

CITY OF PARAMOUNT
LOS ANGELES COUNTY, CALIFORNIA

RESOLUTION NO. 21:002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARAMOUNT
ESTABLISHING A CODE OF CONDUCT

WHEREAS, the City Council finds and declares that its members, and all members of appointed boards and commissions (collectively, "Public Officials") should comply with both the letter and spirit of the laws and policies affecting the operations of government; and

WHEREAS Public Officials are expected by the public to be independent, impartial, and fair in their judgment and actions; and

WHEREAS, serving in public office is a privilege and should be exercised in trust for the public good, not for personal gain; and

WHEREAS, public deliberations and processes should be conducted openly, unless legally confidential, in an atmosphere of respect and civility; and

WHEREAS, this Code of Conduct serves to supplement but not replace those Rules of Decorum and Proceedings for the Conduct of meetings adopted by the City Council on October 3, 2017 and amended from time to time.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PARAMOUNT AS FOLLOWS:

SECTION 1. The above recitations are true and correct.

SECTION 2. *Code of Conduct: Core Principles.* The City Council finds and declares that its members, and all members of appointed boards and commissions (collectively, "Public Officials"), will abide by the following Core Principles:

- A. Public Officials should comply with both the letter and spirit of the laws and policies affecting the operations of government; and
- B. Public Officials are expected by the public to be independent, impartial, and fair in their judgment and actions; and
- C. Serving in public office is a privilege and should be exercised in trust for the public good, not for personal gain; and
- D. Public deliberations and processes should be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

SECTION 3. *General Policies.* Implementing the Core Principles is one of the guiding objectives in adopting this Code of Conduct. Accordingly, in addition to all requirements of applicable law, the Public Officials must adhere to the following policies:

- A. Conduct of Public Officials

The professional and personal conduct of Public Officials must be above reproach and avoid even the appearance of impropriety. Public Officials will refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other Public Officials, City employees, or the public.

- B. Respect for Process

Public Officials will perform their duties in accordance with the Rules of Decorum and Procedures established by the City Council governing the deliberation of public policy issues, meaningful involvement of the

public, and implementation of policy decisions.

C. Conduct of Public Meetings

Public Officials will fully prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They will refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

D. Communication

Public Officials will publicly share substantive information that is relevant to a matter under consideration by the City Council or boards, commissions, and committees, which they may have received from sources outside the public decision-making process.

E. Confidential Information

Public Officials must respect the confidentiality of information concerning City property, personnel, or proceedings of the City. They will neither disclose confidential information without proper legal authorization nor use such information to advance their personal interests.

F. Advocacy

When presenting their individual opinions and positions, Public Officials will expressly state they do not represent their body or the City of Paramount, nor will they allow the inference that they do. All written correspondence expressing an individual opinion and position must be on personal stationery and not on City stationery.

G. Policy Role of Public Officials

Public Officials must respect and adhere to the council-manager structure of Paramount city government with respect to the City Manager's relationship with the City Council and City staff. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards, commissions, and committees and City staff. The City Manager implements that policy. The City Manager is also the exclusive Personnel Manager for all City employees.

SECTION 4. *Substance Abuse Policy.*

A. While acting in their official capacities, Public Officials will refrain from imbibing alcohol to the point that it impairs their judgment, physical coordination, speech, or mental process.

B. At all times, Public Officials will refrain from the use of a controlled substance, narcotic, amphetamine, barbiturate, prescribed or over-the-counter medication in excess of the prescribed dosage, or other non-prescribed hallucinogenic substance.

C. Public Officials who have substance abuse problems are encouraged to make every effort to overcome such problems and to utilize the services of the Employee Assistance Program (EAP). Using the EAP is confidential.

SECTION 5. *Anti-Harassment Policy.*

- A. Harassment of an applicant or employee by a Public Official on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran or military status, sex, or age will not be tolerated.
- B. Harassment on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran or military status, sex, or age includes, but is not limited to, the following examples:
 - 1. Verbal Harassment - Epithets, derogatory comments, or slurs on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran or military status, sex, or age.
 - 2. Physical Harassment - Assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran or military status, sex, or age.
 - 3. Visual Forms of Harassment - Derogatory posters, notices, bulletins, cartoons, or drawings on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran or military status, sex, or age.
 - 4. Sexual Favors - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that is conditioned upon employment benefit, unreasonably interferes with an individual's work performance or creates an offensive work environment.

SECTION 6. *Anti-Nepotism Policy.*

- A. No person related to a member of the City Council or their spouse shall be employed by the City, nor hold appointive positions on City commissions, as required under Section 2.16.020 of the Paramount Municipal Code.
- B. No person related to any member of an appointed board or commission or their spouse shall be employed by the City.
- C. If a Public Official's relative presents a matter to the City, then that Public Official cannot participate in or attempt to influence decision-making regarding that matter. For purposes of this policy a "relative" is defined as a blood, by-adoption, or step parent, spouse or registered domestic partner, sibling, child or in-law, and their children and children-in-law.

SECTION 7. *Expected Conduct.*

- A. Public Officials will request administrative services only through the City Manager or designee.
 - 1. Public Officials cannot direct, order, or make demands on any City employee, other than inquiries that can be answered routinely and without research; provided, however, that a majority vote of the City Council may direct or order the City Manager to perform tasks, services and answer questions that may require research.

2. Public Officials cannot attempt to reorganize an employee's priorities or influence the manner by which City staff performs their assigned functions or duties.
 3. Public Officials cannot retaliate or threaten to retaliate against employees as a result of disagreements over policy recommendations.
 4. Public Officials cannot threaten a City employee with disciplinary action.
- B. Public Officials must act collectively in a properly noticed and constituted meeting; Public Officials do not have authority to make decisions or take actions on behalf of the body unless expressly authorized to do so.
1. Public Officials cannot make representations or promises to any third party regarding the future actions of the City or of the body of which they are a member, unless such representation or promise has been duly authorized by the appropriate body.
 2. When making public utterances, Public Officials must make it clear whether they are authorized to speak on behalf of the body of which they are a member, or whether they are presenting their own views.
 3. Public Officials cannot interfere with the manner by which the City Manager performs his or her duties, including his or her duties as the City's Personnel Manager.
- C. Public Officials who are members of boards and commissions must limit their activities to matters within their subject matter jurisdiction.
1. Boards and commissions can address only those matters determined by the Paramount Municipal Code ("PMC") or by the City Council to be within their subject matter jurisdiction. City staff need not place on an agenda, provide resources for or implement requests, directions or actions outside that jurisdiction. Unless directed otherwise by the City Council, Commissions and Boards shall refrain from consideration of policy issues that are under active consideration by the City Council.
 2. The City Council, collectively, will provide direction and guidance to its subsidiary bodies.
- D. City resources must be used solely for proper governmental purposes, and only with proper authorization.
1. City letterhead may only be used by Public Officials for official City business. The Mayor shall be the authorized signatory on all letters that are written on behalf of the City Council. In the event the Mayor is unable to sign a letter, the Vice Mayor shall be the authorized signatory.
 2. The City Council will be the only Public Officials who are entitled to receive business cards.
 3. City employees cannot be asked or directed to spend time on non-City business.
 4. Public Officials cannot use or disclose information obtained through City service for improper purposes.

SECTION 8. Enforcement. To enforce the Core Principles and the polices set forth in this Resolution and to implement those Core Principles, the City Council adopts the following requirements for enforcement:

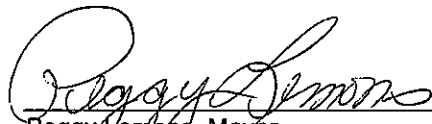
- A. A complaint regarding a violation of the Code of Conduct may be filed with the Mayor, the City Manager, or the City Attorney (collectively, the "Investigator"). In the event of a complaint against the Mayor, an individual can file a complaint with the Vice Mayor.
- B. Upon receiving a complaint, the person receiving the complaint may take one of the following actions depending on the circumstances of the alleged violations of law or policy:
 1. Take no action;
 2. Conduct a preliminary investigation of the allegations before recommending any action. Following such a preliminary investigation into the complaint, the Investigator may then either take no action or place the matter on a future City Council agenda with a recommendation for consideration; or
 3. Place the matter on a future City Council agenda for consideration.
- C. If a complaint is placed on the City Council agenda, the City Council may take the following action:
 1. Take no action;
 2. Initiate an investigation of the allegations before considering any discipline identified in this Code of Conduct; or
 3. Based upon substantive evidence, take one of the disciplinary actions identified herein.
 4. Nothing in this Code of Conduct precludes individual City Council Members from making public statements regarding alleged conduct.
- D. In addition to any other remedy provided by applicable law, the City Council may undertake one or more of the following actions after finding a violation of this Code of Conduct occurred by a Council Member:
 1. **Admonition.** This is the least severe form of action. An admonition may typically be directed to all members of the City Council, reminding them that a particular type of behavior is in violation of law, City policy or this Code of Conduct. An admonition may be issued by the City Council before any findings of fact regarding allegations, and because it is a warning or reminder, would not necessarily require an investigation or separate hearings to determine whether the allegation is true.
 2. **Sanction.** This is the next most severe form of action. Sanction may 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 law, City policy or this Code of Conduct. 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 such a violation. The member accused of a violation will have an opportunity to provide a written response to the allegation. A sanction may be issued by the City Council and because it is not punishment or discipline,

would not necessarily require an investigation or separate hearings.

3. **Censure.** Censure is the most severe form of action. 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, but it carries no fine or suspension of the rights of the member as an elected official. Censure should be used for cases in which the City Council determines that the violation of law, policy or this Code of Conduct is a serious offense. To protect the overriding right to freedom of speech, the City Council cannot impose censure on any of its members for the exercise of his or her First Amendment rights, no matter how distasteful the expression was to the City Council and the City. However, nothing can be construed to prohibit the City Council from collectively condemning and expressing their strong disapprobation of such remarks. A decision to censure requires the adoption of a Resolution making findings with regard to the specific charges, based on substantial evidence, and approved by a two-thirds vote of the City Council.
- E. If the City Council censures one of its members it can also take the following actions:
1. Remove the Council Member from a City board or commission;
 2. Remove the Council Member from an independent board or commission other than the City if allowed by the by-laws of that board or commission (e.g., regional boards);
 3. Request for an apology to City Council, the complainant, or both;
 4. Remove access privileges to City Hall other than for areas that are publicly accessible;
 5. Prohibit the Council Member from attending any subsequent closed session pertaining to the subject matter of the censure as authorized under Government Code Section 54963; and
 6. Such additional actions that may be available through judicial intervention.
- F. If any member of an appointed board or commission violates any provision of this Code of Conduct, the City Council may, by majority vote remove that member from a City board or commission.

SECTION 9. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Paramount this 12th day of January 2021.


Peggy Lempert, Mayor

ATTEST:


Heidi Luce, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF PARAMOUNT)

I, Heidi Luce, City Clerk of the City of Paramount, California, DO HEREBY CERTIFY that the foregoing **RESOLUTION NO. 21:002** was duly approved and adopted by the City Council of the City of Paramount at a meeting held on **January 12, 2021**, and said resolution has been signed by the Mayor and attested by the City Clerk, and that the same was approved and adopted by the following vote, to wit:

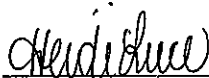
AYES: COUNCILMEMBERS: Guillen, Aguayo, Cuellar Stallings,
Vice Mayor Olmos, Mayor Lemons

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

Dated: January 13, 2021



Heidi Luce, City Clerk

(SEAL)