

Section 7

Ethics and Conduct

7.1 Intent

The City of San Jose is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

The recommendations of the Sunshine Reform Task Force include tools to increase public access to information, enhance neighborhood and community participation, and ensure government accountability.

We seek to restore and strengthen public confidence in city government and in all individuals elected and appointed to represent the best interests of the community. These policies and procedures are an integral part of a citywide initiative to assist all segments of San Jose city government to understand and adopt the reforms and model the behavior of an ethical organization. These policies and procedures are intended to complement the Employee Values of integrity, respect, innovation, excellence, collaboration and celebration.

Building on strong leadership from the mayor and city council the ethical culture at City Hall will protect the public's interest and promote integrity, transparency, and accountability. Ethical decision-making should be integral to how City and Council staff conduct the public's business.

7.2 Disclosure

- A. Members of a policy body must disclose any substantive information that is relevant to a matter under consideration by the policy body which he or she has received from any source outside the public decision-making process in order to ensure equal, full and fair access to all substantive information.
- B. Lobbyists must file disclosure reports within two business days of engaging in reportable lobbying or fundraising activity. Fundraising activity includes contributions received and solicitations made on behalf of an elected official. These reports must be filed electronically with the City Clerk so that they can be viewed by the public on-line.
- C. The Sunshine Reform Task Force supports and endorses the Council's direction to the City Attorney on November 20, 2007, to draft a Charter amendment that would allow the Mayor and Councilmembers to abstain from voting on a decision if constituents would reasonably question the integrity of the decision.

7.3 Conflicts of Interest

- A. Councilmembers must recuse themselves from the decision-making process when an actual conflict arises. To achieve greater transparency, Councilmembers must also identify and disclose when even the appearance of a conflict might exist.
- B. All reports of contributions to the candidate accounts of the Mayor and Councilmembers must be available on-line.
- C. Any individual with a position of responsibility in a campaign, such as Campaign Manager, Treasurer, Strategist or Consultant, whether paid or unpaid, is prohibited from lobbying, for compensation and for the purpose of influencing a legislative or administrative action, any elected official of the City of San Jose for whom the individual worked or volunteered for the entire time the elected official is in office.

7.4 Code of Ethics and Ethical Standards

- A. All policy bodies, ancillary bodies, non-governmental bodies and City departments must adopt the City's Code of Ethics and sign a verification confirming that the Code of Ethics has been adopted. All elected and appointed officials, employees, vendors and registered lobbyists must sign a certification that they will abide by the City's Code of Ethics. The following website address to the City's Code of Ethics must appear in a prominent place on all City materials, whether printed, electronic or posted on the City's website:
<http://www.municode.com/Resources/gateway.asp?pid=14440&sid=5>
- B. Volunteers who participate in the Volunteer San Jose Program must adhere to the Code of Ethics for Volunteers and sign a verification agreeing to do so.

Implementation Suggestion:

Move the location of the "Code of Ethics for Volunteers" on the website for Volunteers to after the "Volunteer San Jose's Objectives".

- C. The following statement about the City's ethical standards must appear in a prominent place on appropriate City materials, whether printed, electronic or posted on the City's website: "The City of San Jose is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public."

Implementation Suggestions:

1. *As old publications are phased out, include the statement about the City's ethical standards on new versions of publications.*
2. *Employment applications should include the statement about the City's ethical standards.*

7.5 Annual Review and Re-Adoption

The City Council must review and re-adopt the Sunshine Ordinance biennially, during the Mayor's review of the City's Code of Ethics, which includes review of any ordinances related to ethics standards, as required by San Jose City Charter Section 607.

7.6 Ethics Education

All City and Council staff must be educated about the Sunshine Ordinance as it is implemented and on an ongoing basis. Moreover, the Sunshine Ordinance should be an integrated part of performing the public's business and is intended to complement the Employee Values of integrity, respect, innovation, excellence, collaboration and celebration.

Implementation Suggestions:

- 1. Identify individuals or departments to implement ethics on a practical level.*
- 2. For performance evaluations, ask each manager how he or she integrated ethical conduct into the workplace.*