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To: Lemoore City Council SS Item #4
From: Nanci Lima, City Clerk
Date: March 25, 2011
Subject: Appointed Officials Expectations of Conduct

Discussion:

At the March 15, 2011 Council meeting, Council Member Gordon requested this agenda item stating a Planning Commissioner had misquoted him and made detrimental statements regarding Council Member Siegel.

Staff has researched the rules and procedures for our different City commissions and committees, the Municipal Code, and the City's Code of Ethics (all are attached). Also for the Council's review is the Administrative Procedure and Policy from the City of Chico; this past year City Clerks around the State have been training on Boards and Commissions based on the City of Chico. Many cities have been struggling with the Boards and Commissions and since the City of Chico had successfully reviewed and restructured their Board and Commissions; Chico's policies have been used as the model.

The City of Lemoore has no written requirements regarding expectations of conduct outside of their official duties for appointed officials. Removal from office is addressed in our Municipal Code for the Planning Commission:

2-1-2: TERMS; REMOVALS FROM OFFICE:

The terms of appointed members of the Planning Commission shall be for four (4) calendar years and terms of office shall expire at eleven fifty nine o'clock (11:59) P.M. on December 31 of the last year of each member's term of office. No more than two (2) appointed members' terms of office shall expire at the same time. (Ord. 8501, 1-15-85)

A member of the Commission may be removed by (a) expiration of his term, or (b) majority vote of the City Council.

Although, as you can see no reasons for removal are given; it is assumed that all Council appointed officials serve at the pleasure of the City Council. The Parks and Recreation Commission, Rules of Procedure state:

If any commissioner should be absent for three regular meetings of the Parks and Recreation Commission within a 12-month period, the Commission will notify the City Council and may advise that the member be replaced.

Other requirements for removal from office would be determined under California Government Code for such actions as failure to complete AB1234 ethics training.

An appointed official should not be expected to give up their First Amendment rights as a citizen for volunteering to serve on a Board or Commission. They are expected to

conduct themselves according to the Lemoore Municipal Code and the Code of Ethics in the performance of their official duties.

As we do not have well established policies for appointed officials, we thought we would provide information from our Personnel System Guidelines (PSG). Rule 10 of our PSG addresses the basis for disciplinary actions for employees. Section 10.2 bullets address different conduct that could be disciplined.

The following bullets from PSG Section 10.2 address on the job conduct that can be disciplined:

3. Insubordination or refusal to obey supervisor's instructions properly issued pertaining to work; refusal to perform assigned work; or to follow a direct order;
4. While on duty or in uniform, willful or negligent disobedience of any law, ordinance, rule or regulation, or superior's lawful instruction.
7. Excessive use of City telephone for personal calls.
28. Sleeping while on duty; or loitering or loafing during working hours.
29. Improper political advocacy while on duty or in City uniform.

These bullets from the PSG Section 10.2 might be open to interpretation as to discipline for actions off duty:

13. Practicing deception or fraud in the securing of a job appointment or promotion.
14. Falsification or misrepresentation of a relevant official statement, document, report or records, and employment application, including the omission of information in an attempt to deceive or mislead.
15. Misappropriation of found property; theft of City property or the property of other employees; unauthorized possession or removal of any City property, including documents, from the premises without prior permission from management; unauthorized use of City equipment or property for personal reasons; or using City equipment for profit.
36. Conviction of a felony or conviction of a misdemeanor involving moral turpitude. The word "convicted" shall be construed to mean a plea of guilty or nolo contendere regardless of whether sentence is imposed by the court. The term "moral turpitude" shall be construed to be any act of baseness, vileness, or depravity, or any act done contrary to justice, honesty, modesty, or good morals, or any act done with deception or through corrupt motives.
38. Threatening, intimidating or coercing other employees on or off the premises - at any time, for any purpose; whether verbal, written or any other manner.

Staff has assembled this information for the Council to review and discuss Tuesday afternoon.

Budget Impact:

None.

Recommendation:

None. For Council discussion.