

CITY OF WESTMINSTER  
RESOLUTION NO. 5088

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF  
THE CITY OF WESTMINSTER ADOPTING CITY OF  
WESTMINSTER CODE OF ETHICS AND CONDUCT FOR  
ELECTED AND APPOINTED OFFICIALS

WHEREAS, the City Council adopted a Code of Ethics and Conduct policy at their meeting May 22, 2019; and

WHEREAS, the City Council desires to replace the current policy with a new policy entitled "City of Westminster Code of Ethics and Conduct for Elected and Appointed Officials" attached as Exhibit A ("Ethics Policy"); and

WHEREAS, the new Ethics Policy will ensure that all elected and appointed officials, while exercising their office, conduct themselves in an ethical manner that will instill public confidence and trust in the fair operation and integrity of Westminster's city government.

NOW THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The aforementioned Ethics Policy is hereby adopted, and will be used and followed by members of the City Council, Commissions, and Boards, as described therein and hereby included as Attachment "A".

SECTION 2. The adopting of this Resolution hereby repeals and rescinds any previously adopted Code of Ethics and Conduct for Elected and Appointed Officials Policy.

SECTION 3. The Mayor shall sign as to the passage, approval, and adoption of this Resolution.

SECTION 4. The Interim City Clerk shall certify to the passage and adoption of this resolution and shall affix their signature and City Seal and that same shall be entered into the Book of Resolutions.

PASSED, APPROVED AND ADOPTED this 8th day of December 2021.

CITY OF WESTMINSTER



TRI TA  
MAYOR

ATTEST:



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LUCIE COLOMBO, CMC, CPMC  
INTERIM CITY CLERK

EXHIBIT "A"



**City of Westminster**

**Code of Ethics and Conduct**

**For**

**Elected and Appointed Officials**

Table of Contents

Table of Contents .....2

Policy Purpose .....3

Definition of Member .....3

A.ETHICS ..... 3

B.CONDUCT GUIDELINES ..... 7

    1. Elected and Appointed Officials' Conduct with Each Other in Public Meetings7

    2. Elected and Appointed Officials' Conduct with the Public in Public Meetings  
    and Unofficial Settings .....8

    3. Elected and Appointed Officials' Conduct with City Staff.....9

    4. Council Conduct with Boards, Commission and Committees ..... 10

C.SANCTIONS..... 11

D.IMPLEMENTATION ..... 12

# EXHIBIT "A"

## Policy Purpose

The Westminster City Council adopts this Code of Ethics and Conduct to assure that all elected and appointed officials, while exercising their office, conduct themselves in an ethical manner that will instill public confidence and trust in the fair operation and integrity of Westminster's City government.

## Definition of Member

For purposes of this policy the members of the City Council, together with the members of any board, commission, committee established by formal action of the City Council ("board, commission or committee"), shall be hereinafter collectively referred to as "members" and individually as a "member."

## A. ETHICS

The citizens and businesses of Westminster are entitled to have fair, ethical and accountable local government. To this end, the public should have full confidence that their elected and appointed officials:

- Comply with both the spirit and letter of the laws and policies affecting the operations of the City's government;
- Are independent, impartial and fair in their judgment and actions;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, except in situations where confidentiality is appropriate and authorized by law.

Members should conduct themselves in accordance with the following ethical standards:

1. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, members should work for the common good of the people of Westminster and not for any private or personal interest, and provide for the fair and equal treatment of all persons, claims and transactions coming before them. Members will serve the community as servant leaders, putting aside self-interest and consider the needs of all residents. Members should seek to implement transparency and ethical practices, so as to ensure the public's trust and avoid any perception of wrong doing.
2. **Comply with both the spirit and the letter of the Law and City Policy.** Members shall comply with the laws of the nation, the State of California and the City of Westminster in the performance of their public duties.
3. **Conduct of Members.** The professional and personal conduct of members while exercising their office should be above reproach, and seek to avoid even the appearance of impropriety. Members should refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the City Council, of other boards, commissions or committees of the City, of staff or the public.

## EXHIBIT "A"

4. **Respect for Process.** Members shall perform their duties in accordance with any rules of order established by the City Council, and, as applicable, in accordance with any rules established by the board, commission or committee of which they are a member.
5. **Conduct at Public Meetings.** Members should prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand.
6. **Decisions Based on Merit.** Members should base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts peculiar to an individual case) members should maintain an open mind until the conclusion of the hearing on the matter, and should base their decisions on the facts presented at the hearing and the law.

No member should request or grant a special consideration, treatment, or advantage to any person beyond that which is available to every other citizen in similar circumstances or need.

7. **Communication.** In making decisions on adjudicative matters, members should consider only that information provided as part of the public hearing process. Members should seek to disclose any meetings they may have had with project applicants or opponents, or any other substantive information they may have received outside of the public hearing process.

Members shall comply with the requirements of the Ralph M. Brown Act ("Brown Act"). Members should avoid situations where a majority of their body meets together in the same time and place, except when authorized by law.

8. **Conflicts of Interest.**

- A. Members should seek to ensure their independence and impartiality on behalf of the common good, and their compliance with conflict of interest laws. Unless specifically authorized by law, members should not use their official positions to influence government decisions in which they have (a) a material financial interest, (b) a contractual interest, or (c) an impermissible personal bias (a completely closed mind).
- B. Members who believe they may have a conflict of interest regarding a particular decision should discuss the matter to the City Attorney to determine if an actual conflict exists. In questionable situations it may be appropriate to seek a formal written opinion from the Fair Political Practices Commission (FPPC) prior to participating in a decision. The member should provide the Mayor and the City Attorney with a copy of any written opinions they obtain, and should conform their participation to the advice given.

- C. Each year members shall file a Form 700, which requires the disclosure of designated

Resolution – Officials Code of Ethics & Conduct  
12/8/2021

## EXHIBIT "A"

investments, interests in real property, sources of income and gifts in accordance with the City's conflict of interest code. Where a conflict is determined to exist the member should disclose the conflict, leave the dais during the consideration of the item, and not otherwise seek to influence the decision in any way.

- D. Except as provided in Government Code Section 1090 et seq., no member shall have a financial interest in any contract made by the City, if the contract is to be considered by the City Council, or by any board, commission or committee of which they are a member.

In addition, during the consideration of any City contract and for three months thereafter, no member shall:

1. Have or acquire a financial interest in the contract at issue;
2. Have an interest in any business entity representing, advising, or appearing on behalf of any person involved in such contract with the City;
3. Solicit, negotiate or accept present or future employment with any person or business entity involved in the contract being considered by the City; or
4. Solicit, receive or grant a present or future gift, favor, service, or thing of value from or to any person involved in the contract being considered by the City. Gifts shall be subject to the rules, regulations, exemptions, and disclosure requirements set forth in the Political Reform Act.

9. **Hiring of Relatives.** No member shall attempt to influence the hiring, rate of pay, or appointment of any relative by the City. No relative of a member shall be hired into a position unless proper notification and advertisement has been made to insure all potential applicants receive an equal opportunity for employment. No relative of a member shall be hired into a position where one relative would have supervision or control over another.

A "relative" is defined as any person who is related to the member as their husband, wife, father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

10. **Gifts and Favors.** Members shall fully comply with the regulations, prohibitions and disclosure requirements set forth under law concerning the receipt of gifts, honorariums, and any other special favors. Members should refrain from accepting any gifts, favors or promises of future benefits where it might compromise their ability to act in the public's interest.
11. **Confidential Information.** Members must maintain the confidentiality of all closed session information and materials, and any other materials or verbal information which has been identified as being confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

## EXHIBIT "A"

12. **Use of Public Resources.** Members shall not use public resources for any personal purpose (e.g., City staff time, equipment, vehicles, supplies or facilities), whether political or otherwise. The use of public resources must always be tied with a valid public purpose.
13. **Representation of Private Interests.**
  - A. In keeping with their role as stewards of the public interest, while in office, members of the City Council shall not appear on behalf of the private interests of third parties before the City Council or any other subservient body of the City.
  - B. For a period of one year after leaving office, members of the City Council are prohibited from making any formal or informal appearances before the City, on behalf of third parties, in exchange for compensation, when it is for the purpose of trying to influence a legislative or administrative action involving a permit, license, grant, contract, or the purchase or sale of goods or property. Government Code 87406.3
14. **Advocacy.** Members should seek to represent the official policies or positions of the City Council, or of their respective board, commission or committee, to the best of their ability when designated as delegates for that purpose. Whenever a member chooses to express their individual opinions on a matter, they should make it clear when those comments do not represent the position of the body of which they are a member. Members should avoid making political endorsements during the course of a City meeting.
15. **Reporting Ethics.** Members should encourage others to report unethical issues in a manner that can be both anonymous and unbiased.
16. **Campaign Assistants.** Members should seek to ensure that individuals they have designated to represent their interests during political campaigns act within ethical best practices.



## B. CONDUCT GUIDELINES

The purpose of these conduct guidelines is to describe the manner in which elected and appointed members should seek to treat one another, City staff, constituents, and others they come into contact with, while representing the City.

### 1. Members' Conduct with Each Other

Members are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the community. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue.

#### a) *Honor the role of the chair in maintaining order*

It is the responsibility of the chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement concerning any matter, those objections should be voiced politely and with reason, following the adopted parliamentary guidelines.

The Mayor or Chairperson has the responsibility to run an efficient public meeting, and has the discretion to modify the process in order to make a meeting run smoothly. Members should endeavor not to express opinions during the public hearing portion of a meeting, except to ask pertinent questions of the speaker or staff. "I think" and "I feel" comments by members should wait until after the close of the public hearing. Members should refrain from arguing or debating with the public during a public hearing, and should show respect for different points of view.

#### b) *Practice civility and decorum in discussions and debate*

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information, are legitimate elements of debate by a free democracy in action. However, free debate does not require nor justify the making of belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. Members should endeavor to keep each other accountable for professional decorum. Do not interrupt or speak over others, striving to understand various perspectives and opinions while encouraging cooperation and collaboration.

#### c) *Demonstrate effective problem-solving approaches*

Members have a public stage, and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

#### d) *Be prepared, punctual and on topic*

All members have made a commitment to attend meetings and partake in discussions. Therefore, it is important that all members seek to be punctual and for meetings to start on time. It is equally important that discussions be relative to the topic currently at hand, so as to allow sufficient time to fully discuss the issues on the agenda. Members should do their best to prepare in advance, and to be familiar with issues on the agenda.

## 2. Members' Conduct with the Public

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

a) *Be welcoming to speakers and treat them with care and gentleness*

While questions of clarification may be asked, the official's primary role during public testimony is to listen.

b) *Be fair and equitable in allocating public hearing time to individual speakers*

The chair will follow the pre-established time allocation for each speaker, and seek to apply them equally to every speaker in a fair and impartial manner. If there is a need to shorten the allotted time for speakers, the chair should announce those limits prior to the start of the agenda item whenever possible.

c) *Practice active listening*

Members should seek to demonstrate active listening and interest in each speaker's presentation, and to avoid any pessimistic body language.

d) *Maintain an open mind*

Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.

e) *Ask for clarification, but avoid debate and argument with the public*

Members should not interrupt a speaker during a presentation. However, a member can respectfully ask the chair for a point of order if a speaker is off the topic or exhibiting behavior or language the member finds disturbing.

## EXHIBIT "A"

### 3. Members' Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

a) *Treat all staff as professionals*

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

c) *Govern, do not direct*

The Mayor and Council Members' role is to set policy and not to provide day to day direction to city employees. Questions of City staff and/or requests for additional information shall be directed to the City Manager, unless the City Manager indicates otherwise. Materials supplied to a member in response to a request will be made available to all members of the same body, so that all members have equal access to the same information.

c) *Do not disrupt City staff from their jobs*

Members should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Members should not attend City staff meetings, unless requested by staff.

d) *Never publicly criticize an individual employee*

Members should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Complaints about the City Manager should be made to the Mayor and/or the City Attorney.

e) *Do not get involved in administrative functions*

Members acting in their individual capacity should not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

f) *Do not solicit political support from staff*

Members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, other campaign related assistance, etc.) from City staff while they are working. City staff have the constitutional right to support political candidates of their own choosing, but all such activities must be done on the employee's own time, away from the workplace, and not in uniform.

g) *No Attorney-Client Relationship*

The City Attorney represents the City and not any individual members.

## EXHIBIT "A"

### 4. Council Conduct with Other Board, Commission and Committee Members

The City Council has established several boards, commissions and committees as a means to assist the Council in decision making, and in gathering more community input. Citizens who serve as members of the City's various boards, commissions and committees, become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

a) *If attending a Board, Commission or Committee meeting, be careful to only express personal opinions*

Council Members may attend any board, commission or committee meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation could be viewed as unfairly affecting the process.

b) *Limit contact with Board, Commission and Committee members to questions of clarification*

It is acceptable for Council Members to contact board, commission or committee members. However, it would be inappropriate to lobby one of these members on behalf of an individual, business, or developer, and vice versa.

c) *Members of Boards, Commissions and Committees serve the community, not individual Council Members*

The City Council appoints individual members to serve on boards, commissions and committees, and it is the responsibility of those members to follow policy established by the Council. But the public interest is best protected if individual board, commission or committee members do not feel as though they are beholden to the interests of a particular Council Member that appointed them. Therefore, Council Members should encourage board, commission or committee members to act independently, and not threaten to remove them in situations where they disagree about an issue. Appointments and re-appointments to boards, commissions and committees should be based on such criteria as the member's expertise, ability to work with staff and the public, and commitment to fulfilling official duties.

d) *Be respectful of diverse opinions*

A primary role of board, commission and committee members is to represent the many points of view in the community, and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council Members may have a closer working relationship with some individual members, but they should be fair and respectful of every citizen who chooses to serve as a member of one of the City's boards, commissions or committees.

e) *Keep political support away from public forums*

Board, commission and committee members have the right to offer their political support to a Council Member in their private capacity, but not while conducting official City duties. Likewise, Council Members may support any board, commission or committee member who may be running for office, but such support should not be expressed during the course of any City funded meeting.

## C. SANCTIONS

Where an individual member is observed to be violating the terms of this policy, the member who observes the violation should attempt to inform the offending member of their concerns privately and in a respectful manner. If the violations continue, the matter should be referred to the chair, and then to the entire membership of the body in question. If the violations persist, the matter should be referred to the City Council.

Members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the City Council. Serious infractions could lead to additional sanctions as deemed appropriate by the City Council.

In situations where the alleged behavior is sufficiently serious, but is outside of the observed behaviors of any particular Council Member, the Mayor or the City Council may ask the City Manager and/or the City Attorney to investigate the allegation and report the findings to the City Council. The Council will then have sole discretion to determine what the next appropriate action will be. These actions may include, but are not limited to: discussing and counseling the individual on the violations; recommending sanction to the full City Council to consider in a public meeting; or forming a City Council ad hoc subcommittee for the purpose of reviewing the allegations and any investigation which was conducted, and to recommend options for City Council consideration.

## D. IMPLEMENTATION

This Code of Ethics and Conduct is an expression of the standards of conduct expected to be practiced by Mayor and members of the City Council, and by the appointed members of the City's boards, commissions and committees. It 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, this document shall be included in the orientations for any new members of the City Council, and for any new members of the City's boards, commissions and committees. Members entering office shall sign a statement (example below) acknowledging they have read and understand the Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be periodically reviewed by the City Council, boards, committees and commissions, and shall be updated as determined to be appropriate by the City Council.

Example:

I affirm that I have read and understand the City of Westminster Code of Ethics and Conduct for Elected and Appointed Officials.

Name:..... Position:.....

Signature:\_\_\_\_\_ Date:\_\_\_\_\_

**CITY OF WESTMINSTER  
CITY CLERK'S OFFICE**

**CERTIFICATION  
OF  
RESOLUTION**

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.  
CITY OF WESTMINSTER )

I, LUCIE COLOMBO, CMC, CPMC, Interim City Clerk of the City of Westminster, do hereby certify that the foregoing Resolution No. 5088 was duly passed and adopted by the City Council of the City of Westminster at a regular meeting held on the 8<sup>th</sup> day of December 2021, with the following vote:

AYES:	COUNCIL MEMBERS:	DO, HO MANZO
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	TA, NGUYEN

  
\_\_\_\_\_  
Lucie Colombo, CMC, CPMC  
Interim City Clerk

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