

RESOLUTION NO. 2004-76

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, ESTABLISHING A CODE OF  
CONDUCT FOR COUNCILMEMBERS.

WHEREAS, the City of Fresno is interested in establishing a framework for day-to-day actions and decision-making by Councilmembers; and

WHEREAS, a Code of Conduct provides such a framework; and

WHEREAS, a Code of Conduct serves:

- a. To increase public confidence in City government; and
- b. To assist Councilmembers with decision-making; and
- c. To encourage high standards of behavior by Councilmembers.

WHEREAS, a Code of Conduct can represent a commitment to uphold a standard of integrity beyond that required by law.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno that it hereby establishes a code of conduct as follows:

CODE OF CONDUCT OF THE FRESNO CITY COUNCIL

A. ETHICAL CONSIDERATIONS

- 1. **Comply with Law.** Councilmembers shall comply with all applicable laws in the performance of their public duties.
- 2. **Conduct of Councilmembers.** The professional and personal conduct of members must be above reproach and avoid the appearance of impropriety. While it is understood that Councilmembers enjoy First Amendment rights, they should refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Council, boards,

Adopted \_\_\_\_\_  
Approved \_\_\_\_\_  
Effective \_\_\_\_\_

3/9/04

commissions, staff, or the public that is intended to disrupt and not further the City's business.

3. **Respect for Process.** Councilmembers shall perform their duties in accordance with the processes and rules of order established by Council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Council by City staff.
4. **Decisions Based on Merit.** Councilmembers shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
5. **Conflict of Interest.** In order to assure their independence and impartiality in the City's best interest, Councilmembers shall not use their official positions to influence decisions in which they have a conflict of interest.
6. **Gifts and Favors.** Councilmembers shall follow the laws that apply to the acceptance of gifts or favors as a public official.
7. **Confidential Information.** Councilmembers 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 interests.
8. **Use of Public Resources.** Councilmembers shall not use public resources, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

9. **Advocacy.** Councilmembers shall represent the official policies or positions of the Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Councilmembers shall explicitly state they do not represent the opinion of the entire Council.

10. **Positive Work Place Environment.** Councilmembers shall support the maintenance of a positive and constructive work place environment for City employees, private citizens and businesses dealing with the City. Councilmembers shall recognize their role in individual dealings with City employees.

B. GENERAL REQUIREMENTS FOR ALL COUNCILMEMBERS

All members of the Council, including those serving as President and Acting President, have equal votes. No Councilmember has more power than any other, and all shall be treated with equal respect. Councilmembers shall:

1. Demonstrate honesty and integrity in every action and statement.
2. Comply with both the letter and spirit of the laws and policies affecting the operation of City government.
3. Serve as a model of leadership and civility to the community.
4. Inspire public confidence in City of Fresno government.
5. Work for the City's best interest and not personal interest.
6. Prepare in advance of Council meetings and be familiar with issues on the agenda.

7. Fully participate in Council meetings and other public forums while demonstrating respect, consideration, and courtesy to others.
8. Become familiar with Council Rules of Procedure and this Code of Conduct.
9. Be responsible for the highest standards of respect, civility and honesty in ensuring the effective maintenance of intergovernmental relations.
10. When communicating with representatives of other governmental entities or constituents, indicate, if appropriate, that the views are their own, and may not represent those of the entire Council.

#### C. COUNCILMEMBERS CONDUCT WITH ONE ANOTHER

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. All have chosen to serve in public office in order to improve the quality of life in the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.

1. In Public Meetings:
  - a. 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 a free democracy in action. Be respectful of diverse opinions.
  - b. Honor the role of the presiding officer in maintaining order and equity. Respect the Council President's efforts to focus discussion on current agenda items. Objections to the presiding officer's actions should be voiced politely and with reason.

- c. Demonstrate effective problem-solving approaches. Councilmembers have a public forum to show how individuals with different points of view can find common ground and seek a compromise that benefits the community as a whole. Councilmembers are role models for residents, business people and other stakeholders involved in public debate.
- d. Be respectful of other people's time. Stay focused and act efficiently during public meetings.

2. In Private Encounters:

Treat others with respect to maintain public confidence in governmental affairs.

D. PROCEDURAL CONSIDERATIONS

1. Commit to annually review important procedural materials. At the beginning of each year, the Council will hold a special meeting to review the Council Rules of Procedure, this Code of Conduct, the Brown Act, conflicts of interest, and other important procedural materials.
2. Commit not to politicize procedural issues (e.g. minutes approval or agenda order) for strategic purposes.
3. Endeavor to submit questions on Council agenda items ahead of the meeting so that staff can be prepared to respond at the Council meeting. Any clarifications or technical questions that can be readily answered should be handled before the meeting.
4. The Council President will work with the City Manager, City Attorney, and City Clerk at the agenda meetings. The purpose shall be: (a) to allow for an

orderly agenda; (b) to identify any issues or questions that may need greater staff preparation for the meeting; and (c) to discuss future agenda meetings.

E. ENFORCEMENT. Councilmembers have the primary responsibility to assure that this Code of Conduct is followed, so that the public can continue to have full confidence in the integrity of government. As an expression of the standards of conduct expected by the City for Councilmembers, the Code of Conduct is intended to be self-enforcing. It will be most effective when Councilmembers are thoroughly familiar with it and embrace its provisions. For this reason, Councilmembers entering office will be asked to sign a statement affirming they have read and understood the Council Code of Conduct. In addition, the Code of Conduct shall be annually reviewed and updated as necessary.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 9th day of March, 2004.

AYES : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo  
NOES : None  
ABSENT : None  
ABSTAIN : None

REBECCA E. KLISCH  
City Clerk

BY: Rebecca E Klisch  
Deputy

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY: Hilla Conita Montez  
City Attorney

HCM:pn[29506pn/reso]-01/26/04

RESOLUTION NO. 2012-211



A RESOLUTION OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, AMENDING THE ESTABLISHED  
CODE OF CONDUCT FOR COUNCILMEMBERS AS ADOPTED  
BY RESOLUTION 2004-76.

WHEREAS, on March 9, 2004, Council adopted Resolution 2004-76 establishing the Code of Conduct for Councilmembers; and

WHEREAS, the Code of Conduct for Councilmembers provides the framework for day-to-day actions and decision-making by Councilmembers; and

WHEREAS, Section B., of the Code of Conduct provides the general requirements for all Councilmembers; and

WHEREAS, Council desires to amend Section B., of the Code of Conduct to add the City Attorney's recommendations to implement additional safeguards that will maintain the confidentiality of attorney-client communications and the Attorney-Client Privilege as applied to Councilmembers and their Chiefs of Staff; and

WHEREAS, Council desires to amend the Code of Conduct to add the City Attorney's recommendations to maintain the confidentiality of attorney-client communications, including memorandums, Closed Session discussions and information contained in Closed Session binders as applied to Councilmembers and their Chiefs of Staff.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno that the Code of Conduct of Councilmembers dated March 9, 2004, as adopted by Resolution 2004-76 be amended as follows:

Date Adopted: 11/29/2012  
Date Approved: 11/29/2012  
Effective Date: 11/29/2012



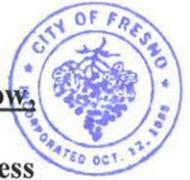
1. B. GENERAL REQUIREMENTS FOR ALL COUNCILMEMBERS

All members of the Council, including those serving as President and Acting President, have equal votes. No Councilmember has more power than any other, and all shall be treated with equal respect. Councilmembers shall:

1. Demonstrate honesty and integrity in every action and statement.
2. Comply with both the letter and spirit of the laws and policies affecting the operation of City government.
3. Serve as a model of leadership and civility to the community.
4. Inspire public confidence in City of Fresno government.
5. Work for the City's best interest and not personal interest.
6. Prepare in advance of Council meetings and be familiar with issues on the agenda.
7. Fully participate in Council meetings and other public forums while demonstrating respect, consideration, and courtesy to others.
8. Become familiar with Council Rules of Procedure and this Code of Conduct.
9. Be responsible for the highest standards of respect, civility and honesty in ensuring the effective maintenance of intergovernmental relations.
10. When communicating with representatives of other governmental entities or constituents, indicate, if appropriate, that the views are their own, and may not represent those of the entire Council.

**11. Councilmembers and their designated Chiefs of Staff shall maintain the Confidentiality of Attorney-Client Communications, and any discussions protected by the Attorney-Client Privilege:**

- a. **Only the Councilmembers and their designated Chiefs of Staff shall have access to attorney-client confidential communications. Initially,**



Councilmembers, Chiefs of Staff, and other designees as discussed below, will be required to sign a Confidentiality Agreement, which will address the obligations to maintain the confidentiality of all future attorney-client communications. All new Councilmembers and new Chiefs of Staff will also be required to sign a Confidentiality Agreement.

- b. Councilmembers, Chiefs of Staff, and other designees discussed below, will be required to sign an Acknowledgement they have received, read, and understand the Brown Act Procedures and responsibilities set forth in the Municipal Law Handbook.
- c. Councilmembers and Chiefs of Staff will also be required to sign an Acknowledgement they have received, read, and understand the Code of Conduct for Councilmembers, Resolution No. 2004-76, as amended.

12. Maintain the confidentiality of Closed Session discussions and the information contained in the Closed Session binders:

- a. Closed Session binders will only be delivered directly to Councilmembers, or their Chiefs of Staff; the City Manager, Assistant City Manager, or the City Manager's Executive Secretary; the Mayor, the Mayor's Chief of Staff or the Mayor's Executive Secretary. If none of these individuals are available, the Closed Session binders will be maintained in the City Attorney's Office; an email will be sent advising the identified individuals of the need to pick up the binder at the City Attorney's Office.
- b. To maintain the confidentiality of the information contained in the Closed Session binders, the City Manager's executive secretary, Assistant City Manager's executive secretary, the Mayor's Chief of Staff and the Mayor's



executive secretary will also be required to sign the Confidentiality Agreement, the acknowledgement regarding the Brown Act Procedures, and the Acknowledgment regarding the Code of Conduct, Resolution No. 2004-76 (as amended) as described in Section 11 a – c above.

- c. Discussions concerning Closed Session items may be conducted between Councilmembers, subject to the Brown Act, and between those individuals to whom “disclosure is reasonably necessary to further the purpose of the legal consultation,” i.e. only those on an absolute need-to-know basis. Notwithstanding the above, discussion concerning Closed Session items, as well as review of Closed Session binders, will be strictly limited to those individuals that have signed the Confidentiality Agreement, the Acknowledgement regarding Brown Act Procedures and the Acknowledgement regarding the Code of Conduct described above.

13. Maintain the confidentiality of Attorney-Client Communications and Memorandums:

- a. Attorney-Client memorandums will be distributed in sealed envelopes to designated staff or a designated place. The envelopes may be opened only by the addressee, or by an individual who has signed the Confidentiality Agreement, the Acknowledgement regarding Brown Act Procedures and the Acknowledgement regarding the Code of Conduct described above.
- b. Each Council office will maintain confidential memorandums filed in a locked file cabinet marked “CONFIDENTIAL”.
- c. Only individuals who have signed the Confidentiality Agreement, the Acknowledgment regarding Brown Act procedures and the



Acknowledgment regarding the Code of Conduct may file confidential memorandums in locked cabinet.

- d. After 180 days (or other designated time) of receipt of a confidential attorney-client legal memorandum, the memorandum will be purged/shredded and/or kept in a confidential manner in a locked cabinet.
- e. Each Councilmember will ensure their office has a shredder or access to a shredder.
- f. Memorandums delivered in "hard copy" format shall not be scanned and redistributed by email. Any copies made of the memorandums shall be maintained in the same manner as the original.

14. The confidentiality requirements set forth herein shall be construed in conjunction and consistent with the Councilmember Training Orientation Policy.

2. Except as amended herewith, the Code of Conduct of Councilmembers dated March 9, 2004, Resolution No. 2004-76 shall remain in effect.

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STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 29th day of November, 2012.

AYES : Baines, Brand, Quintero, Westerlund, Xiong, Olivier  
NOES : None  
ABSENT : Borgeas  
ABSTAIN : None

YVONNE SPENCE, CMC  
City Clerk

BY: *Yvonne Spence*  
Deputy

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY: *Francine M. Kanne*  
Francine M. Kanne, Assistant City Attorney

EMC:sn [60421sn/RESO] 11/21/12