



## REVIEW OF CONCERNS/COMPLAINTS REGARDING CITY BOARD/COMMISSIONS

### **POLICY**

The City of Santa Clara believes that “decision-makers must be independent, impartial, and accountable to the people they serve.”<sup>1</sup> The City’s Code of Ethics and Values lists the ethics and values-based standards the City has agreed will guide the decisions and conduct of everyone who participates in the City’s government. Because we seek public confidence in the City’s services and public trust of its decision-makers, we hold ourselves accountable to “meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this code.”

Although the City Charter allows the Council to remove a Commissioner with no cause, the Council has created the following process, which provides guidelines the Council may choose to use to resolve a problem/complaint. The policy is based on a recommendation from the Ethics Ordinance Committee. It is consistent with the Code of Ethics and Values, in terms of fairness and respect towards the individual. It preserves the Council-granted Charter authority of removal, but also provides optional courses of action.

### **PROCEDURE**

The Charter of the City of Santa Clara provides for the removal of a City Commissioner by a vote of four City Council members. No cause has to be given. The action to remove a Commissioner would be an agendaized City Council action item.

When a concern/complaint is received regarding a City Board Member/Commissioner, it is referred to the City Manager for review and follow-up. If possible, it is preferable to resolve a concern through open communication channels at the staff level. Complainants are encouraged to solve the problem informally prior to registering a formal complaint.

The City Manager has several options for handling a concern/complaint:

1. The first step is to verify the information. If not verified, the complainant is informed and no further action taken. If initially verified, the City Manager conducts an investigation/review of situation in consultation with the City Attorney, where appropriate. The individual who is the subject of the complaint will be notified unless criminal or legal nature precludes notification. Issues that relate to the jurisdiction of the Fair

<sup>1</sup> From the Preamble of *The Code of Ethics and Values*, City of Santa Clara, 2001



## REVIEW OF CONCERNS/COMPLAINTS REGARDING CITY BOARD/COMMISSIONS (cont.)

Political Practices Commission (FPPC) are not covered by this policy. City Attorney has existing procedures to handle FPPC and Election Code issues.

2. The following options are available for resolving complaints:
  - ◆ The City Manager can choose to handle concern/complaint directly, or consult with the Mayor.
  - ◆ The City Manager can choose to conduct further research; provide information and discussion of alternatives with Mayor.
  - ◆ Consult with Santa Clara University Markkula Center for Applied Ethics, or outside ethics experts.
  - ◆ Refer the issue/complaint to the Mayor and/or City Council.
  - ◆ Refer the concern/complaint to the Chairperson of the specific Board/Commission with the Chair reporting back to the City Manager.
  - ◆ Refer the issue/complaint to the City Council Commission Review Committee.
  - ◆ If legal issues are involved, the concern/complaint is referred to City Attorney.
3. Depending on nature of concern/complaint, and factual information, range of actions/options are available including any one (or combination of) these actions:
  - ◆ No action based on unsubstantiated/Unfounded complaint;
  - ◆ Discussion between Mayor and Commissioner; City Manager and Commissioner or discussion between Commission Chair and Commissioner;
  - ◆ Verbal counseling by Mayor with Commissioner;
  - ◆ Letter to Commissioner from Mayor;
  - ◆ Refer issue to Commission Review Committee; Committee meets and reviews facts; may make advisory recommendation to Council, or refer to City Manager and City Attorney for follow-up; and



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- ◆ Refer to Mayor and/or City Council.
  - ◆ City Council may take action ranging from note and file to removal from Commission. (See attached memorandum to the Commission Review Committee from the City Attorney dated December 15, 1999.)
4. Follow-up response to complainant indicating City has taken appropriate action.

**Reference:**

- 1) Memo dated December 15, 1999 from City Attorney, "Levels of Expressions of Disapproval of a Public Official's Actions" (attached)**
- 2) Council-approved policy July 16, 2002**