



**CITY OF CYPRESS**  
**CIVILITY, CONDUCT, ETHICS AND GOVERNANCE POLICY**  
**Adopted February 13, 2023**

**City Council**

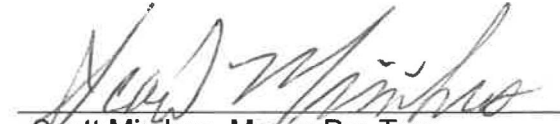
Anne Hertz-Mallari, Mayor  
Scott Minikus, Mayor Pro Tem  
David Burke, Council Member  
Frances Marquez, Council Member  
Bonnie Peat, Council Member

## Civility, Conduct, Ethics and Governance Policy

### SIGNATURE PAGE

We have reviewed and agree to follow the Civility, Conduct, Ethics and Governance Policy in order to support a positive and productive working relationship among the Cypress City Council, City Manager, City staff, and the community. We shall review the Policy annually.


  
Anne Hertz-Mallari, Mayor

  
Scott Minikus, Mayor Pro Tem

  
David Burke, Council Member \*

Frances Marquez, Council Member

  
Bonnie Peat, Council Member

  
Peter Grant, City Manager

\* My signature on this document does not constitute a waiver of any rights, privileges, or benefits, that were conferred upon my election to the Cypress City Council.

**Civility, Conduct, Ethics and Governance Policy**

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# **Civility, Conduct, Ethics and Governance Policy**

## **PURPOSE**

The City of Cypress is committed to the democratic process, individual rights of expression, robust debate, and tolerance for disparate views. Adopting a civility, conduct, ethics and governance policy that establishes rules of decorum and principles of civility applicable to all public meetings and in all interactions in the workplace helps ensure that civic engagement and local democracy continue to flourish in Cypress.

The Civility, Conduct, Ethics and Governance Policy (the Policy) is intended to promote mutual respect, civility, and orderly conduct among elected and appointed City officials, City staff, and our community. The Policy is not intended to deprive any person of his/her right to freedom of expression, but to promote, to the extent possible and reasonable, open dialogue and positive communications while discouraging intimidating, demeaning, volatile, hostile or aggressive actions.

In order to safeguard participatory democracy in Cypress, all elected officials, appointed officials and City employees are expected to adhere to the standards of conduct established in the Policy.

The Policy is a framework for effective governance and involves ongoing discussions and agreements about unity of purpose, roles, responsibilities, norms and protocols that enable the City Council and City Management team to continue to perform its responsibilities in a way that best benefits Cypress.

The City Council and City Management must function together as a governance leadership team to effectively serve our community. Agreed-upon behaviors and operating protocols support consistent behaviors and actions among team members. The Policy ensures a positive, productive working relationship among Council Members, the City Manager, City staff, and our community. The Policy is developed for, and by, the governance team and may be modified as needed.

The Policy shall be:

- Signed by Council Members and posted on the City website.
- Signed by Commissioners.
- Provided to candidates for election to the City Council and reviewed in City Council candidate orientations.
- Provided to applicants for appointment to commissions.
- Reviewed by the City Council annually for self-evaluation, discussion, and revision (if appropriate) as a new business item.
- Reviewed by the City Council for self-evaluation, discussion, and revision (if appropriate) as a new business item within 60 days of new member joining the City Council or the appointment of a new City Manager or City Attorney.

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*For the purposes of this Policy, “Mayor” refers to the chair of any public meeting or meeting of a City Council authorized Commission, Board or Subcommittee and “City Council” also refers to all Commissions, Board or Subcommittees.*

# **Civility, Conduct, Ethics and Governance Policy**

## **MISSION STATEMENT**

The City of Cypress, in partnership with the community, sustains and enhances our safe, attractive and quality environment in which to live, work and play.

## **VISION STATEMENT**

Cypress, an engaged and diverse community, will honor the past and embrace sustainable growth for families and businesses to prosper.

## **CORE VALUES/GUIDING PRINCIPLES**

The City of Cypress values...

Integrity

Accountability

Transparency

Fiscal prudence

Teamwork

Responsiveness to the community

# **Civility, Conduct, Ethics and Governance Policy**

## **CIVILITY & CONDUCT PROTOCOLS**

In interactions with each other, City staff and the community, Council Members will:

- C1. Be respectful; especially when there is disagreement.
- C2. Be honest and truthful.
- C3. Treat each other and everyone with courtesy and refrain from behavior that is contrary to this Policy or derogatory comments; and refrain from inciting such behavior or derogatory comments.
- C4. Make our community feel welcome; and strive to make people feel heard by listening carefully, asking clarifying questions, and seeking to understand.
- C5. Role model good leadership by being professional, demonstrating effective leadership for our community, and adhering to this Policy.
- C6. Confront challenging topics directly and resolve conflicts directly.
- C7. Keep an open mind; be willing to change views with new information, data, etc.
- C8. Be accountable and responsible for their actions and words, even when it is uncomfortable to do so. This includes apologizing when a Council Member's behavior falls short of the Policy's aspirational standards.
- C9. Be open to constructive feedback.
- C10. Present problems in a way that promotes discussion and resolution.
- C11. Credit others' contributions to moving our community's interests forward.
- C12. Treat City staff professionally and refrain from publicly criticizing employees.
- C13. Assume good intentions and not pre-judge others.
- C14. Debate the facts of the situation and avoid personalities and personal attacks.
- C15. Endeavor to resolve interpersonal issues between Council Members outside of a City Council meeting and not permit interpersonal issues to impact the governance team.
- C16. Explain disagreement in a way that focuses on the merits of an issue and recognizes that reasonable people of differing interests/good intentions can disagree on what is best for our community.
- C17. Act in a manner that reflects the belief that Council Members, City staff and others who serve the City are on the same team in service to our community, even though we have different roles.
- C18. Fact-check information with colleagues, the City Manager, the City Attorney and others.
- C19. Make themselves available for one-on-one conversations about the values in this Policy.

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### **GOVERNANCE PROTOCOLS**

To promote a positive governance team culture, Council Members will:

- G1. Prepare for and engage in meetings.
- G2. Debate the merits of decisions with fellow Council Members.
- G3. Make decisions based on their sense of our community's best interests. Remain mindful of the nonpartisan nature of city, county, school and judicial offices provided for in California's Constitution.
- G4. Work collaboratively to improve Cypress' quality of life and promote our community's best interests.
- G5. Consider the larger picture and gather community input to make the best decision.
- G6. Consider the short-, medium-, and long-term effects of decisions.
- G7. Be prepared to make unpopular decisions when our community's best interests requires it.
- G8. Attempt to build consensus through dialogue. When this is not possible, the majority vote shall prevail and the majority shall show respect for the opinion of the minority.
- G9. Be fair, impartial, and unbiased when voting on quasi-judicial actions and provide fair and equal treatment for all persons and matters.
- G10. Explain the official positions of the City to the best of their ability when authorized to do so.
- G11. Be clear in stating personal views and make it clear that those views may not represent the City's position.
- G12. Do not commit the City to an action/position without City Council or City Manager approval.
- G13. Preserve order and decorum during meetings.
- G14. Keep comments clear, concise, and on-topic to maximize opportunities for all to express themselves.
- G15. Alert the City Manager or City Attorney in advance when planning to ask questions about an agenda item so City staff can be prepared to provide the most complete answer to inform the City Council and our community.
- G16. Act on the understanding that Council Members are part of a group decision-making process and that the City Manager and City Attorney take direction from City Council collective action.



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- G17. Speak directly to the City Manager in a timely manner about concerns about City operations, City staff analyses, or City staff performance.
- G18. Support the City Manager's efforts to implement City Council policy decisions through the City's administrative service.
- G19. Understand that City 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 do not support the decision an individual Council Member believes is best.
- G20. Work through the City Manager on matters that involve another public agency or City contractor.
- G21. Participate in regular educational activities to enhance understanding of a wide variety of issues; including completing all State or City-required training in timely manner.
- G22. Use the Strategic Planning process to propose new programs and policies.
- G23. Place clear and realistic demands on City staff resources and time.
- G24. Read their City emails at least three times per week.
- G25. Read all weekly reports before the next one is distributed.
- G26. Respond to notices and event RSVP deadlines. If no response is received, City staff will assume that the Council Member will not attend.
- G27. Respond to inquiries and requests for feedback/review by the established deadline.
- G28. Start and end meetings on time, work from an agenda, and be present, attentive, and prepared.
- G29. Attend, and actively participate in, all meetings of organizations, boards and committees to which a Council Member is appointed by the City Council. If a Council Member cannot attend a meeting, they shall immediately alert the alternative representative, Mayor and City Manager.
- G30. Adhere to the Brown Act, maintain confidentiality, and only disclose confidential information when a majority vote of the City Council has authorized such disclosure.
- G31. Refrain from texting and the use of social media during public meetings, except in the case of urgent need or emergency.
- G32. Use the speaker sequencing system to inform the Mayor of their wish to speak and wait to be acknowledged before speaking.

## **Civility, Conduct, Ethics and Governance Policy**

### **CODE OF ETHICS**

The following principles shall constitute the Cypress Code of Ethics, applicable to all members of the City Council. Council Members entering office shall sign a statement affirming they read and understood the Code of Ethics. In addition, this Code of Ethics shall be periodically reviewed and updated by the City Council:

- E1. Act in the public interest: Recognizing that stewardship of the public interest must be their primary concern, Council Members will work for the common good of the community and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the City Council.
- E2. Comply with the law: Council Members shall comply with the laws of the nation, the State of California and the City of Cypress in the performance of their public duties. These laws include, but are not limited to: the United States and California Constitutions; the Charter; the Municipal Code; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government. Council Members shall also comply with all applicable City policies and procedures.
- E3. Conduct of Council Members: The professional and personal conduct of Council Members must be above reproach and should avoid even the appearance of impropriety. Council Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character of other members of the City Council, City staff or public.
- E4. Respect for process: Council Members shall perform their duties in accordance with the processes and rules of order established by the City Council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.
- E5. Incompatible employment: No Council Member, City employee or other public official shall engage in or accept private employment, or render services for private interests, when such employment or service is incompatible with the proper discharge of his/her official duties or would tend to impair his/her independence of judgment or action in the performance of his/her official duties.
- E6. Use of public property: No Council Member or City employee shall request or permit the use of City owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally, and in the same manner as available to the public, or are provided as City policy for the use of such official in the conduct of official business. No official shall use the time of any City employee during working hours for personal purposes.
- E7. Contracts with City: Council Members, City employees, or public officials shall not have a financial interest in any business transaction, or contract with the

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City, or in the sale of real estate, materials, supplies or services to the City, except as permitted in the conflict of interest statutes of the state.

- E8. Disclosure of interest in legislation: A Council Member who has a financial or other private interest in any legislation shall disclose on the records of the City Council or other appropriate authority the nature and extent of such interest.
- E9. Conflict of interest: In order to assure their independence and impartiality on behalf of the common good, Council Members shall not use their official positions to influence government decisions in which they have a material financial interest. In accordance with the law, Council Members shall disclose investments, interests in real property, sources of income and gifts; and abstain from participating in deliberations and decision-making where conflicts, as determined under applicable laws, may exist. Council Members should endeavor to consult with the City Attorney before any Council meeting to allow an evaluation by the City Attorney of any potential conflict.
- E10. Confidential information: Council Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
- E11. Advocacy: When representing the City while serving on or appearing before other government agencies or in court, Council Members shall represent the official policies or positions of the City Council to the best of their ability when designated as delegates for this purpose. When representing the City while serving on or appearing before other government agencies or in court, Council Members shall advocate policies that are in the best interest of the City over their own personal interests. When presenting their individual opinions and positions, Council Members shall explicitly state they do not represent the City Council or the City, and shall not allow the inference that they do.
- E12. Positive workplace environment: Council Members shall support a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. Council Members shall recognize their special role in dealings with City employees and not provide direction to City staff in violation of the City Charter.

### **ENFORCEMENT OF THE POLICY FOR COUNCIL MEMBERS**

The Policy establishes guiding principles for appropriate conduct and behavior and sets forth the expectations of Council Members. The Policy establishes a process and procedure that:

- Allows the community, Council Members, and City staff to report Policy violations or other misconduct.

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- Provides guidelines to evaluate Policy violations or other misconduct and implement appropriate disciplinary action.

The City Council may discipline Council Members who violate the Charter, the Municipal Code, the Policy, or engage in other misconduct. In determining the sanction imposed, the following factors may be considered:

- Nature of the violation.
- Prior violations by the same individual.
- Other factors which bear upon the seriousness of the violation.

At the discretion of the City Council, sanctions may be imposed for violating the Charter, the Municipal Code, the Policy, or engaging in other misconduct. These sanctions may be applied individually or in combination. They include, but are not limited to:

### **Admonishment**

A warning to the City Council about a particular action/behavior that violates City policy.

### **Direction to Correct**

Direction to an individual Council Member to correct the result of a particular action/behavior that violates law or City policy.

### **Informal Reprimand**

Reprimand to an individual Council Member when a particular action/behavior (or set of actions/behaviors) violates law or City policy, but is considered by the City Council to be not sufficiently serious to require censure.

### **Revocation of Special Privileges**

Revocation of a Council Member's committee assignments, regional boards and commissions, and community-generated board/committee appointments; suspension of official travel, conference participation, access to a City credit card, City Council salary, stipends, and ceremonial titles.

### **Censure**

An official City Council reprimand of a Council Member. The Municipal Code establishes the censure process.

## **ADDRESSING THE CITY COUNCIL IN A PUBLIC MEETING**

Oral Communications are an opportunity for the City Council to hear from the public and is not the time for a dialogue between the City Council and the public. Council Members make take note of comments or questions for follow-up, and at the conclusion of Oral Communications, and upon recognition by the Mayor, may pose those questions to City

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staff. If the Mayor perceives, or is alerted by another Council Member, of a substantial factual issue with a member of the public's comments, the Mayor may ask the City Manager or City Attorney for an immediate clarification at the end of the speaker's comments.

Generally, if a matter presented during Oral Communications requires follow-up, it shall be referred to the City Manager, and if the City Council determines that action is required, the item may be placed on a future agenda following established processes.

To ensure the highest standard of respect and integrity during public meetings, attendees should:

- P1. Address all comments to the City Council as a whole and not to any individual member.
- P2. Treat everyone courteously.
- P3. Listen to City officials and other community members respectfully.
- P4. Exercise self-control and avoid threats and personal attacks against anyone.
- P5. Give open-minded consideration to all viewpoints.
- P6. Focus on issues and avoid personalizing debate.
- P7. Embrace respectful disagreement and dissent as democratic rights that are inherent components of an inclusive public process and tools for forging sound decisions and allow all members of the public to speak without intimidation or interruption.
- P8. Not engage in disorderly or boisterous conduct that disturbs, disrupts, or otherwise impedes the orderly conduct of the meeting.
- P9. Obey any lawful order of the Mayor to enforce this Policy.
- P10. Honor efforts by the Mayor to focus discussion on current agenda items.
- P11. Show respect for facilities that host public meetings, by avoiding acts that may damage the facility or its equipment/furniture and not bring food or beverages (other than water) to public meetings.

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### **ENFORCEMENT OF THE POLICY FOR MEMBERS OF THE PUBLIC**

The Mayor shall be responsible for maintaining the decorum and civility at public meetings and enforcing this Policy in a uniform and even-handed manner. The Mayor may intervene to ensure that Council Members do not interrupt members of the public while speaking.

In the event that any member of the public breaches this Policy in a manner that disturbs, disrupts, or otherwise impedes the orderly conduct of a public meeting, the Mayor shall order that person to cease the offending conduct.

If any member of the public continues to breach the Policy in a manner that disturbs, disrupts, or otherwise impedes the orderly conduct of a public meeting following an order from the Mayor to cease the offending conduct, the Mayor may order that person to leave the public meeting and may engage the efforts of law enforcement as necessary to carry out the order.

If a member of the public acts abusively towards a City employee outside of a public meeting but in the workplace, the City will issue an oral warning. If a member of the public does not improve his/her behavior in response to a warning, the City will require the abusive individual to leave the premises.

The above-described remedies for compliance with this Policy are not exclusive and shall not preclude the application or use of other remedies provided by State law or the Municipal Code.