



September 1, 2023

Honorable Members of the Brentwood City Council  
City Hall, City of Brentwood  
150 City Park Way  
Brentwood, CA 94513

Subject: Thoughts on the Council's Ethics and Conduct Policy

Dear Honorable City Council Members:

I have reviewed the City of Brentwood's Ethics and Conduct Policy with an eye to how it compares ("benchmarks") to best practices in this area. My conclusion is that it compares very favorably for the reasons described below.

That being said, I have some initial suggestions on options for the Council to consider in strengthening the policy and –most importantly– the results it achieves. Those suggestions are also described below.

(By way of background, local agency values-based ethics codes are a longstanding interest of mine. I wrote the Institute for Local Government's guide on the topic and have helped a number of agencies develop their codes, including most recently the City of Carlsbad. In the course of this work, I monitor what local agencies are adopting in this area.)

## Why/How the City's Policy "Benchmarks" Well

The City of Brentwood's policy observes some of the most important best practices in the area of ethics codes. Some of the positive attributes of the policy include:

- ✓ **Values-oriented:** It identifies the over-arching values that the Council (that adopted the code) believes should guide elected officials' service to the community and their relationships with each other and staff.
- ✓ **Positive:** It focuses on "do's" rather and "don'ts."

- ✓ **Extensive:** It reflects a great deal of thought by the policy's original architects about what kinds of behaviors reflect well on those in public service.

## Opportunities to Consider

Some of the areas in which the policy and, most importantly, the policy's impact might be enhanced include:

- **Length and Relevance:** "Extensiveness" (or length) can be a double-edged sword. The policy's efforts to be comprehensive means that it may include provisions that are less central to the role of an elected official. This may be the result of an effort to synchronize the policy with the values statement originally adopted by staff. Longer documents—particularly those with less relevant information—are more difficult for busy elected officials to keep top of mind.
- **Terminology:** The code has language that may be ambiguous or overly broad. For example, the term "integrity" is certainly an important term in the ethics field. However, the term's meaning can vary. In fact, one noted ethics scholar spent some 22 pages(!) developing a working definition (albeit a very good one) based on the literature available on the term's meaning.\*

Would "trustworthiness" be a core value\* that might be more descriptive and therefore more helpful to individual elected officials in describing the kinds of considerations that might guide their actions in that section of the Council's policy?

- **Process:** To be maximally effective, it can be helpful for those whose conduct is to be guided by the document to have the opportunity for input into its content. A good practice is to give Councilmembers the opportunity to review, revise and refine ethics codes periodically to make sure the document reflects the current Council's—and their constituents'—thinking. Such input promotes ownership the document, which can increase its impact.
- **Implementation:** An important part of the policy-making process is implementation. Most of the time, implementation is a staff function. This is less so with policies that pertain to the Council's values and behaviors, since Councilmembers in their words and

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\* See [this article](#) for a lengthy analysis of what the term "integrity" means. For a briefer discussion of the relationship of integrity to core values, see <https://patimes.org/core-values-as-a-foundation-for-thinking-about-ethics-education/>

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actions are the policy's implementers. There are some additional practices the Council can consider in enhancing its implementation processes. See, for example, the implementation practices the City of Carlsbad recently adopted (see page 1 of the attached document; for reference, the entire code is attached).

Another resource for the Council to consider in thinking about both process and content is the Institute for Local Government's [guide to developing an ethics code](#), which includes worksheets with sample provisions. The Institute also has a list of [sample codes](#) on its website.

## Conclusion

Again, in my experience and observation, Brentwood's policy compares favorably with others adopted by local agencies. There is no one "right" or "best" language for such policies; in fact, some argue the process is just as, if not more, important than content. As noted above, there are, however, opportunities to strengthen the City's code and effectiveness even further should the Council choose.

Very truly yours,



JoAnne Speers

Principal, S<sub>2</sub> Ethics Strategies

<https://www.linkedin.com/in/joannespeers/>

Attachment: City of Carlsbad Code of Ethics and Public Service Values

## City of Carlsbad Code of Ethics and Public Service Values

Source: <https://www.carlsbadca.gov/city-hall/city-council/code-of-ethics>

### Preamble

The effective operation of democratic institutions requires that public officials have the trust and respect of the communities they serve. Accordingly, the City Council of the City of Carlsbad has adopted this code to:

- Encourage the highest standards of behavior by City of Carlsbad elected officials;
- Make implicit norms of leadership and communication explicit; and
- Provide an ongoing source of guidance to City of Carlsbad officials in their day-to-day service to the City.

To this end, the City of Carlsbad City Council has adopted this code relating to values-based decision-making. As part of their service to the City of Carlsbad, individual City Council Members agree to practice the values described in this code in their day-to-day service to the City of Carlsbad.

The City Council further directs that this code be:

- Distributed to individual City Council Members for signature and, once signed, posted on the City Council section of the city website;
- Included in the materials provided to candidates for City Council;
- Covered in newly elected officials' orientation materials and training (including AB 1234 training); and
- Agendized for discussion annually as an opportunity for City Council review, self-evaluation, discussion, and revision, if appropriate.

*Adopted by the City of Carlsbad City Council on Nov. 16, 2021.*

### Value: Respect

1. As a leader of the community, I **model civility**. In practice, this means that:

- I treat my fellow officials, staff and the public politely, professionally and with an appreciation for our common humanity, even when we disagree on what is best for the community.
- When I explain my disagreement with a colleague or City Council decision to others, I do so in a way that focuses on the merits of an issue and recognizes that reasonable people of differing interests and/or good intentions can disagree on what is best for our community.
- When my perspective doesn't prevail, in discussing the outcome in the community, I frame my colleagues' differing positions in the spirit of moving onward from the decision and in the same way I would want my colleagues to frame my own differing positions.
- I contribute to a culture and practice of active acknowledgement by recognizing colleagues and persons who model values-based decision-making under challenging circumstances.

## Attachment: Carlsbad Code of Ethics and Public Service Values

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- I refer to my colleagues on the City Council by their formal city titles (for example, “Council Member,” “Mayor,” etc.), and/or appropriate gender pronouns unless an individual has expressed a preference for an alternative title (for example, “Reverend,” “Dr.,” etc.)

**2. I invite and respect public input** to inform my sense of what is in the community’s best interests and incorporate it in the decision-making process to ensure meaningful public engagement. In practice, this means that:

- I am attentive and engaged in meetings.
- I welcome diverse perspectives and consider them in my decision-making.
- I act in ways that help people feel valued when they participate in our city’s decision-making processes.
- As an elected official, I gather public input and information to make the best decision with a spirit of curiosity and inquiry.
- I involve all appropriate stakeholders and the public in general in meetings affecting city decisions.
- I strive to make people feel heard, by listening carefully, sharing what I think I have heard, asking clarifying questions, and seeking to understand the interests underlying their positions.

**3. My actions reflect the belief that elected officials, city staff and others who serve the agency are on the same team** in service to the community, even though we have different roles. In practice, this means that:

- I act on the understanding that staff’s role is to provide objective information and analysis to inform the decision-making process within the resources that they have available, even if this information and analysis don’t support the decision I believe is best.
- When I know I will be asking one or more questions on an agenda item, I alert the City Manager or City Attorney as appropriate in advance so staff can be prepared to provide the most complete answer to inform both the City Council and the public.
- I ask questions to authentically deepen my understanding of staff analysis and its factual underpinnings, as well as inform the public; I argue the merits of decisions with my fellow City Council Members.
- I communicate any concerns I have about city functions, staff analyses or individual staff performance to and through the city manager.
- I act on the understanding that I am part of a group decision-making process and that staff take direction from City Council collective action.

**Value: Responsibility**

**1. I model and promote clear communication.** In practice, this means that:

- I support defining important words, terms, and context, avoiding jargon (including use of acronyms) and using examples.
- I ask questions to test any inferences and assumptions I may be inclined to make based on what I am hearing people say; I support others doing likewise.
- I am direct and transparent in explaining my reasoning, interests, goals and intentions to help others understand what I am saying and why. I contribute to an interpersonal environment that supports such transparency and forthrightness from others to help move conversations forward with the goals of finding common ground and maximizing the public's best interests.
- I verify (fact check) statements reportedly made by a colleague directly with that colleague.
- I make myself available for one-on-one conversations about the values in this code.
- I am transparent and publicly disclose relevant information.

**2. I work collaboratively** to improve our community's quality of life and promote the public's best interests. In practice, this means that:

- I gain value from diverse perspectives and consider them in my decision-making.
- I recognize that I am an agent for the democratic process, not the owner of authority.
- I seek information from community members and my colleagues about what qualities an acceptable solution might have to a problem (their interests), in addition to hearing what their positions are.

**3. I consider the larger picture** in my decision-making and actions. In practice, this means that:

- I consider the short-, medium-, and long-term effects of my decisions and actions.
- I strive to foster effective relationships with state, regional and other public agencies and their officials.

**4. I am accountable** for my actions and words. In practice, this means that:

- I am prepared to make unpopular decisions when my sense of the public's best interests requires it.
- I take responsibility for my actions, even when it is uncomfortable to do so. This includes apologizing when I realize that my behavior has fallen short of the aspirational standards in this code.
- As part of my commitment to growth and learning, I am open to constructive feedback from my colleagues and others—ideally first expressed on a human-to-human (one-on-one) basis--when they think I may have acted in a way that falls short of my goal of the values-based decision-making and the behaviors described in this code.
- I keep open communication with my fellow City Council members when speaking or making presentations in other City Council members' districts.

- I will review these code provisions with my colleagues at least annually, looking for opportunities to refine, improve and/or update the provisions given current developments and dynamics.

#### Values: Compassion and Fairness

1. I am **empathetic and care about** the needs of the public, my colleagues and staff. In practice, this means that:

- When interacting with others, I put myself in others' shoes, understanding that people have different lived experiences.
- I am sensitive that those interacting with public officials, whether staff or community members, can be intimidated by public officials and public agency processes. I try to make interactions with the City Council as stress-free as possible.
- My actions reflect an awareness that people respond to both verbal (including tone of voice) and non-verbal cues; I also recognize that some people, including me, can interpret verbal and non-verbal cues differently, depending on the attributes of the source.
- I use active listening techniques (repeating back, follow-up questions, taking notes as appropriate, and other verbal and non-verbal cues) to demonstrate that I am hearing and listening to what people are saying.
- I carefully consider all colleague's and public's perspectives and input when making decisions.
- I value the personal experiences that contribute to my colleagues' and the public's views on a given matter.
- I initiate one-on-one conversations with those who have different positions on issues to better understand those positions; I look for opportunities to identify shared values and interests.
- I view the opportunity to provide feedback to my colleagues relating to values-based decision-making—ideally first on a human-to-human (one-on-one) basis—as opportunities for mutual understanding, growth and learning.
- I understand that everyone makes mistakes and, in the spirit of collegiality, I accept apologies when they are offered. I set aside grudges that may be tempting to hold.
- I look for opportunities to celebrate generative, positive examples of the application of this code.

2. I **embrace** our community's and city team's **diversity**. In practice, this means that:

- I consider the diversity, equity and inclusion implications of policy decisions I make.
- I participate in regular educational activities to enhance my insights into a wide variety of diversity, equity and inclusion issues.

3. I promote **fair and consistent processes**. In practice, this means that:

- I make decisions on policies, hiring and contracting prioritizing merit and value to the community and equitable practices rather than favoritism and/or family or personal relationships.
- I honor the law's and the public's expectation that city policies will be applied consistently.

- I am impartial in my decision-making and do not favor those who either have helped me (or are in a position to do so) and disfavor those who have not (or are not).
- I make it a practice to communicate equitably with members of the community, irrespective of their influence, power or campaign donations.
- I make a conscious effort to avoid favoritism or bias (including unintended bias) in my actions and decisions.

**Value: Integrity**

1. I am **truthful** with my colleagues, the public and others. In practice, this means that:

- I carefully consider any promise I make and then I keep it; I make only promises I believe are realistic.
- I treat information I receive with a spirit of inquiry and presumed positive intent; I fact-check information as necessary with colleagues, staff and others.
- I honor commitments I and my agency make.
- I credit others' contributions to moving our community's interests forward.
- I only disclose confidential information when I am authorized to do so.
- I explain the official positions of the city to the best of my ability when I am authorized to do so. I am clear in stating my own views that these views may or may not represent the city's position.

2. My **actions** are **consistent with my words**. In practice, this means that:

- I follow through on the commitments I make.
- Building and maintaining trust is an ongoing process. I act in ways that promote the public's trust in both 1) the city as an expression of community democratic processes and 2) my own role as a member of the city's governing body.

3. I **comply with both the letter and the spirit of** laws that are designed to promote public trust and confidence in our agency's decision-making. In practice, this means that:

- I demonstrate, by my actions and my words, that I am a guardian of the public's trust and confidence in the city, its elected officials and staff.
- I use public resources for public purposes, not for private benefit or political purposes.
- I decline and do not seek gifts, favors, and other special treatment.
- I make decisions based on my sense of the public's best interests. In so doing, I am mindful of the nonpartisan nature of city, county, school and judicial offices provided for in California's constitution.