

CITY OF BURBANK CODE OF CONDUCT FOR MEMBERS OF CITY COUNCIL



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INTRODUCTION

The citizens of the City of Burbank are entitled to responsible, transparent, fair, and honest city government that operates in an atmosphere of respect and civility. Accordingly, the Burbank City Council has adopted this code to:

1. Describe the standards of behavior to which its leaders aspire;
2. Provide an ongoing source of guidance to elected leaders in their day-to-day service to the city; and
3. Promote and maintain high ethical standards.

The citizens of Burbank are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. In keeping with the City of Burbank's commitment to excellence, the effective functioning of democratic government therefore requires that:

- Public officials comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Public officials be independent, impartial and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

The City of Burbank Code of Conduct for Members of City Council (Code of Conduct) is supported by policies, procedures and guidelines outlined in the Federal and State Constitutions, California Government Code, Fair Political Practices Commission Regulations, Political Reform Act, Burbank Municipal Code, Council Handbook, and Burbank City Policies and Administrative Procedures. Any violation of these regulations constitutes a violation of the Burbank Code of Conduct.

To this end, the Burbank City Council adopts this Code of Conduct for Members of City Council (Members) to assure public confidence in the integrity of local government and its effective and fair operation.

A. ETHICS

The Ethics section of the City's Code of Conduct offers guidance on matters pertaining to ethical considerations, addressing questions of right and wrong.

1. **Act in the Public Interest:** Members will work for the common good of the people of Burbank 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 Burbank City Council.
2. **Comply with both the spirit and the letter of the Law and City Policy:** Members shall comply with the laws of the nation, the State of California, and the City of Burbank in the performance of their public duties.
3. **Conduct of Members:** The professional and personal conduct of Members must be above reproach and avoid even the appearance of impropriety.
4. **Respect for Process:** Members shall perform their duties in accordance with the processes and rules of order established by the City.
5. **Conduct of Public Meetings:** Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand.
6. **Decisions Based on Merit:** Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
7. **Communication:** Members shall publicly disclose substantive information that is relevant to a matter under consideration by the City Council, which they may have received from sources outside of the public decision-making process.
8. **Conflict of Interest:** Members are required to adhere to the rules and regulations as stated in the City's Conflict of Interest Code included in the Council Handbook (Appendix 37).
9. **Gifts and Favors:** Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, that are not available to the public in general. Council Members shall obey all applicable laws and requirements of the Political Reform Act relative to the acceptance of gifts. The California Fair Political Practices Commission (FPPC) in interpreting the Political Reform Act has established guidance on limits on and reporting of gifts. For additional information, please request a Statement of Economic Interest Form 700 from the City Clerk's Office.

10. Confidential Information¹: 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.
11. Use of Public Resources: Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes (This includes using public resources for election to the Council or other office).
12. Representation of Private Interests: In keeping with their role as stewards of the public interest, Members shall not appear before the City Council, and/or Boards, Commissions, and Committee (Advisory Bodies) meetings on behalf of the private interests of third parties (i.e., private businesses or contractors, political action committees, legislative advocacy groups, etc).
13. Advocacy: When designated as a representative of the City of Burbank or City Council, Members shall represent the City's official policies or positions to the best of their ability. Statements made by Members about the City's official position should reflect the majority opinion of the City Council, which is defined by current or past official City Council action via City Council vote or consensus. Members may clarify the City and Council views by starting statements with words such as "*The City...*" Or "*The Council...*".

When presenting their individual opinions and positions, Members shall explicitly state that they are presenting on their own behalf and are not representing the City of Burbank or City Council, nor will they allow the inference that they are representing either. Members are expected to clearly identify their comments as individual or personal opinion when attending political rallies, employee union strikes, or other such events. Members may clarify their views by starting statements with words such as "*I support...*" or "*I believe...*". and/or clarify that the City and Council have not taken a position on a particular topic when appropriate.

Members have the right to endorse candidates for all City Council seats or other elected offices, but it is inappropriate to mention or display endorsements during City Council meetings, Advisory Body meetings, or other official City meetings.

Members may use their title when conducting official City business, for informational purposes, or as an indication of background and expertise, carefully considering whether they are exceeding or appearing to exceed their authority.

¹ Refer to Burbank Municipal Code 2-1-204: Closed Sessions; Violation of Confidentiality a Misdemeanor; Members Elect for more detailed information on confidentiality.

Council Members must avoid unintentional influence and/or creating the perception that they are abusing their authority or attempting to obtain special consideration or favors by identifying themselves by their title (i.e. "Mayor," "Vice Mayor," or "Council Member") in circumstances where their City position has no relevance.

Councilmembers should refrain from wearing apparel with official city branding when attending at such events voicing their personal or political opinions.

14. **Policy Role of Members:** Members shall respect and adhere to the Council-Manager structure of Burbank City government. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, Advisory Bodies, and City staff. Members shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions. Members shall not add or remove agenda items from joint meetings with other official bodies or entities without the consent of the Council.
15. **Positive Workplace Environment:** Members shall support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees and in no way create the perception of inappropriate direction to staff.
17. **Ethics Training:** Members must comply with the ethics training requirement outlined under Assembly Bill 1234 (Government Code section 53235). The City's process for this training is outlined in the Council Handbook.

B. CONDUCT

The Conduct section of the City's Code of Conduct aims to articulate the expected treatment of Members towards one another, City staff, constituents, and other individuals encountered while representing the City of Burbank. "Respect" serves as a pervasive and unwavering theme throughout all the conduct guidelines. Members are tasked with upholding exemplary behavior consistently. The key principle underlying these guidelines is the demonstration of respect for each individual, employing both words and actions. This emphasis on respect serves as a guiding principle, assisting Members in making the right choices, even in the most challenging situations.

1. Members' Conduct with One Another

Members are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office to preserve and protect the present and the future of the community. In all cases, this

common goal should be acknowledged even though individuals may "agree to disagree" on contentious issues.

2. Members' Conduct in Public Meetings

- a. Practice civility and decorum in discussions and debate: Members should refrain from comments that in any way promote interpersonal conflict or derision.
- b. Honor the role of the Mayor in maintaining order: Members should honor efforts by the Mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reason.
- c. Avoid personal comments that could offend other members: The Mayor will maintain control of discussions in accordance with topics related to the posted agenda.
- d. Demonstrate effective problem-solving approaches: Members have a public stage to show how individuals with disparate points of view can find common ground and seek solutions that benefit the community.
- e. Members should use electronics during public meetings only in an official capacity and not for personal purposes.

3. Members' Conduct in Private Encounters

- a. Maintain respectful behavior in private.
- b. Be aware of the insecurity of written notes, voicemail messages, text messages, and E-mail. Written notes, voicemail messages, text messages, and e-mail should be treated as potentially "public" communication.
- c. Understand private conversations can have a public presence. Members are always on display – their actions, mannerisms, and language are monitored by people around them.

4. Members' Conduct with City Staff²

Governance of a City relies on the cooperative efforts of Council Members who set policy and City staff who implement and administer the City Council's policies. Therefore, every

²Refer to City Council Handbook, Section 7, INTERACTION WITH CITY STAFF/OFFICIALS for additional guidelines regarding interactions with City staff.

effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- a. Treat all staff in a professional manner, using clear, honest communication that respects the abilities, experience, and dignity of each individual.
- b. Member questions/inquiries to City staff: Members have a responsibility to the community to be knowledgeable of issues affecting the community. The City Manager is responsible to the City Council and therefore Members shall keep the City Manager informed of any substantive communications between themselves and staff.
- c. General: Members' communications with City staff shall occur within normal City business hours except for the City Manager and department Executives unless the circumstances warrant otherwise. Responses to City Council questions posed outside of normal business hours should be expected no earlier than the next business day.
- d. Routine Requests for Information and Inquiries: Members may contact staff directly for information made readily available to the general public on a regular basis (e.g., "What are the Parks' hours of operation?" or "How does one reserve a room at a City facility?"). Under these circumstances staff shall treat the Member no differently than they would the general public, and the Member shall not use their elected/appointed status to secure preferential treatment from subordinate staff. The City Manager should be advised of any such contacts.
- e. Non-Routine Requests for Readily Available Information: Members may also contact staff directly for easily retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion (e.g., "How many traffic lights are there in the City?" or "Under what circumstances does the City lower its flags to half mast?").
- f. Non-Routine Requests Requiring Special Effort: Any Members' request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff to express an opinion (legal or otherwise) shall be directed to the City Manager or City Attorney (e.g., "How many Study Issues completed over the past five years have required 500 or more hours of staff time?", or "What is the logic behind the City's sign ordinances affecting businesses along a corridor?"). The City Manager shall be responsible for distributing such requests to staff for follow-up. Responses to such requests shall be copied to all Council Members (if originating from a Council Member), the City Manager, and affected department Executives.
- g. Special Requests: Members should not ask staff to deviate from established policies and procedures.

- h. Legal Restrictions: Legal restrictions may limit requests for information regarding operations, negotiations, personnel, or client related matters.
- i. When there are concerns about an individual employee, Members shall direct comments about staff performance to the City Manager.
- j. Refrain from becoming involved in administrative functions: Members shall not attempt to influence City staff while performing administrative functions (i.e. making of appointments, awarding contracts, selecting consultants, processing development applications, or granting City licenses and permits).
- k. Check with City staff on correspondence before taking action: Before sending correspondence, Council Members should check with the City Manager's Office to see if an official City response has already been sent or is in progress.
- l. Limit requests for staff support: Routine clerical support will be provided to all Council Members for City business only.
- m. Do not solicit political support from staff: Members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff as indicated in the California Government Code. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace, during non-working hours.

5. Members' Conduct with the Public

- a. Public Meetings - Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.
 - Be welcoming, cordial, and respectful to the public and to each other.
 - Be fair and equitable in allocating public hearing time to individual speakers.
 - Demonstrate active listening skills.
- b. Unofficial Settings - Make no promises or speak on behalf of the City Council or City. Members will frequently be asked to explain a City Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer requests for follow up to City staff for further information. It is inappropriate to overtly or implicitly promise City Council action, or to promise City staff will do something specific within a specific

time frame (fix a pothole, plant new flowers in the median, consider or grant a permit, etc.).

- Make no personal comments about other members: It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other members, their opinions, and actions.
- Members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Burbank. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

6. City Council Conduct with Other Public Agencies

- Be clear about representing the City or personal interests: When representing the City, Council Members must support and advocate the official City position on an issue, not a personal viewpoint. When representing another organization whose position is different from the City, the Council Member should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Council Members should be clear about which organizations they represent and inform the City Council of their involvement.
- Correspondence should be equally clear about representation: City letterhead may be used when the Council Member is representing the City and the City's official position. City letterhead should not be used for non-City business or for correspondence representing a dissenting point of view from an official City Council position.

7. Council Conduct with Boards, Commissions, and Committees³

The City has established several Boards, Commissions, and Committees (Advisory Bodies) as a means of encouraging community input. Citizens who serve on Advisory Bodies become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect. To be most effective, advisory bodies should be free to function independently when considering issues and recommendations. The City Council retains the final authority in all policy matters related to the City. When a Member is serving as a liaison or official representative on Advisory Bodies, statements and positions shall be those representing the City and Council and not those of the individual Member.

³ Refer to City Council Handbook, Appendix-57, CITY COUNCIL LIAISON DEFINITION OF ROLE AND PURPOSE POLICY for more detailed guidelines regarding City Council Liaison roles and Council expectations.

- If attending an Advisory Body meeting, Council Members should take caution not to unduly influence the Advisory Body's decision-making process or decision: Council Members may attend any Advisory Body meeting, which are always open to members of the public. However, their presence could be viewed as unfairly affecting the process. In some cases, this could result in limiting their capacity to participate in any future City Council proceedings addressing Advisory Body recommendations. Advisory bodies should be allowed to deliberate and act independently to the maximum extent practicable. The City Council, acting as a body, may overturn any decision of an advisory body it deems is not in the interest of the City.
- Limit contact with Advisory Body members to questions of clarification: It is inappropriate for a Council Member to contact an Advisory Body member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Council Members to contact Advisory Body members to clarify a position taken by the Advisory Body.
- Advisory Bodies serve the community, not individual Council Members: The City Council appoints individuals to serve on Advisory Bodies, and it is the responsibility of Advisory Bodies to follow policy established by the City Council. Advisory bodies are also bound by state law and the Ralph M. Brown Act. Council Members should not threaten Advisory Body members with removal if they disagree about an issue. Appointment and re-appointment to an Advisory Body should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties in compliance with the letter and spirit of the law and City policy. An Advisory Body appointment should not be used as a political "reward."
- Be respectful of diverse opinions: A primary role of Advisory Bodies is to represent diverse points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council Members may have close working relationships with some individuals serving on Advisory Bodies, but must be fair and respectful of all citizens serving on Advisory Bodies.
- Keep political support away from public forums: Advisory Body members may offer political support to a Council Member, but not in a public forum while conducting official duties. Similarly, Council Members may support Advisory Body members who are running for office, but not in an official forum in their capacity as a Council Member.

8. Running for Re-Election or Another Office⁴

⁴ Refer to the California Fair Political Practices Commission for additional information (www.fppc.ca.gov)

- The law prohibits using public resources for political purposes⁵. Council Members running for higher office or re-election must refrain from using City resources to support or further their campaign.
- Members must establish separate social media accounts for campaigning; official City social media accounts may not be used for campaign purposes. All posts made on personal campaign social media accounts shall represent the views of the individual Member as a candidate and shall not infer representation of the Member's position on Council or as representing the City or Council.
- Members shall not campaign or engage in political activities while conducting official City business.

9. Social Media

It is highly advisable that Council Members have separate personal, campaign, and public official accounts on all social media platforms. Council Members must make a clear distinction between official public accounts, campaign accounts, and personal accounts. **Content posted on a Council Member's official public account should be in compliance with the City's Code of Conduct.**

Council Members should not use their official public social media account to post or share information that is obscene, disrespectful, encourages or promotes illegal activity, or depicts the City and/or City property, equipment or personnel in any manner that would be considered offensive or defamatory.

Council Members should consider whether liking, sharing, retweeting or commenting on any social media posts could be perceived as an endorsement of or about the City, its employees, constituents, other public officials, suppliers, vendors, or contractors.

Disclaimers

When using social media, Members must clearly disclose that they are expressing their own personal opinion, and not an official position of the City or, if applicable, the body on which they serve. Where appropriate, posting a disclaimer to this effect is advised.

Examples of Disclaimers:

Please note that this account is a personal space where I share my personal views, opinions, and experiences. Content posted here is not representative of any official government stance or policy. For official statements and updates, please refer to the City

⁵ Cal. Gov't Code § 8314

of Burbank social media accounts, @BurbankCA, or the City of Burbank Website at www.burbankca.gov.

Welcome to my official social media account as a Burbank [MAYOR/VICE MAYOR/COUNCILMEMBER]. This platform is intended for sharing updates, information, and engaging with the public about matters related to my public role. Content posted here represents my official duties and may reflect the stance and policies of the City of Burbank. For personal views and opinions, you can visit my personal social media accounts [INSERT TAG HERE].

Ralph M. Brown Act

Council Members may **not** use their social media accounts (personal, campaign, or public official) to discuss public business.

- Informal communication with constituents is generally acceptable, but discussion of public business is risky, especially if it involves other Council Members.
- Council Members should exercise caution with respect to comments they post, particularly those concerning the City and the business of the City. Council Members should be mindful that posting and engaging in a discussion of City-related content/matters on social media may violate the Ralph M. Brown Act.

Packingham vs. North Carolina

On the Council Member's public official social media account, Council Members must include a link back to the City's official website for detailed information. In addition, Council Members may not block any member of the public from participating in their public official social media account.

In *Packingham vs. North Carolina*, the Supreme Court ruled social media as the new public square, allowing users the opportunity to directly address their Council Members. Per the court decision, any elected official who uses social media to promote, discuss, carry out or reference City related business and/or activities may have created an official social media account, which is considered a public forum where Council Members must abide by the First Amendment.

Council Member's public official social media accounts are subject to the following guidelines:

- Prohibited from blocking users because of the person's viewpoints or perspectives (authentication technology may be utilized to verify accounts).
- Deleting any comments

- Content may be considered to be an official public record

Campaign/Candidate Social Media Account

When running for office, Council Members must establish a separate social media account for campaigning and not access that social media through government technology. Council Members who use the same social media account for communicating with constituents as they do to campaign risk violating the law against using government resources for political purposes.

Council Members should not spend public funds for political advertising on a social media platform. This includes the use of City resources, such as city staff, city time, and city-owned devices to manage campaign social media accounts or to post communications supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure.

9. Contact with the Media

Council Members are frequently contacted by the media for background and quotes. The important role of the media in a free society is well documented in history. The City and its residents have an inherent interest in open and honest communications between their public officials and representatives of the media.

Official City responses will be given by the Mayor or Council designee (i.e. Vice Mayor in Mayor's absence), the City Manager or their designee. Media inquiries should be responded to within reasonable timeframes.

When addressing the media, Council Members should follow these guidelines:

- Most members of the media represent the highest levels of journalistic integrity and ethics and can be trusted to keep their word. However, one bad experience can be disruptive and very uncomfortable. Words that are not said cannot be quoted.
- If an individual Council Member is contacted by the media, the Council Member should be clear about whether their comments represent the official City position or a personal viewpoint.
- Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.
- Council Members should be professional in all situations and circumstances, conducting themselves in a respectful manner. When speaking with the media,

Council Members should choose their words carefully to ensure that comments and statements are not taken out of context.

- Council Members should notify the City Manager upon receipt of and prior to participation in media requests related to administrative functions or special circumstances. Council Members will work with the City Manager and the Public Information Office to ensure that statements include accurate and consistent information pertaining to City and Council policies or positions .

C. IMPLEMENTATION

As an expression of the standards of conduct for Members, the Code of Conduct is intended to be self-enforcing. It therefore becomes most effective when Members are thoroughly familiar with it and embrace its provisions. For this reason, the City Clerk shall ensure that this document be included in the City Council candidate orientation. Members entering office shall receive a hard copy of the Code of Conduct at the Council Member Orientation meeting and sign a statement affirming they read and understood the document.

D. ENFORCEMENT

The City Council has the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The City Council has the authority and responsibility to enforce this code on the City's behalf. Any member of the City Council may raise a question as it applies to the implementation or enforcement of this code and the City Council as a body will decide all such matters referred to it for consideration.

The City Council may impose sanctions on Council Members when it determines that a violation of the Code of Conduct has occurred, including warning, formal censure, or removal from the seat of Mayor and Vice Mayor as stated in Section 400 of the City Charter. Section 400 specifies the method for selecting the Mayor and Vice Mayor and provides "The officials so chosen shall hold their respective offices subject to the pleasure of the Council."

Serious infractions could lead to other sanctions as deemed appropriate by Council.

E. PROCESS

Any Council Member who wishes to bring a complaint against another Council Member for violation of the Code of Conduct may request a future agenda item at a noticed public City Council meeting, citing a concise description of the alleged violation. The future agenda item request must be seconded by another Council Member for placement on the agenda for

Council discussion. Any discipline imposed by the City Council shall be determined by a majority vote of the Council Members (3/5ths) at a public meeting. Council Members, however, may only be removed from office by voter recall.