RESOLUTION NO. 2005-8

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH AMENDING THE CITY'S CODE OF ETHICS

WHEREAS, on October 4, 1993, the City Council adopted a Code of Ethics to serve as a standard of conduct for all elected officials, officers, employees and members of advisory boards, commissions, and committees of the City of Huntington Beach per Resolution No. 6524; and

On August 4, 2003, the City Council adopted Resolution No. 2003-51 amending the Code of Ethics; and

In January 2004, the City Council adopted Resolution No. 2004-2 amending the Code of Ethics,

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Huntington Beach that the Code of Ethics be revised as set forth in the legislative draft attached hereto as Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 7th day of February, 2005.

Mayor

REVIEWED AND APPROVED:

City Administrator

APPROVED AS TO FORM:

City Attorney 1/21/05

INITIATED AND APPROVED:

City Administrator

05reso/code-ethics revised/1/21/05

SS #B-1

RESOLUTION 2005-8
EXHIBIT A

LEGISLATIVE DRAFT

CITY OF HUNTINGTON BEACH
CODE OF ETHICS
APPROVED 1/20/04

Background

Every citizen of the City of Huntington Beach is entitled to have complete confidence in the integrity of local government. All elected officials, officers, employees, and members of advisory boards, commission, and committee of the City must help to earn that confidence by their individual and collective conduct.

Purpose

The purpose of this Code of Ethics is to set a standard of conduct for all elected officials, officers, employees, and members of advisory boards, commission and committees of the City of Huntington Beach. This policy is not intended to supersede or invalidate any statute, ordinance, or civil service rule or regulation.

Applicability

This Code of Ethics shall apply to all elected officials, officers, employees, and members of advisory boards, commissions, and committees of the City of Huntington Beach, herein called "officials".

Code Review

The City Council, City departments, and all boards, commissions, and committees are to formally review this Code of Ethics with their members annually during the month of January. The Mayor, City Administrator, and Chairpersons shall be responsible for accomplishing this review. New members of the City Council, boards, commissions, and committees and new employees are to be provided a copy of the Code of Ethics for their review when they are elected or appointed.

All elected officials, officers, employees, and members of advisory boards, commissions, and committees of the City of Huntington Beach shall sign an acknowledgment of receipt of a copy of the Code of Ethics. Said acknowledgments of the elected officials and members of boards, committees and commissions shall be maintained on file with the City Clerk. Said acknowledgments of officers and employees shall be maintained on file with the Department of Administrative Services, Human Resources Division.

Policy

The following policies, adopted by the City Council of the City of Huntington Beach constitute the official Code of Ethics for all officials of the City.

First: All officials shall uphold the Constitution of the United States, the Constitution of the State of California, and the Huntington Beach City Charter, and carry out impartially the laws of the nation, state and municipality.

Second: All officials shall comply with all applicable provisions of state law, particularly the California Political Reform Act including but not limited to its provisions on gifts and conflicts of interest.

Third: Officials shall not engage in any activity which results in any of the following:

(a) Use of time, facilities, equipment, supplies, or other resources of the City for the private advantage or gain for oneself or another;

(b) Use of official information that is not available to the general public for private advantage or gain for oneself or another;

(c) Use of the authority of their position with the City to discourage, restrain or interfere with any person who chooses to report potential violations of any law or regulation.

Fourth: Officials shall not accept, directly or indirectly:

(a) Private advantage, gain, remuneration, or reward for oneself or another as a result of the prestige or influence of the City office, employment, or appointment;

(b) Financial consideration from any source other than the City of Huntington Beach for performance of their official duties, except for stipends received as representatives on board, commissions or committees at a local, regional, or state level;

(c) Employment from private interests, when such employment is ~~compatible~~ **inconsistent** with the proper discharge of their official duties or may result in a conflict of interest.

Fifth: Officials shall not give special treatment or consideration to any individual or group beyond that available to any other individual.

Sixth: Officials shall not discriminate against or harass a citizen or co-worker on the basis of race, color, gender, religion, national origin, ancestry, sexual orientation, physical or mental handicap, martial status or age; harassment shall include verbal, physical, and sexual harassment.

Seventh: Except for persons appointed to boards, commissions, and committees, officials shall not lobby for remuneration on behalf of any other individual or entity other than themselves to City staff or before the City Council or any City board, commission, or committee for a period of one year after their date of severance from the City.

Eighth: All officials shall conduct themselves in a courteous and respectful manner at all times during the performance of their official City duties.

Enforcement

Any official found to be in violation of this Code of Ethics may be subject to censure by the City Council. Any member of an advisory board, commission, or committee found to be in violation may be subject to dismissal. In the case of an employee, appropriate action shall be taken by the City Administrator or by an authorized designee.

Res. No. 2005-8

STATE OF CALIFORNIA
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, JOAN L. FLYNN the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at an **regular** meeting thereof held on the **7th day of February, 2005** by the following vote:

AYES: Hansen, Coerper, Sullivan, Green, Bohr, Cook
NOES: None
ABSENT: Hardy
ABSTAIN: None

Joan L. Flynn

City Clerk and ex-officio Clerk of the
City Council of the City of
Huntington Beach, California