ensure proper staff support and to keep staff informed.

- 12) Non-City employees and non-City staff shall be strictly prohibited from using City equipment (e.g., computers, telephones, copy machines).
- 13) Elected and appointed officials, all City staff, departments heads and the City Manager shall be strictly prohibited from the use of interns, volunteers or staff who have not successfully completed both a criminal background check and post-offer employment physical as administered by the Carson Department of Human Resources and Risk Management.
- 14) Any person, who has been the subject of a restraining order (whether temporary or permanent), granted by a court of competent jurisdiction in favor of a City elected or appointed official or a city employee or in favor of the City in general, shall be prohibited from entering non-public areas of Carson City Hall for the duration of fifteen (15) calendar years from the date of issuance of that restraining order.

SECTION 3. This Resolution is effective on the day of its adoption.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Carson, California, at a regular meeting held on the ____ day of _____, 2018.

ATTEST:

Mayor Albert Robles

City Clerk Donesia Gause-Aldana

APPROVED AS TO FORM:

City Attorney Sunny K. Soltani