

Chapter 2.33

Good Government Requirements

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Section 2.33.010 Purpose and Intent

The purpose of the provisions of this chapter are to assure ethical conduct by the elected and appointed officials of the City, to promote fairness and equal treatment for all persons by the City of Vista, regardless of wealth or economic status, and to prevent actual or apparent corruption of the governmental process of the City through the influence of gifts, contributions or payments of any kind. The intent of this chapter is to establish minimum standards and requirements for ethical conduct by the City's elected and appointed officials, and to provide a means for the City to enforce such standards and requirements.
(Ord. No. 2000-9, Added, 11/7/2000 Election)

Section 2.33.020 Short Title

This chapter may be cited as the "Good Government Ordinance of the City of Vista."
(Ord. No. 2000-9, Added, 11/7/2000 Election)

Section 2.33.030 Definitions

Except as otherwise set forth below, or elsewhere in this chapter, the words and terms used in this chapter shall have the same meanings, and be defined as closely as possible with reference to the City of Vista, as the meanings of such words and terms are given under the Political Reform Act.

"City" means the City of Vista, a municipal corporation organized and existing under the general laws of the State of California, and also includes all other public entities of the City in which the City Council of the City serves as governing board.

"Council Member" means an individual who has been elected to the Office of Council Member, or to the Office of Mayor, of the City of Vista.

"Council Candidate" means an individual who has filed a declaration of candidacy for, or a statement of organization as a committee for election to, the Office of Mayor, or Council Member, whichever occurs first.

"Appointed Official" means any appointed member of any City commission, board, or committee, or any employee of the City who is a "designated employee" under the City's Conflict of Interest Code.

“Conflict of Interest Code” means the Conflict of Interest Code of the City of Vista, as amended, in Chapter 2.32 of the Vista Municipal Code.

“FPPC” means the California Fair Political Practices Commission, established pursuant to the Political Reform Act.

“Legislative or Administrative Action” shall mean any decision or action taken by the City Council, or any City commission, board or committee, or any decision or action by an appointed official.

“Political Reform Act” shall mean the Political Reform Act of 1974, found in Title 9 of the California Government Code, as amended, inclusive of all rules, regulations and interpretations applicable to said Title 9, approved or adopted by the FPPC.
(Ord. No. 2000-9, Added, 11/7/2000 Election)

Section 2.33.040 Restrictions on Public Officials Accepting Gifts

A. It is prohibited and unlawful for any Council Member or any appointed official, to accept gifts from any single source or person within any calendar year with a total aggregate value of more than \$300, or any individual gift with a total value of more than \$100.

B. The limitations on the value of gifts imposed under Subdivision A of this section shall be adjusted by the City Council to reflect changes in the Consumer Price Index, rounded to the nearest ten dollars, on or following January 1 of the year 2001 and on every odd-numbered year thereafter, provided that such adjustments shall not exceed the limit on the amount of gifts permitted under the Political Reform Act.
(Ord. No. 2000-9, Added, 11/7/2000 Election)

Section 2.33.050 Prohibition on Presenting or Receiving Gifts from Parties Having an Interest in Decisions or Actions of City

A. It is prohibited and unlawful for any person to present to any Council Member or to any appointed official, and it is also prohibited and unlawful for any Council Member or appointed official to receive from any such person, any gift having a value of more than \$50, if the donor or presenter of the gift has any economic or financial interest in any of the following:

1. A contract or agreement, including any purchase order, franchise, or license, to provide goods, materials, equipment, or services to or for the City, or affecting any property of the City, while the offer of such contract or agreement is pending before the City, or while such contract or agreement remains in effect;

2. Any real property, including improvements, that is the subject of an application for any land use approval, including any zoning change, use permit, variance, or other entitlement, after such application has been submitted and while such application remains pending before the City;

3. Any lease, purchase or sale agreement affecting real property, to or from the City, that has been presented to the City, or which is pending, or which remains in effect; or

4. Any request or appeal to reduce any tax, assessment, charge, or fee made to the City, while such request or appeal is pending.

B. If a Council Member or appointed official receives a gift without knowing that the gift was presented in violation of Subdivision A of this section, the Council Member or appointed official shall not be in violation of Subdivision A of this section if, within five days of having discovered that the gift was received in violation of this section, the Council Member or appointed official: (1) files a written report with the City Clerk that such gift was received, and (2) relinquishes such gift, or pays the equivalent fair value, to the City for appropriate disposition or deposit to the City's General Fund. The report filed with the City Clerk shall identify the name and address of each person presenting the gift, the circumstances in which the gift was

presented, a full description of the gift, and its actual or estimated fair value, including copies of any available evidence of such value.

C. A Council Member or appointed official shall disclose in writing to the City Clerk, on a form substantially the same as that required for filing a Statement of Economic Interests required under the Political Reform Act, any gift or gifts received from any person described in Subdivision A, above, if the fair value of the gift is \$25 or more. Such disclosure shall be filed no later than the seventh day of the month following the calendar month in which the gift was received.

(Ord. No. 2000-9, Added, 11/7/2000 Election)

Section 2.33.060 Prohibition on Public Officials Receiving Honoraria

A. No Council Member and no Council candidate shall accept any honorarium.

B. No appointed official shall accept an honorarium from any source if the appointed official would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

C. The provisions of Section 89506 of the Political Reform Act, as amended, shall apply to the application of this chapter, and to all payments, advances or reimbursements for travel and related lodging and subsistence.

(Ord. No. 2000-9, Added, 11/7/2000 Election)

Section 2.33.070 Restrictions on Former Public Officials Accepting Employment

A. Former Council Members. For a period of one year after leaving office, no Council Member shall, for compensation, act as agent or attorney for, or otherwise represent, any other person by making any formal or informal appearance, or by making any oral or written communication, before the City Council or any board, commission, committee or subcommittee of the City, or any officer or employee of the City, if the appearance or communication is made for the purpose of influencing any decision of the City Council or any administrative action of the City. For purposes of this section, an administrative action of the City shall include the issuance, amendment, award or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or services, or sale or leasing of any interest in real property.

B. Former Appointed Officials. For a period of one year after leaving office or employment, no appointed official shall, for compensation, act as agent or attorney for, or otherwise represent, any other person, by making any formal or informal appearance, or by making any oral or written communication, before the City Council or any board, commission, committee or subcommittee of the City, or any officer or employee of the City for which the appointed official had worked, represented, appeared before, or was a member of, during the 12 months before leaving office or employment, if the appearance or communication is made for the purpose of influencing any decision of the City Council, or any administrative action, as defined in Subdivision A of the section.

C. Exceptions. The prohibitions of this section shall not apply to any individual who is or becomes a member or representative of another City board, commission, committee, subcommittee, or an employee of the City assigned to a different department, if the communication or appearance is for the purpose of influencing a decision of the City Council or an administrative action, on behalf of the City board, commission, committee, subcommittee, or department.

(Ord. No. 2000-9, Added, 11/7/2000 Election)

Section 2.33.080 Prohibition on Use of Position to Influence City Decisions

No Council Member or appointed official shall make, participate in making, or use his or her official position to influence, any governmental decision directly relating to any person with whom he or she is negotiating, or has any arrangement concerning a current, future, or prospective employment.

(Ord. No. 2000-9, Added, 11/7/2000 Election)

Section 2.33.090 Amendments

The provisions of this chapter may be repealed only by approval of the voters of the City at an election. The provisions of this chapter may be amended upon adoption of an ordinance by the City Council only for the purpose of conforming any of the provisions of this chapter with State Law or with the Political Reform Act, repairing any constitutional infirmity, or adopting additional standards and regulations for ethical conduct of City elected and appointed officials, consistent with the purposes of this chapter.

(Ord. No. 2000-9, Added, 11/7/2000 Election)

Section 2.33.100 Rules of Construction; Severability

The provisions of this chapter shall be interpreted in the broadest possible manner, consistent with the Constitutions of the United States and the State of California and with existing laws and statutes, in particular the provisions of the Political Reform Act, as amended, to accomplish the purposes and intent of this chapter.

If any portion or provision of this chapter is found by any court for any reason to be invalid, then all remaining portions and provisions of this chapter that are not found to be invalid shall remain in full force and effect, and the remaining portions and provisions shall be interpreted as if this chapter were enacted originally without including the invalid portions or provisions.

(Ord. No. 2000-9, Added, 11/7/2000 Election)