



Draft

Photo credit: flickr.com/jotulloch

Ethics Code

Local Ethics Laws

“A written set of *guidelines* issued by an *organization* to its *workers* and *management* to help them *conduct* their *actions* in accordance with its *primary values* and *ethical standards*. A code of ethics is a standard of morals by which a government makes decisions about what is right or wrong.”

Your Dictionary and Business Dictionary.

Sacramento needs an Ethics Code.

Ethics rules, according to the Institute for Local Self-Government, help ensure that “personal interests play no role in a public servant’s decision.” However, when ethics laws are unknown, ignored, unenforced or nonexistent, the public's confidence is undermined and cynicism in government grows.

Principle 1: Behested Contributions.

"Behested contributions" are charitable contributions made by a private party at the behest or encouragement of an elected official. The concern with behested contributions is that the giving of substantial sums of money to nonprofits at the behest of an elected official, particularly a nonprofit under the control of the elected official, can create the appearance (and potentially, the reality) that such contributions will curry favor with the elected official who solicited the funds. Currently, behested contributions must be disclosed, but they are not subject to any limitations, as contrasted with campaign contributions which are subject to specific limits. We propose that annual caps on behested contributions be established to minimize the appearance of influence-buying by those giving funds at the behest of officeholders. The caps should not be so low as to limit the typical fundraising for nonprofits that elected officials commonly engage in for the benefit of their districts, but not so high as to reinforce the public impression that influence is being acquired with such contributions.

Principle 2: Revolving Door Ordinance.

Under the City’s existing “revolving door” ordinance, a City employee is prohibited from assuming employment or undertaking other work that involves lobbying or otherwise communicating with City employees, officials or agents on a matter that was within that employee’s scope of employment when he or she was employed by the city for a one-year period after termination of their employment. That period shall be increased to two years. Additionally, a City official should be precluded from accepting post-city employment with a firm that has financially benefited from the decisions or actions taken by the public official while he was employed by the City.

Principle 3: Councilmembers Should Abstain From Votes That Benefit a Contributor.

A sitting Councilmember should be precluded from voting on a matter that would financially benefit an individual or entity who has given the Councilmember a campaign contribution above a specified dollar threshold. Such a rule would be applied entirely prospectively.

Draft

Principle 4: *Nepotism.*

The violation of the City's nepotism policy would constitute a violation of the Ethics Code.

Principle 5: *Safe Place to Work.*

Harassment and bullying would be violations of the Ethics Code. The City's current whistleblower and sexual harassment policies are outdated. We support Councilmember Steve Hansen's Safe Work Initiative that asks the City Auditor to make recommendations on how to update these policies so that City employees are protected from sexual harassment and discrimination. The Ethics Code should provide that harassment or discrimination against a City Employee by a senior City official would constitute a violation of the Ethics Code.

Principle 6: *The Hatfield Rule: Tell the Truth.*

Another reform we propose be included in the Ethics Code is what we term the "Hatfield Rule" (named after the late, Greg Hatfield, a co-founder of EOS, who strongly championed the rule). The Hatfield Rule would require city employees to annually sign a statement promising to tell the truth, the whole truth and nothing but the truth to the best of their knowledge in their testimony and presentations to the City Council and acknowledging that a failure to abide by their promise may have negative consequences for their city employment, up to and including potential termination.

Principle 7: *Remedy for Willful or Corrupt Misconduct.*

Measure L, the Strong Mayor Initiative, included a provision that provided that a public official who "substantially violates" the city's ethics code would be subject to removal from office. We propose that, in cases of alleged egregious misconduct by a public official, the Ethics Commission be empowered to initiate removal proceedings by initiating a civil action in Superior Court, wherein the court would be asked, at a contested evidentiary hearing, to make a factual determination, of whether an official has engaged in "willful or corrupt misconduct" warranting removal from office, similar to the existing statutory authority that civil grand juries possess to initiate removal proceedings against a public official under Penal Code Section 919(c).

Additional Provisions:

Restrictions on Political Activity by City Employees

Significant Economic Interest Reporting and Disclosure

Gift Restrictions

Candidate Campaign Disclosure Rules

Campaign Money Laundering Provisions

Prohibition on Soliciting Campaign Contributions from City employees.

For More Information, visit: www.EyeonSacramento.org.