

## City of Bell Ethics Requirements for Public Employees

### Requirements for Council Members<sup>1</sup>

#### **Conflicts of interest:**

Members of the city council are encouraged to minimize their extra-meeting contacts with people or groups who will be the subject of a public hearing before the council,<sup>2</sup> and are prohibited from expressing any viewpoints or thought processes to such person should an extra-meeting contact occur,<sup>3</sup> and are required to disclose any such contacts at the commencement of the public hearing.<sup>4</sup> They are also prohibited from influencing decisions where they have an organizational or personal relationship that would present a conflict of interest.<sup>5</sup> They may not have a financial interest in a contract made in their official capacity.<sup>6</sup> They may not represent a third-party before the Council.<sup>7</sup>

Council members may not in any way influence a decision in which the member has a financial interest unless their participation is legally required for the decision to be made (breaking a tie vote is not “legally required” action; for a definition of legally required action, see California Regulatory Code Section 18705).<sup>8</sup> A member generally has a financial interest in actions affecting businesses or property owned by the member, a family member, or an agent, or affecting a source of income of the member, or affecting a person who has given the member a gift or an agent of such a person; for a more specific definition of “financial interest”, see California Government Code, Section 87103 and 87103.5 and California Code of Regulations Section 18702 through 18702.5. Council members must furthermore identify their financial interests publicly and leave the room during deliberations and voting, though they may speak during the public comment period as an interested citizen.<sup>9</sup>

#### **Disclosures:**

Members are required to disclose investments, interests in real estate, and sources of income whenever they declare their candidacy for the office in question,<sup>10</sup> assume office,<sup>11</sup> or leave office,<sup>12</sup> and on April 1 of every year while in office.<sup>13</sup> For specific information about what must be disclosed, what information must be included, and when disclosures must be made, see Cal. Gov. Code Section 87200-210.

#### **Gifts:**

Council members shall not take advantage of services or opportunities not available to the general public nor accept gifts that might compromise or appear to compromise their judgment.<sup>14</sup>

Council members are prohibited from accepting gifts from any single source during any calendar year that total more than \$460<sup>15</sup> in value, unless those gifts are:

1. Reimbursements for travel, provided they meet certain criteria; for a listed of covered travel expenses, see California Government Code Section 89506.

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<sup>1</sup> For Campaign Finance Requirements, see Cal. Gov. Code Sections 84100-85802 and 89510-89522 as well as California Regulatory Code Sections 18401-18572

<sup>2</sup> City of Bell Manual of Procedural Guidelines For the Conduct of City Council and Constituent Body/Commission meetings 8.4(a).

<sup>3</sup> Manual of Procedural Guidelines 8.4(b).

<sup>4</sup> Manual of Procedural Guidelines 8.4(c).

<sup>5</sup> Manual of Procedural Guidelines 9.7.

<sup>6</sup> Manual of Procedural Guidelines 9.8.

<sup>7</sup> City of Bell Personal Code of Conduct for Members of the City Council 14.

<sup>8</sup> Cal. Gov. Code Section 87100.

<sup>9</sup> Cal. Gov. Code Section 87105.

<sup>10</sup> Cal. Gov. Code Section 87201.

<sup>11</sup> Cal. Gov. Code Section 87202.

<sup>12</sup> Cal. Gov. Code Section 87204.

<sup>13</sup> Cal. Gov. Code Section 87203.

<sup>14</sup> Code of Conduct 11.

<sup>15</sup> This amount is adjusted annually, current amount set by California Regulatory Code 18940.2.

2. Wedding gifts and gifts exchanged for birthdays, holidays and similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.<sup>16</sup>

Valuation of gifts is generally determined by the fair market value of the gift at the time the gift was received; for information on determining the value of gifts in special cases or where fair market value cannot be ascertained, see California Regulatory Code Section 18946-18946.5. Any food, entertainment, or nominal benefits provided by the host of an event are considered “gifts”.<sup>17</sup> The value, for reporting purposes, of a wedding gift given to the council member as well as to his or her spouse is one-half of the gift’s total value.<sup>18</sup>

### **Post-Government Employment:**

For a period of one year after leaving office, council members may not represent any third-party before the council for the purpose of influencing administrative or legislative action, unless the third-party is another government agency.<sup>19</sup> They also may not influence a governmental decision directly relating to any prospective employer with whom the council member is negotiating or has arranged prospective employment.<sup>20</sup>

### **Nepotism:**

The city council may not appoint anyone to a full-time salaried position who is a relative of any council member, by blood or marriage, within the third degree (parent, sibling, child, uncle, aunt, nephew, niece, grandparent, grandchild, half-sibling, first cousin, great-grandparent, great-grandchild, etc.).<sup>21</sup>

## **Requirements for City Managers, City Attorneys, City Treasurers, Director of Finance<sup>22</sup> and any other employees who manage public investments**

### **Conflicts of interest:**

These officials may not in any way influence a decision in which the official has a financial interest unless their participation is legally required for the decision to be made (breaking a tie vote is not “legally required” action; for a definition of legally required action, see California Regulatory Code Section 18705).<sup>23</sup> An official generally has a financial interest in actions affecting businesses or property owned by the official, a family member, or an agent, or affecting a source of income of the official, or affecting a person who has given the official a gift or an agent of such a person; for a more specific definition of “financial interest”, see California Government Code, Section 87103 and 87103.5 and California Code of Regulations Section 18702 through 18702.5. These officials must identify their financial interests publicly and leave the room during deliberations and voting, though they may speak during the public comment period as an interested citizen.<sup>24</sup>

The City Employee Code of Ethics requires city employees to, among other things, make unbiased decisions, use their authority fairly, refrain from using City of Bell resources or their position for personal gain, and be mindful of how their actions may be perceived by others.<sup>25</sup>

### **Disclosures:**

These officials are required to disclose investments, interests in real estate, and sources of income whenever they declare their candidacy for the office in question,<sup>26</sup> assume office,<sup>27</sup> or leave office,<sup>28</sup> and on April 1 of every year while

<sup>16</sup> Cal. Gov. Code Section 89503.

<sup>17</sup> California Regulatory Code Section 18942.

<sup>18</sup> California Regulatory Code Section 18946.3.

<sup>19</sup> Cal. Gov. Code Section 87406.3.

<sup>20</sup> California Regulatory Code Section 18747.

<sup>21</sup> City of Bell Charter Section 710.

<sup>22</sup> The Director of Finance is not mentioned specifically in Cal. Gov. Code 87200; however, City of Bell Resolution 2013-48 found that he or she falls under the category of, “Other officials who manage public investments.”

<sup>23</sup> Cal. Gov. Code Section 87100.

<sup>24</sup> Cal. Gov. Code Section 87105.

<sup>25</sup> City of Bell Employee Code of Ethics.

<sup>26</sup> Cal. Gov. Code Section 87201.

in office.<sup>29</sup> For specific information about what must be disclosed, what information must be included, and when disclosures must be made, see California Government Code Section 87200-87210.

The Employee Code of Ethics for the City of Bell requires that all employees uphold policies in a transparent manner.<sup>30</sup>

### **Gifts:**

These officials are prohibited from accepting gifts from any single source during any calendar year that total more than \$460<sup>31</sup> in value, unless those gifts are:

1. Reimbursements for travel, provided they meet certain criteria; for a listed of covered travel expenses, see California Government Code Section 89506.

2. Wedding gifts and gifts exchanged for birthdays, holidays and similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.<sup>32</sup>

Valuation of gifts is generally determined by the fair market value of the gift at the time the gift was received; for information on determining the value of gifts in special cases or where fair market value cannot be ascertained, see California Regulatory Code Section 18946-18946.5. Food, entertainment, and nominal benefits provided by the host of an event are considered “gifts”.<sup>33</sup> The value, for reporting purposes, of a wedding gift given to the official as well as to his or her spouse is one-half of the gift’s total value.<sup>34</sup>

### **Post-Government Employment:**

The City Manager is prohibited, for a period of one year after leaving office, from representing any third-party before an agency of the City government, unless that third-party is another government agency.<sup>35</sup>

All of these officials are prohibited from in any way influencing a governmental decision directly relating to a prospective employer with whom they are negotiating or have arranged prospective employment.<sup>36</sup>

### **Nepotism:**

These officials may not appoint anyone to a full-time salaried position who is a relative of that official, by blood or marriage, within the third degree (parent, sibling, child, uncle, aunt, nephew, niece, grandparent, grandchild, half-sibling, first cousin, great-grandparent, great-grandchild, etc.).<sup>37</sup>

## **Requirements for all other employees of Bell:**

### **Conflicts of interest:**

Employees may not in any way influence a decision in which that employee has a financial interest unless their participation is legally required for the decision to be made (breaking a tie vote is not “legally required” action; for a definition of legally required action, see California Regulatory Code Section 18705).<sup>38</sup> An employee generally has a financial interest in actions affecting businesses or property owned by the employee, a family member, or an agent, or

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<sup>27</sup> Cal. Gov. Code Section 87202.

<sup>28</sup> Cal. Gov. Code Section 87204.

<sup>29</sup> Cal. Gov. Code Section 87203.

<sup>30</sup> Code of Ethics.

<sup>31</sup> This amount is adjusted annually, current amount set by California Regulatory Code 18940.2.

<sup>32</sup> Cal. Gov. Code Section 89503.

<sup>33</sup> Cal. Regulatory Code Section 18942.

<sup>34</sup> California Regulatory Code Section 18946.3.

<sup>35</sup> Cal. Gov. Code Section 87406.3.

<sup>36</sup> California Regulatory Code Section 18747.

<sup>37</sup> Bell Charter Section 710.

<sup>38</sup> Cal. Gov. Code Section 87100.

affecting a source of income of the employee, or affecting a person who has given the employee a gift or an agent of such a person; for a more specific definition of “financial interest”, see California Government Code, Section 87103 and 87103.5 and California Code of Regulations Section 18702 through 18702.5.

The City Employee Code of Ethics requires city employees to, among other things, make unbiased decisions, use their authority fairly, refrain from using City of Bell resources or their position for personal gain, and be mindful of how their actions may be perceived by others.<sup>39</sup>

### **Disclosures:**

Certain employees must make disclosures upon assuming office, upon leaving office, and before April 1 of each year while in office; for a list of these positions and their disclosure requirements, see California code of Regulations Section 18730 and City of Bell Resolution No. 2013-48.

The Employee Code of Ethics for the City of Bell requires that all employees uphold policies in a transparent manner.<sup>40</sup>

### **Gifts:**

Other employees are prohibited from accepting gifts from any single source that total more than \$460<sup>41</sup> if they would be required to disclose income or gifts from that source; for a list of these officials and the disclosures they are required to make, see City of Bell Resolution 2013-48. This prohibition does not apply to:

1. Reimbursements for travel, provided they meet certain criteria; for a listed of covered travel expenses, see California Government Code Section 89506.

2. Wedding gifts and gifts exchanged for birthdays, holidays and similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.<sup>42</sup>

Valuation of gifts is generally determined by the fair market value of the gift at the time the gift was received; for information on determining the value of gifts in special cases or where fair market value cannot be ascertained, see California Regulatory Code Section 18946-18946.5. Food, entertainment, and nominal benefits provided by the host of an event are considered “gifts.”<sup>43</sup> The value, for reporting purposes, of a wedding gift given to the official as well as to his or her spouse is one-half of the gift’s total value.<sup>44</sup>

### **Post-government employment:**

No employee shall in any way influence a governmental decision directly relating to any prospective employer with whom the employee is negotiating or has arranged prospective employment.<sup>45</sup>

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<sup>39</sup> Code of Ethics.

<sup>40</sup> Code of Ethics.

<sup>41</sup> This amount is adjusted annually, current amount set by California Regulatory Code 18940.2.

<sup>42</sup> Cal. Gov. Code Section 89503.

<sup>43</sup> California Regulatory Code Section 18942.

<sup>44</sup> California Regulatory Code Section 18946.3.

<sup>45</sup> California Regulatory Code Section 18747.