

**CITY OF CULVER CITY  
COUNCIL POLICY STATEMENT**

**Policy Number 4006**

General Subject: Employees and Officials

**Date Issued 5/02/96**

Specific Subject: Code of Ethics

Effective Date 4/22/96

Resolution No. **96-R047**

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**PURPOSE:**

To establish the City's policy regarding the ethical conduct of City employees and officials.

**STATEMENT OF POLICY:**

It is the policy of the City that public officials and employees shall observe in their official acts the highest standards of ethics and shall discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Public Employees and Officials should conduct their official and private affairs so as not to give a reasonable basis for the impression that any such official or employee can be improperly influenced in the performance of his/her public duties. Such officials or employees should so conduct themselves as to maintain public confidence in their performance and public trust in the government they represent. They should avoid even the appearance of conflict between their public duties and private interests.

Public Officials and Employees should not exceed their authority or violate the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from doing so by law.

**DEFINITIONS**

The definitions provided below are intended to assist in the understanding of the specific provisions of the ethics policy and guidelines. However, in addressing ethical standards contained in State law, City employees and officials shall utilize the State law definition of those terms, and shall not rely upon their personal views or the following definitions as to what a term means. It is recommended that when situations covered by State law arise, legal counsel be consulted.

- A. **"Business entity"** means any corporation, general or limited partnership, sole proprietorship (including a private consultant operation), joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether organized for profit or not.
- B. **"Confidential information"** means all information, whether transmitted orally or in writing, which is not a matter of public record, including material provided by legal counsel that is covered by the attorney/client privilege.
- C. **"Disclosure"** means bringing into view, revealing and making known information and/ or interest.
- D. **"Gift"** means anything of economic value, regardless of the form. It does not include the solicitation, acceptance, receipt, or regulation of political campaign contributions regulated in accordance with provisions of federal, state, or local laws governing campaign finances. It does not include the items excluded under Section 82028 of the Government Code, or a gift provided to a group of Employees which is to be shared by the group.
- E. **"Interest"** means direct or indirect pecuniary or material benefit accruing to a public official or employee as a result of a contract, transaction, zoning decision, or other matter which is or may be the subject of an official act or action by or with the City, except for such contracts, transactions, zoning decisions, or other matters which by the terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated.

For purposes of this ethics policy, a Public Official or Employee shall be deemed to have an "interest" in the affairs of:

1. the Public Official or Employee's spouse or dependent children;
  2. any person or business entity with whom a contractual relationship exists with the Public Official or Employee;
  3. any business entity in which the Public Official or Employee is a director, official, partner, trustee, or employee or holds any position of management; and
  4. any business entity or real property in which the Public Official or Employee has a direct or indirect interest worth \$1,000 or more.
- F. **"Official act or action"** means any legislative, administrative, appointive or discretionary act of any Official or Employee of the City or any agency, board, committee or commission, thereof.

- G. **"Public Employee"** means any person, holding a position by appointment or employment in the service of the municipality, whether paid or unpaid.
- H. **"Public Official"** means any person holding a position by election in the service of the municipality, whether paid or unpaid, and members of any board, committee, or commission thereof.

## I FAIR AND EQUAL TREATMENT

- A. **Use of public property.** No public official or employee should request, use or permit the use of City-owned vehicles, equipment, materials or property for personal convenience, except when specifically authorized.
- B. **Obligations to Citizens.** No public official or employee should grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. There shall be no discrimination in the provision of public services.
- C. **Non-Discrimination.** No person shall be placed in, or removed from, or in any way favored or discriminated against with respect to any position because of the person's race, color, age, sex, religion, disability, national origin, marital status, or sexual orientation if otherwise qualified for the position. Non-discrimination in employment is to be carried out in accordance with State and Federal laws and the City's equal employment opportunity plan. This provision shall not be construed to impair administrative discretion in determining the requirements of a position or in a job assignment or a person holding such a position.
- D. **Unilateral Communications:** Any written unilateral communication received by a public official or employee in matters where all interested parties should have equal opportunity for a hearing should be made part of the record by the recipient. Officials are encouraged to bring any oral communication received under such conditions to the attention of the other members.
- E. **Support of Council Policies.** Employees are expected to carry out in a professional manner formally-adopted City Council policies. Officials and employees shall not undermine, discredit or obstruct Council adopted policies or programs, although they are free to state their personal opinions.
- F. **City Council and Commissioner interface with CAO and Staff.** City Council and Commission members are not day-to-day supervisors of City staff, and should not individually attempt to exercise direction or control over the responsibilities of employees.

- G. **Solicitation of Contributions.** Public Employees and Officials shall not solicit subordinate City Employees for contributions of time, money or property for any public or private cause or charitable organization.

## II CONFLICT OF INTEREST

Appearances and public perception regarding the ethical conduct of City officials are closely related. The acceptance of gifts or favors, even in the most innocuous situations, "appears" to influence the recipient on behalf of the donor. Carefully consider the circumstances before creating such an impression.

- A. The State of California has enacted a Political Reform Act which governs the behaviors and actions of public officials and employees. All public officials and employees of the City should be familiar with the Act and how it specifically relates to them. **Compliance with this ethics policy does not ensure compliance with the Political Reform Act.**
- B. No public official or employee shall engage in any business or transaction or shall have a financial interest or other personal interest, direct or indirect, which is incompatible with the proper discharge of his/her official duties in the public interest, or would tend to impair his/her independence of judgment or action in the performance of official duties.
- C. Specific conflicts of interest are enumerated below for the guidance of employees and officials. This list is merely illustrative and not exclusive:
1. **Disclosure of Confidential Information.** No public official or employee shall, without proper authorization, disclose confidential information concerning the City, including materials received pursuant to the attorney/client relationship. Nor shall they use information to advance the financial or other private interests of themselves over others.
  2. **Fiduciary Responsibility.** Employment by the City creates a special relationship in which the employee is entrusted with duties and responsibilities to always act in the best interests of the City. The Fiduciary Duty creates a confidence that City employees will not use their employment for personal gain, or to harm the City or its employees. A breach of Fiduciary Duty often causes a loss of respect for the City and employees alike.
  3. **Gifts and favors.** No Public Official or Employee shall accept any gift valued in excess of \$25 from any person, firm, or corporation which to his/her knowledge is interested in any

**business dealing with the City.** Nor shall any Official or Employee grant any improper favor, service or thing of value in the discharge of his/her duties. Gifts shall not include items received in the normal course of **social relationships** such as "birthday gifts, anniversary gifts, wedding gifts, or similar gifts from those with whom the recipient normally exchanges gifts." Nor shall gifts includes gifts valued at \$50 or less to be shared by a group of Employees. Anonymous gifts shall be delivered to the Chief Administrative Officer for appropriate disposition.

4. **Nepotism.** The employment of individuals who are related to one another by blood or marriage is regulated under the City's nepotism policy.
  5. **Political Activity.** No Public Official or Employee shall solicit or participate in soliciting an assessment, subscription, or contribution to any political party during working hours and shall at all times conform to the provisions of the Government Code of the State. No Official or Employee shall promise an appointment to any position with the City as a reward for any political activity.
- D. Public Employees and Officials who have a direct financial or other interest in any official transaction, or in any legislation pending before the Council, shall disclose all sources of income and the nature and extent of any personal interest in such transaction or legislation when such income or interest may represent a substantial conflict of interest with his/her official duties. Such disclosure shall be made in official City records, and may be made periodically at the times indicated for all designated Officials and Employees. An affected Employee or Official should consult the City Attorney to determine whether he/she should abstain from such discussions at all.
- E. **No Public Official or Employee shall possess any substantial or controlling investment,** direct or indirect, in any financial, business, commercial or other private transaction which creates or may create a conflict with official duties, not shall they be a party to any transaction on which they may be called to make a decision in an official capacity.

## PROCEDURES

### A. **Where to Seek Advice**

1. **City Employees:** Public Employees or Officials who have questions about the ethics of an action or situation should discuss it with their supervisor, the Personnel Manager, **City Attorney or**

**Chief Administrative Officer**, or they may request an opinion from the Ethics Advisory Committee.

2. Members of the City Council, Commission and Board Members who are uncertain whether a conflict of interest or ethical problem may exist should contact the City Attorney for advice and/or may request an opinion from the Ethics Advisory Committee.

## **B. Ethics Advisory Committee**

1. The purpose of the Ethics Advisory Committee is to aid the officials of the City in carrying out their responsibilities as they relate to this ethics policy by (a) advising on particular situations when requested by the individual involved in those situations and (b) clarifying ambiguities which may exist in the policy.
2. The Ethics Advisory Committee is comprised of one member of the City Council, the Chief Administrative Officer, and one representative of each recognized bargaining unit of City employees. The City Attorney shall be legal advisor to the Committee.

## **C. What to do if You are Uncertain**

The existence of an ethical issue may not arise until a situation is underway. In such cases, there may be no time to contact someone for advice. Rather than risk an inadvertent violation of the ethics policy, the safest course of action for the Public Official or Employee is simply for him/her to declare that a conflict may exist that prevents him/her from participating.

## **D. How to Declare a Possible Conflict**

1. **City Employees:** Public Employees or Officials who believe they may have possible conflict should state it to their supervisor, Personnel Manager, City Attorney or Chief Administrative Officer, or in the case of Public Officials to the public as required by State law, and take the steps deemed appropriate given the specifics of the situation.

## **E. How to Report Improper Behavior**

Public employees and officials have a duty to prevent and report unethical or illegal action. Hence, it is appropriate to be a "whistle blower" if another employee or official may be acting improperly.

1. **City Employees:** should report any observed problem or wrongdoing to their supervisor, Personnel Manager, Chief Administrative Officer or City Attorney.

## **F. Violations**

Violations of the Ethics Policy and Guidelines may expose a public official or employee to a variety of consequences, including reprimand, removal from office, or termination of employment.

1. **City Employees:** Disciplinary action will be taken in conformance with the procedures established by the City Municipal Code, Civil Service Rules and regulations, and any applicable employment contract. Additional penalties authorized by law may also be imposed.
2. **City Commissioners/Board Members:** City commissioners/Board Members appointed by the City Council may be removed from office for a violation of the Ethics Policy.
3. **Elected Officials:** Penalties authorized by law may be imposed.

**CITY OF CULVER CITY  
COUNCIL POLICY STATEMENT**

General Subject: Personnel

Specific Subject: Acceptance of Gifts or Gratuities

Policy Number: 4003

Date Issued: 1/23/95

Effective Date: 1/24/95

Resolution No. 95-R005

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**PURPOSE:**

To encourage each employee and official of the City to observe a personal code of ethical conduct, and to discourage gifts and gratuities.

**STATEMENT OF POLICY:**

Employees and officials of the City are expected to be objective and fair in dealing with the public and persons or firms doing business with the City. Employees and officials are fully compensated for their assigned duties, and shall not solicit or accept gifts or gratuities for the performance of their City job responsibilities. Acceptance or solicitation of gifts or gratuities from any person or firm involved in any transaction with the City can create an appearance of influence, conflict of interest, or favoritism which may impair the employee's, or the City's, credibility with clients.

A gift or gratuity offered by any individual (as part of a firm or otherwise), who by virtue of their particular business or activity may be involved with the City currently or in the future, should be politely rejected. Anonymous gifts should be delivered to the Chief Administrative Officer for appropriate disposition.

Solicitation or acceptance of gifts or gratuities may be grounds for disciplinary action, up to and including termination of employment.



**CITY OF CULVER CITY  
COUNCIL POLICY STATEMENT**

General Subject: Personnel

Specific Subject: Whistle Blower Policy

Policy Number: **4011**

Date Issued: 2/26/03

Effective Date: 2/10/03

Resolution No. **2003-R007**

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**PURPOSE:**

The purpose of this administrative procedures directive is to define and affirm the City of Culver City's policy of protecting an employee of the City from being disciplined, discharged, or subjected to threats thereof, or otherwise discriminated against in retaliation for bringing forth, in good faith, charges of unlawful conduct in violation of federal, state or local law or conduct in violation of any City policy, directive, ordinance, or Charter provision by any officer or employee of the City of Culver City. The procedures set forth in this directive are intended to supplement, not supplant, any other remedies available to employees pursuant to the City's Civil Service Rules and Regulation or pursuant to federal, state or local law.

**STATEMENT OF POLICY:**

- A. "Whistle blowing" as used in this directive consists of three (3) possible employee actions:
1. The employee's good faith reporting to the City of what the employee reasonably believes to be the unlawful conduct or conduct in violation of any City policy, directive, ordinance, or Charter provision by fellow employees; or
  2. The employee's good faith, reasonable reporting to government authorities or other law enforcement or regulatory agencies of what the employee reasonably believes to be the unlawful conduct or conduct in violation of any City policy, directive, ordinance, or Charter provision by the employer; or
  3. The employee's reporting that the employer has asked or required the employee to participate in unlawful actions or conduct in violation of any City policy, directive, ordinance, or Charter provision.

- B. There shall be no retaliatory discipline, discharge, or threats thereof or other retaliatory or discriminatory action in violation of this policy by the City of Culver City or any of its officers or employees against any employee who makes a good-faith report of reasonable charges of unlawful conduct by any officer or employee of the City of Culver City, even if an investigation shows that no violation occurred.
- C. Neither the Chief Administrative Officer (CAO), the department heads nor any supervisor shall discipline, discharge, or make threats thereof, or otherwise retaliate or discriminate against any employee of the City regarding compensation or terms, conditions, location, or privileges of employment on the basis of any good faith report made against any other officer or employee reasonably suspected of violating the Culver City Charter, the Culver City Municipal Code, any City policy or directive and/or State or federal law.
- D. This policy shall not apply to and/or protect any employee who, knowingly or with reckless indifference to the truth, makes a false report or provides false information to the employer, the news media, or any government or other agency or individual. Neither shall it prevent the appointing authority from taking, directing others to take, recommending, or approving any personnel action against any employee based on a reasonable belief that the action is justified on the basis of separate evidence which shows any of the following:
1. The employee's complaint has disclosed information that he or she knows to be false or has disclosed information without regard for the truth or falsity thereof.
  2. The employee was the subject of an ongoing or existing disciplinary action or investigation prior to filing a report of unlawful conduct or conduct in violation of any City policy, directive, ordinance, or Charter provision, and it appears that the employee has attempted to portray him/herself as a whistle blower as a protection from legitimate disciplinary action.
  3. The employee has violated any other provision of the City's personnel rules, regulations, or policies, has failed to perform assigned duties, or has committed any other act unrelated to the disclosure that would otherwise be subject to disciplinary or other personnel action, and it appears that the employee has attempted to portray him/herself as a whistle blower as a protection from legitimate disciplinary action.
  4. Those involved in initiating, recommending, imposing, and/or implementing disciplinary action against the employee had no knowledge that the employee had "blown a whistle," i.e., that a complaint of unlawful conduct or conduct in violation of any City policy, directive, ordinance, or Charter provision had been filed by the employee prior to initiating disciplinary action against the employee.

## PROCEDURES:

A. All complaints alleging a violation of this policy shall be promptly investigated. In the event that the CAO determines that an investigation conducted by City staff would present a conflict of interest, an independent investigator shall be appointed. If the complaint alleges violation of this policy by the CAO or member(s) of the CAO's staff, the complaint shall be referred to the City Council for determination of how and by whom the investigation shall be performed. The selected investigator shall to the greatest extent possible follow the procedures set forth herein. The City Council may in its discretion retain an independent investigator.

### B. Complaint Procedure

1. Since the passage of time may result in the dissipation of evidence and/or make a complaint more difficult to investigate, an employee who believes that (s)he has been subjected to discipline, discharge, threats or retaliation or other discrimination thereof in violation of this policy should file a written complaint within the first 30 days after the incident with the CAO's Office.
2. The complainant should include:
  - (a) A detailed description of the alleged unlawful conduct or conduct taken in violation of City policies, rules, regulations, or charter provisions;
  - (b) The date(s), time(s), and location(s) and a detailed description of the alleged violation(s);
  - (c) The names(s) of the alleged offender(s)
  - (d) The names(s) of witnesses, if any;
  - (e) The identity of the employee, news media, or any government or other agency or individual to whom the report for which retaliatory action being threatened or initiated was made.
  - (f) A description of the nature of the alleged retaliatory action taken or threatened in violation of this policy;
  - (g) The person or persons initiating or threatening to initiate retaliatory action in violation of this policy.
  - (h) The facts which led the employee to believe that the person or persons initiating or threatening to initiate retaliatory action had

knowledge of the employee's having made or filed any report or complaints of unlawful conduct or conduct in violation of any City policies, directives, ordinances or charter provisions.

- (i) Any other information that would be of assistance in the investigation.
3. Upon receipt of a complaint, the CAO or the CAO's designee shall investigate the allegations utilizing the process outlined under Complaint Procedures of this policy, in addition to conducting interviews of the following persons:
- (a) The complainant;
  - (b) The person(s) who allegedly engaged in the unlawful and retaliatory conduct; and
  - (c) Any other person(s) the investigating officer believes to have relevant knowledge concerning the complaint.
4. Upon completion of the investigation, the investigating officer shall review all information gathered to determine whether the alleged conduct constitutes retaliatory conduct in violation of this policy, giving consideration to:
- (a) All factual information gathered;
  - (b) The totality of circumstances, including, but not limited to, the nature of the alleged retaliatory action; and
  - (c) The context in which the alleged incident(s) occurred.

In all cases the determination will be based on an assessment of all information obtained in the investigation and an analysis of whether the complaint is supported by a preponderance of the evidence, that is, whether it was more likely than not that the complaint has merit. Evidence may be direct or circumstantial, but the passage of time between the alleged whistle blowing and the alleged retaliatory action will generally, but not always, require direct evidence to establish a causal link. Each case must be evaluated based on its specific facts.

5. The report on the investigation shall be in writing. A summary of the results of the investigation indicating that the allegations are "sustained," "unsustained," "unfounded," or "exonerated" shall be conveyed by the investigating officer to the complainant and other appropriate persons.

6. If it is determined by the investigating officer that retaliation occurred in violation of this policy, appropriate disciplinary action, up to and including termination, shall be instituted against the person(s) found to have engaged in such conduct.
7. A similar investigation shall be made if it appears that an employee has made a report or complaint in bad faith or without a reasonable basis for believing that a violation of law has occurred.

C. Time Line for Completing Investigation.

Complaints shall be investigated promptly and every effort will be made to complete the investigation within ninety (90) days.

# Council Policies

- Drug Policy (4004)
- Code of Ethics Policy (4006)
  - Acceptance of Gift & Gratuities (4003)
- Outside Employment form (CSR 17.2)
  - Requires Department Head approval
  - Return completed/approved form to HR

## **Council Policies (Cont'd)**

- Violence in the Workplace Policy (4007)
- Discrimination & Harassment Policy (4010)
- Whistle Blower Policy (4011)

Check-off List