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CITY OF BRENTWOOD ETHICS AND CONDUCT POLICY

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1. PURPOSE; APPLICABILITY

It is the intent of this Ethics and Conduct Policy (“Policy”) to promote and maintain fair, ethical, and accountable local government for the City of Brentwood (“City”). The people of Brentwood expect public officials to comply with both the letter and the spirit of the laws of the United States of America and of the State of California; the Brentwood Municipal Code; and established policies of the City affecting the operations of local government. All persons covered by this Policy will aspire to meet the highest ethical standards in discharging their responsibilities as elected officials of the City.

This Policy addresses various aspects related to the governance of the City of Brentwood and supplements, but does not supplant, other laws and rules regarding the legal responsibilities of City officials. These include, but are not limited to, the Federal and State Constitutions; various provisions of the California Government Code (such as the Brown Act and the Political Reform Act); laws prohibiting discrimination and harassment; and the City of Brentwood Municipal Code. Elected officials are expected to be familiar with these laws to ensure that they exercise their public responsibilities in a proper fashion.

While it is not possible to anticipate and provide a rule of conduct and ethics for all situations that public officials may face, this Policy is designed to provide a framework to guide public officials in their daily duties.

In this Policy, the term “City Council” or “Council Members” includes the Mayor and Vice-Mayor, unless the context requires otherwise. Sections 2 and 4 of this Policy apply to Council Members acting in their official capacities and in the discharge of their duties. Section 3 applies to the City Council and Commissions whenever Commissions are specifically mentioned.

2. CORE VALUES.

Attitudes, words, and actions should demonstrate, support, and reflect the following qualities and characteristics for the well-being of the community. The five core values, developed by the employees of the City, and expressions that reflect these core values are as follows:

INTEGRITY – uncompromising adherence to moral and ethical principles

- I am honest with my fellow elected officials, City staff, members of the community, and others.
 - I do not promise what I believe to be unrealistic.
 - I am prepared to make unpopular decisions when my sense of the public’s best interests requires it.
 - I credit others’ contributions to moving our community’s interests forward.
 - I do not knowingly use false or inaccurate information to support my position or views.
 - I safeguard my ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial and social relationships and transactions that may compromise, or give the appearance of compromising, objectivity, independence, and honesty.
 - I do the right thing, even when no one is looking.
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- I use my title(s) only when conducting official City business, for information purposes, or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority.
- I do not accept gifts, services or other special considerations for personal benefit because of my public position.
- I excuse myself from participating in decisions when my or my immediate family's financial interests may be affected by my City's actions.
- I do not give special treatment or consideration to any individual or group beyond that available to any other individual.
- I refrain from disclosing confidential information concerning litigation, personnel, property, or other affairs of the City, without proper legal authority, nor use such information to advance my financial or other personal interests.
- I demonstrate concern for the proper use of City assets (such as personnel, time, property, equipment, and funds) and follow established procedures.
- I honor commitments, keep promises and build trust.

PASSION -- boundless enthusiasm for what we do

- I promote meaningful public involvement in the City's decision-making processes.
- I approach my responsibilities and work related relationships with zeal and a positive attitude.
- I provide friendly, receptive, and courteous service to everyone.
- I am attuned to, and care about the needs and issues of the people of Brentwood, public officials and City staff.
- In my interactions with constituents, I am interested, engaged and responsive.
- I strongly convey the City's care for and commitment to the people of Brentwood.
- I exhibit a proactive, innovative approach to setting goals and conducting the City's business.
- I show pride and enthusiasm for the City of Brentwood.
- I will represent the official policies and positions of the City to the best of my ability when designated for this purpose.
- I am self-motivated and work to motivate others.
- I continually strive to do better.
- I persevere through failures.

ACCOUNTABILITY – answerable for our actions

- I take responsibility for all that I do; I am responsible for my actions and accept the consequences of my actions.
 - I do not make promises on behalf of my colleagues without their concurrence at a duly noticed public meeting.
 - I treat all persons, claims and transactions in a fair and equitable manner; I make decisions based on the merits of the issue.
 - If I receive substantive information that is relevant to a matter under consideration from sources outside the public decision-making process, I publicly share it with my colleagues and staff.
 - I work to contribute to a strong organization that exemplifies transparency and open communication.
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- I do not use public resources, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.
- I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the City, especially its financial stability.
- I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the City and its residents.

RESPECT – to feel and show esteem and consideration for others

- I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.
- I understand that I am one of five members of the City Council and will work towards consensus building and gain value from diverse opinions.
- I respect the distinction between the role of office holder and staff. I involve staff in meetings with individuals, those with business before the City, officials from other agencies and legislators to ensure proper staff support and to keep staff informed.
- I conduct myself in a courteous and respectful manner at all times during the performance of my official City duties.
- If I have a concern about the performance of a City employee, I will not express it in public, to the employee directly or to the employee’s manager. Instead, my comments will be made to either City Manager or City Attorney, as appropriate.
- I support a healthy personal and professional balance for myself and staff.
- I encourage full participation of all persons and groups.
- I engage in effective two way communication, by listening carefully, asking questions, and determining an appropriate response which adds value to conversations.
- I value and recognize my colleagues, staff and the public for their unique skills, talents and perspectives.
- I respect the governmental process and will perform my duties in accordance with the rules of order established by the City Council governing the deliberation of public policy issues, meaningful involvement of the public, and implantation of decisions.

QUALITY – the highest degree of excellence

- I strive to keep the City as a municipal leader and work to ensure that we hire, promote and retain high caliber employees.
 - I act in an efficient manner, making decisions based on research and facts, taking into consideration the City’s short and long term goals.
 - I follow through in a responsible way, keeping others informed and responding in a timely fashion.
 - I am aware of and follow established City processes and guidelines.
 - I represent the people of Brentwood to the best of my ability
 - I keep my professional knowledge and skills current and growing.
 - I promote intelligent and thoughtful innovation in order to forward the City’s policy agenda and City services.
 - I endeavor to produce excellent work that moves the City forward in a positive direction.
 - I consider, understand, and manage risk as I make decisions.
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- I will base my decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

3. PROTOCOL RELATED TO CONDUCT

3.1 Ceremonial Events. Requests for a City representative at ceremonial events will be coordinated by City staff. Invitations received at City Hall are initially presumed to be for official City representation. Invitations addressed to Council Members at their homes are presumed to be for unofficial, personal consideration.

The Mayor will serve as the designated City representative. If the Mayor is unavailable, then the Vice- Mayor will be asked to attend. If the Mayor and Vice-Mayor are both unavailable, then City staff will determine if event organizers would like another representative from the City Council. (See Policy 110-1, Section 3.3.)

3.2 City Letterhead; Correspondence Signatures.

- a. City Letterhead.** The use of City letterhead is only for official City business. The Mayor or his/her official designee is authorized to sign letters and various other documents on City letterhead for the following matters:
- Letters of commendation or appreciation.
 - Responses to invitations.
 - Cover letters accompanying ceremonial actions or official document submittals or any other matter.
 - Letters supporting the League of California Cities position on a matter, unless the City Council has taken a contrary position.
 - Letters supporting legislation related to approved City projects.
 - Items routine in nature, experienced in the normal course of conducting the business of the City.

Supplies of City letterhead stationery may not be given to individual Council, Commission or Board members.

- b. Correspondence Signatures.** City staff may prepare official letters in response to public inquiries and concerns when addressed to the Mayor and/or City Council. These letters will carry the signature of the Mayor unless the Mayor requests that they be signed by another Council Member or City staff. If correspondence is addressed only to one Council Member, that Council Member should check with the City Manager on the best way to respond to the sender.

3.3 Travel Expenses. The policies and procedures related to the reimbursement of travel expenses for official City business by Council Members and City Commissioners are outlined in the City's Travel Policy and Procedures. (See Council/Administrative Travel Policy No.20-4.)

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3.4. Endorsement of Candidates. Council Members and City Commissioners have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official City meetings.

3.5 Conduct with City Staff. The City Council shall deal with the City staff solely through the City Manager or City Attorney and pursuant to Brentwood Municipal Code §§2.36.070 and 2.37.050 as may be applicable. City Commissioners shall deal with the City staff solely through the Department Director or staff person assigned as liaison to the particular Commission.

3.6 Conduct with Commissions. The City has established several Commissions as a means of gathering more community input. Citizens who serve on Commissions 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 a Council Member attends a Commission meeting and wishes to speak, he or she should state clearly whether he or she is representing the view of the Council as a whole or is speaking on behalf of him/herself or another person.
- b. Limit contact with Commission members to questions of clarification. It is inappropriate for a Council Member to contact a Commission member to lobby on behalf of an individual, business, or developer.
- c. Commissions represent and serve the whole community. Commission members are not answerable to an individual Council Member.
- d. A primary role of Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives.

Inappropriate behavior by a Commission member should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council and the individual is subject to removal from the Commission. Inappropriate behavior by a Commissioner can lead to removal, under the Municipal Code.

3.7 Conduct with Other Public Agencies. When meeting with or appearing before another public agency (including a semi-public agency), a Council Member must be clear about whether the member is representing the City or his or her personal interests. If a Council Member appears before another public agency or organization to give a statement on an issue, the Council Member must clearly state whether his or her statement reflects personal opinion or is the official stance of the City.

If the Council Member is representing the City, the Council Member must support and advocate the official City position on an issue, not a personal viewpoint. If the Council Member is representing another organization whose position is different from the City, the Council Member should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Council Members should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

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3.8 Conduct with the Public.

a. In Public Meetings. 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 Council Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- 1) Be welcoming to speakers and treat them with respect.
- 2) Be fair and equitable in allocating public hearing time to individual speakers.
- 3) Be an active listener.
- 4) Ask for clarification, but avoid debate and argument with the public. Council Members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.
- 5) Avoid personal attacks of any kind, under any circumstances.

3.9 Conduct with the Media. Council Members are frequently contacted by the media for background and quotes. Typically, the Mayor is the designated representative of the Council to present and speak on the official City position. However, if the media contacts an individual Council Member, the Council Member should be clear about whether their comments represent the official City position or a personal viewpoint.

4. IMPLEMENTATION AND ENFORCEMENT.

4.1 General. City of Brentwood elected officials have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. This Policy will be most effective when the elected officials are thoroughly familiar with it and embrace its provisions.

Upon adoption of this Policy, all current elected officials shall be given a copy of it and asked to certify, in writing, that they have received the Policy, understand its provisions, and pledge to conduct themselves by the Policy. All new members of the City Council, upon election or reelection, shall be given a copy of the Policy and are required to certify, in writing, they have received it, and understand its provisions, and pledge to conduct themselves by the Policy. (See Attachment 1.)

This Policy is intended to be a reflection of the City Council's values in concurrence with those of the employees of the City of Brentwood and, as appropriate, may be enforced by the Council through Section 4.2 below.

4.2 Violations.

The provisions of this Section 4.2 apply exclusively to the Mayor and Council Members, and do not extend to members of City Commissions. Violations by Commissioners of this Policy or any other

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applicable City Council/Administrative Policy may be considered by the City Council, or by a City Council Subcommittee, who will make a recommendation to the City Council on an appropriate City Council response.

A City Council Member who does not follow this Policy or any other applicable City policy may face admonition, sanction, or censure.

This Section 4.2 sets forth the procedures to be followed when there is a belief that a Council Member has violated this Policy or any other applicable City policy. This Rule shall not be used for violations of State or Federal laws as such laws are subject to separate penalty and enforcement provisions outside of the City's purview.

a. Notification of Allegation. If a Council Member believes that another Council Member has violated this Policy or any other applicable City policy, he or she shall notify the Mayor. If the allegation is against the Mayor, the Vice Mayor shall be notified. If the allegation concerns both the Mayor and Vice Mayor, then the most senior Council Member shall be notified and, if two Council Members share seniority, then the Council Member who received the most votes in their most recent election shall be notified. The person selected will be provided with all background information that the Council Member making the allegation has in their possession.

Once an allegation has been received, the person receiving the allegation shall meet with the City Manager and the City Attorney. At that time, the person who received the allegation will determine whether more information is needed, whether the allegation is unfounded, or whether to recommend that the full Council hear the allegation.

If the person who received the allegation determines that the allegation is unfounded or requires additional information, he or she will notify the Council Member making the allegation. At that time, if the Council Member making the allegation is not satisfied with the person's determination, he or she may bring the matter to the full Council for review by asking the City Manager, at least a week before the meeting, to place it on the next City Council Agenda; and the City Manager will notify the Council Member against whom the allegation is made about the violation and the future agenda item.

If the person receiving the allegation determines that the allegation should be brought to the City Council for review, at least a week before the meeting he or she will ask the City Manager to place it on the next City Council Agenda for discussion under the New Business portion of the Agenda; and the City Manager will notify the Council Member against whom the allegation is made about the violation and future agenda item.

City Council Members must endeavor to follow the above process when seeking to add an item regarding City policy violations on a City Council Agenda. Where a Council Member making the allegation first discussed the matter with a Council Member other than the person designated to receive such an allegation, then the Council Member may, at least a week before the next City Council meeting, ask the City Manager to place the matter on the next City Council Agenda for discussion under New Business. In that event, the City Manager will notify the Council Member against whom the allegation is made about the violation and future agenda item. Additionally, the City Manager must identify the Council Member with whom the alleging City Council Member discussed the matter, both to the accused and in any staff report provided as part of the City Council Agenda.

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Should an allegation be brought to the City Council, the City Manager, in consultation with the City Attorney, will prepare a brief staff report that, among other things, reminds the City Council of this Rule. It will be the responsibility of the City Council Member making the allegation to present the matter to his/her colleagues.

b. Potential Council Actions. While the City Council has broad discretion in deciding which of the three potential actions below it may choose to impose in response to violations of this Policy or any other applicable policy, the following are definitions and procedures related to three types of actions: admonition, sanction and censure. Admonition and sanctions are not considered punishments and there are no penalties associated with them; a censure is considered a punishment and may include penalties.

Admonition

This is the least severe form of action. Admonition may typically be directed to all members of the City Council, reminding them that a particular type of behavior is in violation of City policy and that, if it occurs or is found to have occurred, could make a member subject to sanction or censure. Admonition may be issued in response to a particular alleged action or actions, although it would not necessarily have to be triggered by such allegations. Admonition may be issued by the City Council prior to any findings of fact regarding allegations, and because it is a warning or reminder, would not require a separate hearing to determine whether the allegation is true.

Sanction

This is the next most severe form of action. Sanction should be directed to a particular member of the City Council based on a particular action (or set of actions) that is determined to be in violation of City policy, but is considered by the City Council to be not sufficiently serious to require censure. A sanction is distinguished from censure in that it is not a punishment. A sanction may be issued based upon City Council review and consideration of a written allegation of a policy violation. The member accused of such violation will have the opportunity to provide a written or verbal response to the allegation. A sanction may be issued by the City Council and because it is not punishment or discipline, would not require a separate hearing.

Censure

Censure is the most severe form of action contemplated in this policy and available to the City Council. Censure is a formal statement of the City Council officially reprimanding one of its members. It is a punitive action, which serves as a penalty imposed for wrongdoing. It may be combined with loss of committee assignments (either within the City of Brentwood or with inter-governmental agencies) or the restriction of official travel.

Censure should be used for cases in which the City Council determines the policy violation is a serious offense.

In order to protect the overriding principle of freedom of speech, the City Council shall not impose censure on any of its members for the exercise of their First Amendment rights, no matter how distasteful the expression was to the Council and the City. However, nothing here in shall be construed to prohibit the City Council from collectively condemning and expressing their strong disapproval of such remarks.

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c. City Council Discussion; Admonition or Sanction. At the meeting when the allegation is to be considered, the City Council may discuss it and determine whether to issue an admonition or sanction; or to hold a separate hearing to consider censure. Where the City Council decides to issue an admonition or sanction, a resolution may be prepared for the next meeting based upon the City Council discussion and direction.

d. Censure. If the City Council decides to conduct a separate public hearing on the question of censure, they will direct the City Manager, in consultation with the City Attorney, to engage the services of an independent third party investigator to conduct an investigation of the matter, prepare factual findings and make a recommendation as to the allegation's merit to the City Council. At that time, the City Council will also set a "not to exceed" investigation budget. Should, in the course of the investigation, it appear that the investigator's costs will exceed the approved budgeted amount, then the City Council will be notified, at a duly noticed public meeting, to determine whether to increase the budget or stop the investigation.

If the investigator determines there is no factual merit to the allegation, that information will be conveyed to the City Council prior to a censure hearing. At that time, the City Council will determine whether to take no additional action; or to issue an admonition or a sanction.

If the investigator determines there is factual merit to the allegation, a report of the factual findings shall be presented to the City Council for hearing and determination.

e. Censure Hearing. If a separate hearing is set to consider the question of censure, it must be set far enough in advance to give the Council Member subject to the allegation adequate time to prepare a defense.

The person who received the original allegation from the Council Member who made the allegation will preside at the hearing. The rules of evidence will not apply to the hearing, which is not a formal adversarial proceeding.

The investigator will present his or her report and the City Council, including the Council Member who is the subject of the investigation, will have the opportunity to question the investigator. The Council Member who is the subject of the allegation will have an opportunity to present a rebuttal to the allegation, which shall be limited to thirty minutes unless extended by the City Council. The Council Member who is the subject of the allegation may be represented at the hearing and may have the representative speak or ask questions on his or her behalf. The City Council may also allow the testimony of a limited number of witnesses. The right to present witnesses shall be within the absolute discretion of the City Council.

Following the rebuttal, any witness testimony and any closing statement of the Council Member who is the subject of the allegation, the City Council shall hear public comments. At the conclusion of the public comments, the City Council shall discuss the matter and render a decision on whether to censure the Council Member against whom the allegation has been raised.

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Should the City Council decide to censure the Council Member against whom the allegation has been raised, they shall direct the City Manager, in consultation with the City Attorney, to prepare a resolution making findings and penalties with regard to the specific charges, based on substantial evidence. The resolution will be considered by the City Council at a duly noticed public meeting.

Revision History

<i>Date</i>	<i>Resolution No.</i>	
5-13-2014	2014-55	<i>adopted original Policy 110-5</i>
6-14-2016	2016-74	<i>Amended Policy 110-5 (Revising Sections 1 and 3 and adding Section 2 edited from former Policy 110-1, Rules 28-36.</i>
10/11/2022	2022-127	<i>Amended section 4.2 a. Notification of Allegation.</i>

COUNCIL/ADMINISTRATIVE POLICY

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Attachment 1

CERTIFICATION

As an elected official of the City of Brentwood, California, I herein certify that I have received a copy of the City's Ethics and Conduct Policy, have been offered training and assistance in understanding this Policy, and am aware of the provisions of the Policy and its application to my responsibilities. Consistent with the Policy, I pledge that I will abide by the Policy in the conduct of my duties, including the following:

INTEGRITY – uncompromising adherence to moral and ethical principles

- I am honest with my fellow elected officials, City staff, members of the community, and others.
- I do not promise what I believe to be unrealistic.
- I am prepared to make unpopular decisions when my sense of the public's best interests requires it.
- I credit others' contributions to moving our community's interests forward.
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COUNCIL/ADMINISTRATIVE POLICY

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- I exhibit a proactive, innovative approach to setting goals and conducting the City's business.
- I show pride and enthusiasm for the City of Brentwood.
- I will represent the official polices and positions of the City to the best of my ability when designated for this purpose.
- I am self-motivated and work to motivate others.
- I continually strive to do better.
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- I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the City and its residents.

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- If I have a concern about the performance of a City employee, I will not express it in public, to the employee directly or to the employee's manager. Instead, my comments will be made to either City Manager or City Attorney, as appropriate.
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COUNCIL/ADMINISTRATIVE POLICY

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- I consider, understand, and manage risk as I make decisions.
- I will base my decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

Signed this ____ day of _____, 20__.

Signature:

Printed Name: