

CITY OF FAIRFIELD  
RESOLUTION NO. 2015-46

**A RESOLUTION OF THE CITY COUNCIL APPROVING AN AMENDED CODE OF CONDUCT AND FAIRFIELD CITY COUNCIL PROCESS AGREEMENTS**

**WHEREAS**, on June 6, 2006, the City Council adopted Resolution No. 2006-126 approving a Code of Conduct for the City Council and the City's Commissions; and

**WHEREAS**, at its January 2009 Annual Council Workshop, the Council adopted the Fairfield City Council Process Agreements establishing ground rules for the conduct of Council business; and

**WHEREAS**, at its February 2015 Annual Council Workshop, the Council reviewed the Code of Conduct and Fairfield City Council Process Agreements and directed that these two documents be updated with amendments directed by the Council.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF FAIRFIELD HEREBY RESOLVES:**

Section 1. The Code of Conduct is hereby amended and approved as set forth in Attachment A to this resolution.

Section 2. The Fairfield City Council Process Agreements is hereby amended and approved as set forth in Attachment B to this resolution.

**PASSED AND ADOPTED** this 17<sup>th</sup> day of March, 2015, by the following vote:

AYES: COUNCILMEMBERS: Price/Timm/Bertani/Moy/Vaccaro

NOES: COUNCILMEMBERS: Timm, Vaccaro

ABSENT: COUNCILMEMBERS: NONE

ABSTAIN: COUNCILMEMBERS: NONE

Nancy F. Price  
MAYOR

ATTEST:  
Karen L. Rees  
CITY CLERK

# CITY OF FAIRFIELD

## CODE OF CONDUCT

for members of City Council and Commissions

(As Amended on March 17, 2015)

### Preamble

The residents and businesses of Fairfield are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. The effective functioning of democratic government therefore requires that:

- Public officials, both elected and appointed, comply with both the letter and 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 confidential, in an atmosphere of respect and civility.

To this end, the Fairfield City Council has adopted a Code of Conduct for members<sup>1</sup> of the City Council and the City's commissions to assure public confidence in the integrity of local government and its effective and fair operation.

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<sup>1</sup> For ease of reference in the Code of Conduct, the term "member" refers to any member of the Fairfield City Council or any of the City's commissions established by the City Council.

**1. Act in the Public Interest**

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Fairfield and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the City Council and the City's commissions.

**2. Comply with the Law**

Members shall comply with the laws of the federal government, the State of California and the City of Fairfield in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the City Code; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

**3. Conduct of Members**

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Council and commissions, the staff or the public.

**4. Respect for Process**

Members shall perform their duties in accordance with the processes and rules of order established by the City Council and commissions governing the deliberation of public policy issues, the involvement of the public, and the implementation of policy decisions of the City Council by City staff.

**5. Conduct of Public Meetings**

Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

**6. Decisions Based on Merit**

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

**7. Communication**

Members shall publicly share substantive information that is relevant to a matter under consideration by the Council or commissions, which they may have received from sources outside of the public decision-making process.

**8. Conflict of Interest**

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

**9. Gifts**

Members shall report all gifts received as may be required by the Political Reform Act and its implementing regulations.

**10. Confidential Information**

Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interest.

**11. Use of Public Resources**

Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

**12. Representation of Private Interests**

In keeping with their role as stewards of the public interest, members of the Council shall not appear on behalf of the private interests of third parties before the Council or any commissions or proceedings of the City, nor shall members of commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

**13. Advocacy**

Members shall represent the official policies or positions of the City Council or commissions to the best of their ability when designated as delegates for their purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Fairfield, nor will they allow the inference that they do.

**14. Policy Role of Members**

Members shall respect and adhere to the council-manager structure of city government as provided by state law and the City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, commissions, and City staff.

Members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

**15. Independence of Boards and Commissions**

Because of the value of the independent advice of commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of commission proceedings.

**16. Positive Work Place Environment**

Members shall support the maintenance of a positive and constructive work place environment for City employees and for residents and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

**17. Implementation**

As an expression of the standards of conduct for members expected by the City, this Code of Conduct is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for candidates for City Council, applicants to commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming that they read and understand the City of Fairfield Code of Conduct.

## **Fairfield City Council Process Agreements** (As Amended on March 17, 2015)

### **1. Review Process for Putting Agenda Together as It Relates to Position of Items**

**Agreement:**

Controversial issues will be placed early in evening and noticed. Retain old business and then new business in agenda sequence. Currently have flexibility/latitude on council agenda to move items before other items. The goal is to move up items on the agenda that will attract large numbers of the public as soon as it is known there will be large number of people attending the meeting. Suggestion: Have a disclaimer on the agenda reading: "Depending on public interest, items may be moved forward in the agenda."

Level of Agreement: All councilmembers concurred with this agreement.

### **2. Process for Adding an Item to City Council Agenda**

**Agreement:**

If a councilmember wishes to add an item to the agenda of an upcoming council meeting, the member needs to go to the mayor to seek his/her concurrence for it to be added. If the mayor does not agree, then, at the next regular council meeting, the councilmember can bring up the request and seek one other member of the council to agree. If a second member agrees, then the item is listed on the agenda for the following council meeting.

Level of Agreement: All councilmembers concurred with this agreement.

### **3. Recognition and Presentations**

**Agreement:**

Presentations are put on the agenda with concurrence of the city manager or mayor. It is difficult to set a firm rule that will cover all situations. Mayor and city manager will use their best judgment on scheduling presentations and recognitions. Time limits shall normally be 5 to 10 minutes (made clear to all parties for presentations during council meetings). Presentations may be extended by special circumstances as needed. Exceptions can be made at city manager or mayor's discretion.

Level of Agreement: All councilmembers concurred with this agreement.

#### 4. Study Session Process

##### Agreement

The purpose of study sessions is to educate and inform the council on particular city issues and to encourage councilmembers to ask wide-ranging questions. The study session is the opportunity for the council to come together to discuss city issues among themselves. Study sessions have a different format than a council meeting.

- a. Staff will come to council in open session under the city manager's report prior to a scheduled study session to get council direction on the study session to be held. Staff will come to the open session with the list of topics for the study session for council review.
- b. Councilmember deadline for submitting questions to be answered prior to the study session is 8:00AM Thursday prior to Tuesday study sessions. Questions received after the deadline will be answered at the study session. Councilmembers expressed a desire to receive information in a timely manner. This process and timeline will be monitored and discussed at future council meetings.
- c. Staff will respond to questions via e-mail by the end of business Friday. Early questions give staff more time to respond. Background material must be manageable for all to have time to read.
- d. Councilmembers including the mayor can excuse themselves after 9:00PM; however, those who wish to continue may do so. Extensions after 9:00PM require a decision by the council to extend the session. This normally would be in 30-minute time blocks. Study sessions will end when there is no longer a quorum of the council or those present are not willing to extend the session.
- e. Time will be devoted at study sessions to discuss questions and issues. In some cases, the council may request a more detailed staff report. Normally, executive summary style of staff reporting will be used.

Two kinds of study sessions:

- Creates a chance for councilmembers to interact and have expanded dialog among each other. This allows open, free-wheeling dialog, as well as allowing councilmembers to ask questions among themselves. Councilmembers commit to coming to this type of study session prepared. Brief or no staff presentation in this type of study session.
- Provides an opportunity to educate constituents on an issue. Most likely the staff presentation would be longer for this type of study session. One example is budget presentation. Budget study sessions will be televised on Channel 26. Topics for study sessions will be chosen by the council. In addition, the council will regularly schedule a session to review progress on longer term on-going projects.

Level of Agreement: All councilmembers concurred with this agreement.

## **5. Amount of Staff Time and Resources Spent on Individual Councilmember Inquiries Before Requiring Council Concurrence**

### **Agreement:**

Ranking of priorities:

- a. Constituent: priority to get an answer right away.
- b. Small/simple question: OK to go ahead (city manager and city attorney alert council if it will take a significant amount of research.
- c. If significant work involved, there must be 2 votes to put it on the agenda for discussion and 3 votes to approve the work to be done.

On those occasions when a councilmember asks for information or research that costs a significant amount of money or takes a great deal of staff time, the city manager will first give the councilmember a brief summary reply of the issue and let the council know that any further information would likely take significant amounts of time, resources, and dollars and will need to be brought to the council as a whole. The council agreed to support the city manager in making these decisions and to review the effectiveness of this agreement and process periodically. When a councilmember does need to talk to a staff member to answer questions or provide information that does not require significant amounts of research the council understands that they will direct this question or concern to the department head of city manager first. Councilmembers understand that staff members need not interrupt their normal duties to respond to council requests unless the councilmember indicates it is an emergency.

If is further agreed that information requested by one councilmember will be shared with all councilmembers.

Level of Agreement: All councilmembers concurred with this agreement.

## **6. Chain of Command**

### **Agreement:**

Relationship of city council and staff: It is important to stay with the chain of command. City councilmembers should work through city manager and city attorney. Council is welcome to have contact with any city employee, but requests for information should go through the city manager and or executive management team.

Council agrees to stay within the chain of command. All councilmembers are free to speak with anyone within the organization as long as not directing them. Keep the city manager informed of contacts made.

Level of Agreement: All councilmembers concurred with this agreement.

## **7. Public Relations**

**Agreement:**

- a. Council is comfortable with current manner in which the mayor handles routine contacts with media regarding city business.
- b. Mayor will serve as the general spokesperson for the city.
- c. When council has not taken a position on an issue, neither the mayor nor any member of the council will speak on behalf of the council. In these situations, the mayor or councilmember will use a phrases like, "Council has not taken an official position. Personally this is what I think..."
- d. Councilmembers should not second-guess the city manager and staff. Staff can e-mail councilmembers on hot issues coming up but councilmembers should not confer with each other on the hot issue outside of council meetings.
- e. The council will develop a tool for more specific direction to council subcommittees and commission subcommittees. See attached form for reference.

Level of Agreement: All councilmembers concurred with this agreement.

**8. Placing Articles on Controversial Issues in Observer, Channel 26, and the City Website**

**Agreement:**

- a. Articles are to be impartial.
- b. Placement of political issues requires a council decision.
- c. If the political piece is approved, staff needs to produce it without city council input.
- d. Items need to be reviewed by the city attorney's office for impartiality in accordance with state law.

Level of Agreement: All councilmembers concurred with this agreement.

**9. Councilmembers Receiving Same Information**

**Agreement:**

All councilmembers will receive the same information.

Level of Agreement: All councilmembers concurred with this agreement.

**10. Ground Rules and Principles for City Councilmember Conduct at Council Meetings or Study Sessions**

**Agreement:**

Ground rules and principles

## DO AVOID

- Everyone has the right to be heard respectfully.
- Avoid wording or phrasing that tends to “shut members down” by characterizing them personally in a negative way or characterizing their ideas in a way that becomes personal.
- Avoid personal attack and language that is demeaning.
- Focus on the issue not the person. It is acceptable for the council to question issues, decisions, projects, and process but to not personalize this with regard to staff members in public session.
- Use phrases such as “I see it differently”. “My understanding is...” Avoid seeking to make the other person wrong or demeaning them. “You are wrong to believe...”

## DO

- Be careful how you say what you say and be aware of physical clues, body language. Avoid being too thin-skinned.
- Listen fully without interrupting.
- Avoid correcting others behavior in public settings, especially in two areas – relevance of comments to the topic and length of comments – this is the prerogative of the mayor/chair of the meeting.
- Let the mayor balance the tension between moving on in order to get through issues; AND creating the opportunity for members to explore the issue as needed to reach a decision.
- Allow the mayor to run the meeting. Councilmembers to direct their process concerns to the mayor for action.
- Avoid people moving beyond their roles or taking over the mayor’s role.
- Avoid pointing out ground rules to others and overlooking ground rules when topic is particularly important to you.
- Council agrees to have the mayor call for a recess when a situation is volatile.
- At public meetings, council should praise in public and criticize in private.

Level of Agreement: All councilmembers concurred with this agreement.

## 11. Council Appointments

### **Agreements:**

When a councilmember cannot attend a meeting of a committee, they will call their alternate in advance. Councilmembers also agreed to periodically report back to the full

council on their committee assignments. Councilmembers are welcome to attend committees on which they are not the designated representative or alternate as an observer (As a courtesy, try to notify representatives if possible). If 3 or more councilmembers are present at any of these meetings, the non-representative councilmembers must not participate in the meeting.

Level of Agreement: All councilmembers concurred with this agreement.