

Ivy Avalos
Mayor

Ruben Reyes
At-Large

Cesar Nevarez
District 1



Alejandro Garcia
District 2/ Mayor Pro-Tem

Rudy Cruz, Jr.
District 3

Yvonne Colon-Villalobos
District

ORDINANCE 565

ORDINANCE TO AMEND, PART II – CODE OF ORDINANCES, CHAPTER ADMINISTRATION, ARTICLE IV. – BOARDS, COMMISSION, AGENCIES AND AUTHORITIES, DIVISION 6. ETHIC REVIEW COMMISSION.

DIVISION 6. - ETHICS REVIEW COMMISSION

Sec. 2-339. Standards of conduct.

Officers and employees of the city shall not:

- (1) Accept or solicit, for personal financial gain, any benefit that might reasonably tend to influence or appear to influence them in the discharge of their official duties.
- (2) Use their official positions improperly to secure privileges or exemptions for themselves, relatives, or others. This provision does not preclude officers or employees from acting in any manner consistent with their official duties or from zealously providing public services to anyone who is entitled to them.
- (3) Participate in making or influencing any city governmental decision or action in a matter that they have a financial interest distinguishable from the public generally or other city officers or employees generally.
- (4) By their conduct giving a reasonable basis to believe that a person can improperly influence, or unduly be favored by them, in the performance of their official duties, or that they are unduly influenced by the kinship, rank, position or influence of any person.
- (5) Use or disclose, other than in the performance of their official duties or as may be required by law, confidential information gained in the course of or by reason of their positions. This provision applies to both former and current officers and employees.
- (6) Transact any business (other than ministerial acts) on behalf of the city with any business entity in which they serve as an officer, agent or member or in which they have any financial interest. In the event such a circumstance arises, then they shall immediately disclose their interest, and:
 - a. In the case of an officer, abstain from voting on the matter and refrain from discussion of the matter at any time with other members of the body on which the officer serves and with any other person, department, Board, city council or other body involved in city government which may consider the matter; and

b. In the case of an employee, disclose the matter to the city manager and the employee's immediate supervisor so that reassignment or other suitable action may be taken to remove the employee from any further involvement in the matter.

(7) Personally provide services for compensation, directly or indirectly, to a person or organization which is requesting an approval, investigation, or determination from a department, Board, city council or other body involved in city government.

(8) Accept other employment or engage in outside activities incompatible with the full and proper discharge of their duties and responsibilities with the city, or which might impair their independent judgment in the performance of their public duty.

(9) Personally participate in a decision, approval, disapproval, recommendation, investigation, or rendering of advice in a proceeding, application, request for ruling or determining, contract, claim, or other matter under the jurisdiction of the city, if the officer or employee is negotiating or has an arrangement concerning prospective employment with a person or organization which has a financial interest in the matter, and, in the case of an employee, it has been determined by city manager that a conflict of interest exists. If an officer or employee begins to negotiation or enters an arrangement concerning prospective employment with a person or organization that has a financial interest in a matter in which the officer or employee has been participating, the officer or employee shall:

a. In the case of an employee, immediately notify the city manager, the employee's immediate supervisor and the department head who oversees the employee's employment of the nature of the negotiation or arrangement and, if the city manager determines that a conflict of interest exists, follow the instructions of the city manager with regard to further involvement in the matter;

b. In the case of a board member, immediately notify the board chairperson and all members of the board of the nature of the negotiation or arrangement and refrain from discussing the matter at any time with other board members or members of the city council if the city council will also consider the matter and abstain from voting on the matter; or

c. In the case of a member of the city council, file an affidavit with the city clerk describing the nature of the negotiation or arrangement and refrain from discussing the matter at any time with other council members or members of a board that will consider the matter and abstain from voting on the matter.

(10) Receive any fee or compensation for their services as officers or employees of the city from any source other than the city, except as may be otherwise expressly authorized by law.

(11) In the case of a member of the city council or an employee, personally represent or appear on behalf of the private interests of another before the city council, or any city board or department; or, if the represented person's interest is adverse to that of the city, represent any person in any quasi-judicial proceeding involving the city or in any judicial proceeding to which the city is a party; provided, however, that nothing in this subsection shall preclude:

- a. A city council member from speaking or appearing without compensation before the city council or any board or department on behalf of constituents in the course of his duties as an elected official;
- b. Any employee from performing the duties of his employment;
- c. Any employee from appearing before the city council or any city board or department, in a manner consistent with other city policies and rules, to discuss any general city policies or matters of public concern, including the presentation of viewpoints or petitions of other employees; or
- d. A city council member or an employee from testifying as a witness under subpoena in a judicial or quasi-judicial proceeding.

(12) In the case of a board member, personally represent or appear on behalf of the private interests of another before the board on which the member serves, before the city council, before a board which has appellate jurisdiction over the board on which the member serves, or in a judicial or quasi-judicial proceeding to which the city or an employee of the city is a party, if the interest of the person being represented is adverse to that of the city or an employee of the city and the subject of the proceeding involves the board on which the board member serves or the department that oversees or provides support services to that board.

(13) Knowingly perform or refuse to perform any act in order to deliberately thwart the execution of the city ordinances, rules or regulations or the achievement of official city programs.

(Ord. No. 214, § 3(B), 11-2-2000)

Approved on this ____ 20th, day of __ April, 2023.

Ivy Avalos, Mayor

ATTEST:

Olivia Navarro, City Clerk

James Martinez, City Attorney

First Reading and Introduction: April 6, 2023
Second Reading and Adoption: April 20, 2023 _____