

Guidelines for Conduct:
A Primer for Special District
Officials

Preamble

"Government is a trust, and the officers of government are the trustees; and both the trust and the trustees are created for the benefit of the people." (Henry Clay, 1829)

Public agencies have an important mission: to provide reliable, high quality, cost-effective service for their customers. Public agencies need the support of the communities that they serve in order to be effective. All elected or appointed officials should be dedicated to the highest ideals of integrity and accountability to continue to earn the trust, confidence and support of the public they serve. The adoption and adherence to written guidelines regarding the conduct of public officials provide a sound foundation on which to build public trust and confidence.

These guidelines provide a primer on standards of accountability for special district officials. Most of the items that these guidelines cover reflect the requirements of existing laws, but several of the provisions go beyond legal requirements and are within the discretion of each agency to adopt. Legal requirements are summarized and legal citations are included as appropriate. It is recommended that districts consult their legal counsel to confirm the applicability of these provisions to their agency to adopt. Some of the provisions will be controlled by the requirements of the enabling act under which the agency operates. These nuances are noted in the preamble to each section of the guidelines, which also states the purpose for each section. Each section contains sample language for implementing the purpose of the section.

These guidelines are a tool for special districts to use as they deem appropriate to assist in the preparation and/or updating of a comprehensive set of written policies to inform both elected officials and the general public of the ethical standards that their public officials are expected to meet in conducting the public's business. These guidelines are for Board members. It is recommended that districts also adopt written guidelines regarding the conduct of management and other agency employees.

SDLF recommends that all agencies have written policies that meet current legal requirements concerning the conduct of public officials and accounting for the use of public funds. SDLF also recommends that these policies be reviewed and updated periodically during Board meetings. This would help to assure that public officials keep these ethical requirements in mind as they conduct the public's business, and also help to assure the community that the trust that Henry Clay spoke of is being honored and protected for the benefit of the public.

Section 1

Purpose and Scope

Public agencies should have written policies, procedures and/or guidelines for the general conduct of business by elected or appointed officials. Ethical behavior guidelines may be established as the purpose section of an ethics policy or may be integrated into documents such as an agency's Mission Statement. Sample language is shown below.

The policy of the _____ District/Agency is to maintain the highest ethical standards for its Board members. The proper operation of the District/Agency requires decisions and policy to be made within the proper channels of governmental structure, that public office not be used for personal gain, and that board members remain objective and responsive to the needs of the public they serve. Accordingly, it is the policy of the District/Agency that Board members and District/Agency employees will maintain the highest standard of personal honesty and fairness in carrying out their duties. This policy sets forth the basic ethical standards to be followed by the Board of Directors of the _____ District/Agency. The objectives of this policy are to (1) provide guidance for dealing with ethical issues, (2) heighten awareness of ethics and values as critical elements in Board members' conduct, and (3) improve ethical decision-making and values-based management.

Section 2

Responsibilities of Public Office

Public officials are subject to numerous State laws that set forth requirements for how they conduct the public's business. An ethics policy is one place to compile references to those laws. In the alternative, agencies may rely on the laws themselves, but preparing a summary of them should help to assure compliance. Sample language is shown below.

Board members are obligated to uphold the Constitution of the United States and the

Constitution of the State of California. Board members will comply with applicable laws regulating their conduct, including conflict of interest, financial disclosure and open government laws. Board members will strive to work in cooperation with other public officials unless prohibited from so doing by law or officially recognized confidentiality of their work.

(Government Code Section 1360; Article 20, Section 3 of the California Constitution.)

Section 3

Fair and Equal Treatment

Board members, in the performance of their official duties and responsibilities, will not discriminate against or harass any person on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, gender, sexual orientation, medical condition or disability. A Board member will not grant any special consideration, treatment or advantage to any person or group beyond that which is available to every other person or group in similar circumstances.

(See, e.g., Article 1, Section 31 of the California Constitution; Age Discrimination in Employment Act of 1967 (29 U.S.C., Section 621-634); Americans with Disabilities Act of 1990 (42 U.S.C., Section 12101 et. Seq.); Fair Employment and Housing Act (Government Code, Section 12900 et. Seq.); Rehabilitation Act of 1973 (29 U.S.C., Section 701 et. Seq.); Title VII of the Civil Rights Act of 1964 (42 U.S.C., Section 2000e et. Seq.); Labor Code Section 1102.)

Section 4

Proper Use and Safeguarding of District / Agency Property and Resources

Except as specifically authorized, a Board member will not use or permit the use of District/Agency-owned vehicles, equipment, telephones, materials or property for personal benefit or profit. A Board member will not ask or require a District/Agency employee to perform services for the personal benefit or profit of a Board member or employee. Each Board member must protect and properly use any District/Agency asset within his or her control, including information recorded on paper or in electronic form. Board members will safeguard District/Agency property, equipment, moneys and assets against unauthorized use or removal, as well as from loss due to criminal act or breach of trust.

(Article 16, Section 6 of the California Constitution, Government Code Section 8314; Penal Code Section 424; see *People v. Battin* (1978) 77 Cal.App.3d 635.)

Section 5

Use of Confidential Information

The Brown Act sets forth provisions that require public officials to maintain the confidentiality of certain information. This section paraphrases applicable provisions of the Brown Act. Sample language is shown below.

A. A Director is not authorized, without approval of the Board of Directors, to disclose information that qualifies as confidential information under applicable provisions of law to a person not authorized to receive it, that (1) has been received for, or during, a closed session meeting of the Board, (2) is protected from disclosure under the attorney/client or other evidentiary privilege, or (3) is not required to be disclosed under the California Public Records Act.

B. This section does not prohibit any of the following: (1) making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the alleged illegality of an action taken by the District/Agency, an elected official or employee, (2) expressing an opinion concerning the propriety or legality of actions taken by the District/Agency in closed session, including disclosure of the nature and extent of the allegedly illegal action, or (3) disclosing information acquired by being present in a closed session that is not confidential information. Prior to disclosing confidential information pursuant to (1) or (2), above, however, a Board member will first bring the matter to the attention of either the President of the Board or the full Board, to provide the Board an opportunity to cure an alleged violation.

C. A Director who willfully and knowingly discloses for pecuniary gain confidential information received by him or her in the course of his or her official duties may be guilty of a misdemeanor under Government Code Section 1098.

(California Government Code Section 54963.)

Section 6

Conflict of Interest

Public officials are required to conduct the public's business free of prohibited conflicts of interest. Conflict of interest laws and implementing regulations are highly technical, and are updated periodically. Agencies should assure that their elected officials are informed of the requirements of conflict of interest laws, and have appropriate procedures for their implementation. Paragraph B includes procedures consistent with recent changes to the law regarding disclosure of a conflict of interest, set forth in Government Code Section 87105. Paragraph C reflects an exercise of the Board's discretion, and is not a legal requirement. Sample language is shown below.

A. A Board member will not have a financial interest in a contract with the District/Agency, or be a purchaser at a sale by the District/Agency or a vendor at a purchase made by the District/Agency, unless the Board member's participation was authorized under Government Code Sections 1091 or 1091.5, or other provisions of law. A Board member will not participate in the discussion, deliberation or vote on a matter before the Board of Directors, or in any way attempt to use his or her official position to influence a decision of the Board, if he or she has a prohibited interest with respect to the matter, as defined in the Political Reform Act, Government Code Sections 81000, and following, relating to conflicts of interest. Generally, a Director has a financial interest in a matter if it is reasonably foreseeable that the Board decision would have a material financial effect (as defined by Fair Political Practices Commission (FPPC) regulations) that is distinguishable from the effect on the public generally on (a) a business entity in which the Director has a direct or indirect investment in the amount specified in FPPC regulations; (b) real property in which the Director has a direct or indirect investment interest, with a worth in the amount specified in FPPC regulations; (c) a source of income of the Director in the amount specified in FPPC regulations, within 12 months before the Board decision; (d) a source of gifts to the Director in an amount specified in FPPC regulations within 12 months before the Board decision; or (e) a business entity in which the Director holds a position as a director, trustee, officer, partner, manager or employee. An "indirect interest" means any investment or interest owned by the spouse or dependent child of the Director, by an agent on behalf of the Director, or by a business entity or trust in which the Director, or the Director's spouse, dependent child or agent, owns directly, indirectly or beneficially a 10 percent interest or greater. An elected official will not except honoraria, or gifts that exceed the limitations specified in the Fair Political Practices Act or FPPC regulations. Board members will report all gifts, campaign contributions, income and financial information as required under the District/Agency's Conflict of Interest Code and the provisions of the Fair Political Practices Act and FPPC regulations.

(Government Code Sections 87100 and following.)

B. If a member of the Board believes that he or she may be disqualified from participation

in the discussion, deliberations or vote on a particular matter due to a conflict of interest, the following procedure will be followed: (a) if the Director becomes aware of the potential conflict of interest before the Board meeting at which the matter will be discussed or acted on, the Director will notify the District/Agency's General Manager and the District/Agency's legal counsel of the potential conflict of interest, so that a determination can be made whether it is a disqualifying conflict of interest; (b) if it is not possible for the Director to discuss the potential conflict with the General Manager and the District/Agency's legal counsel before the meeting, or if the Director does not become aware of the potential conflict until during the meeting, the Director will immediately disclose the potential conflict during the Board meeting, so that there can be a determination whether it is a disqualifying conflict of interest; and (c) upon a determination that there is a disqualifying conflict of interest, the Director (1) will not participate in the discussion, deliberation or vote on the matter for which a conflict of interest exists, which will be so noted in the Board minutes, and (2) leave the room until after the discussion, vote and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters. The Director may speak on an uncontested matter during the time the general public speaks on the issue.

C. A Board member will not recommend the employment of a relative by the District/Agency. A Board member will not recommend the employment of a relative to any person known by the Board member to be bidding for or negotiating a contract with the District/Agency.

D. A Board member who knowingly asks for, accepts or agrees to receive any gift, reward or promise thereof for doing an official act, except as may be authorized by law, may be guilty of a misdemeanor under Penal Code Section 70.

(Government Code Sections 1090 and following, 81000 and following, and 87105; Penal Code Sections 68 and 70.)

Section 7

Soliciting Political Contributions

Government Code Section 3205 prohibits an agency officer or employee from soliciting political funds or contributions from other officers or employees of the public agency. Many public agencies exercise their discretion to also prohibit the solicitation of political contributions from consultants and vendors. Sample language is shown below.

Board members are prohibited from soliciting political funds or contributions at District/Agency facilities, or from District/Agency employees. A Board member will not accept, solicit or direct a political contribution from (a) District/Agency employees, officers, consultants or contractors, or (b) vendors or consultants who have a material financial interest in a contract or other matter while that contract or other matter is pending before the District/Agency. A Director will not use the District/Agency's seal, trademark, stationery or other indicia of the District/Agency's identity, or facsimile thereof, in any solicitation for political contributions contrary to state or federal law.

(Government Code Section 3205.)

Section 8

Incompatible Offices

Another aspect of a prohibited conflict of interest would be an attempt to hold more than one public office of agencies that could exercise authority over each other. Sample language is shown below.

Any Board member appointed or elected to a public office of another public entity, the duties of which may require action contradictory or inconsistent with the interests of the first entity (as determined under applicable law), will resign from the former office.

(See, generally, 73 Cal.Op.Atty. Gen. 357 (1990). See also Government Code Section 53227, under which an employee of a special district may not be sworn into office as an elected or appointed member of the Board of the same special district unless he or she resigns as an employee.)

Section 9

Board Member-General Manager Relationship

Each agency's enabling legislation refers to the duties of the governing body of the agency and the manager of the agency. A sound working relationship between the Board and management is essential to the success of an agency. Therefore, the Board may

decide that it is desirable to set forth in writing the respective duties and responsibilities of the Board and management. The County Water District Law (Water Code Sections 30000 and following) has specific provisions regarding the duties of the general manager (see Water Code Sections 30580 and 30581), and these provisions are used as a template for the sample language set forth below. In furtherance of promoting the accountability for public funds, the sample provisions also discuss the respective duties of the agency's financial officer, independent auditor and general manager. In some smaller agencies, it may not be economically practicable to separate the functions of general manager and financial officer. This section should be revised as appropriate to reflect these practical considerations. Sample language is shown below. Please see the Appendix to determine where to find your agency's enabling legislation.

A. The Board sets the policy for the District/Agency. The District/Agency's General Manager (a) has full charge and control of the construction, maintenance and operation of the systems and applicable facilities of the District/Agency, (b) has full power and authority to employ and discharge employees and assistants, consistent with District/Agency policy and other provisions of law, (c) prescribes the duties of employees and assistants, consistent with District/Agency policy, and (d) fixes and alters the compensation of employees and assistants, subject to approval by the Board. The Board will, after considering the recommendation of the General Manager, appoint the District/Agency's Financial Officer/Treasurer (who will report to the General Manager). The Financial Officer/Treasurer will install and maintain a system of auditing and accounting that will completely and at all times show the financial condition of the District/Agency in accordance with generally accepted accounting principles and legal requirements. The Board will retain and periodically review the work of an auditor as an independent contractor of the District/Agency (other than the Financial Officer/Treasurer), who will report to the Board, to conduct an annual or biennial audit of the District/Agency's books, records and financial affairs.

B. The District/Agency's General Manager serves at the pleasure of the Board. The Board will provide policy direction and instructions to the General Manager on matters within the authority of the Board by majority vote of the Board during duly-convened Board and Board committee meetings. Members of the Board will deal with matters within the authority of the General Manager through the General Manager, and not through other District/Agency employees, except as it pertains to the functions of the Financial Officer/Treasurer. Members of the Board will refrain from making requests directly to District/Agency employees (other than the General Manager) to undertake analyses, perform other work

assignments or change the priority of work assignments. As members of the public, members of the Board may request non-confidential, factual information regarding District/Agency operations from District/Agency employees.

(Insert code Sections from District/Agency enabling act.)

Section 10

Improper Activities and the Reporting of Such Activities; Protection of "Whistle Blowers"

State and federal laws protect the rights of "whistleblowers." Agency Boards should decide whether to include the discretionary procedures outlined below for responding to complaints that would fall within the protection of "whistle - blower" statutes. Sample language is shown below.

A. The General Manager has primary responsibility for (1) ensuring compliance with the District/Agency's Personnel Manual, and ensuring that District/Agency employees do not engage in improper activities, (2) investigating allegations of improper activities, and (3) taking appropriate corrective and disciplinary actions. The Board has a duty to ensure that the General Manager is operating the District/Agency according to law and the policies approved by the Board. Board members are encouraged to fulfill their obligation to the public and the District/Agency by disclosing to the General Manager to the extent not expressly prohibited by law, improper activities within their knowledge. Board members will not interfere with the General Manager's responsibilities in identifying, investigating and correcting improper activities, unless the Board determines that the General Manager is not properly carrying out these responsibilities.

B. A Board member will not directly or indirectly use or attempt to use the authority or influence of his or her position for the purpose of intimidating, threatening, coercing, commanding or influencing any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the General Manager or the Board any information that, if true, would constitute: a work-related violation by a Board member or District/Agency employee of any law or regulation, gross waste of District/Agency funds, gross abuse of authority, a specified and substantial danger to public health or safety due to an act or omission of a District/Agency official or employee, use of a District/Agency office or position or of District/Agency resources for personal gain, or a conflict of interest of a District/Agency Board member or District/Agency employee.

C. A Board member will not use or threaten to use any official authority or influence to effect any action as a reprisal against a District/Agency Board member or District/Agency employee who reports or otherwise brings to the attention of the General Manager any information regarding the subjects described in this section.

(Labor Code Section 1102.5 and following; Government Code Sections 53298 and 53298.5.)

Section 11

Compliance with the Brown Act

State law requires that public agencies comply with the Brown Act and its open meeting provisions. Agencies should consider whether to provide a summary of the Brown Act to Board members and staff. It is appropriate to refer to compliance with the Brown Act in these guidelines. Sample language is shown below.

The members of the Board of Directors, and persons elected but who have not yet assumed office as members of the Board, will fully comply with the provisions of the State's open meeting law for public agencies (the Brown Act).

(Government Code Sections 54950 and following, and 54952.1 and 54959.)

Section 12

Directors' Compensation and Expense Reimbursement

Public agencies should have clear policies guiding Board members as to the types of meetings for which compensation will be provided, if any, and the nature of expenses for which reimbursement can legally be provided. An agency's enabling statute

usually sets forth provisions relating to compensation of Board members and reimbursement for their expenses. Water Code Section 20200 and following, which apply to many types of districts, set forth alternative procedures under which a Board can set the compensation for each day's service rendered as a Board member. This Section assumes that compensation is set under Water Code Section 20202. (Please refer to Appendix for your district's specific code section(s).) Water Code Section 20201 states that compensation can be provided at a daily rate "for each day's attendance at meetings of the Board, or for each day's service rendered as a member of the Board by request of the Board." These proposed provisions take into consideration that members of a Board might be required to take vacation time or otherwise be absent from their regular employment in order to attend educational meetings on behalf of the public agencies that they represent. Therefore, these proposed provisions provide for compensation, with approval of the Board of the public agency, for travel to and from such meetings. Meetings could include, but are not limited to, educational conferences and similar gatherings, meetings of other public agencies that involve a discussion of specific interest to the public agency, attendance at agency-related ceremonial functions, or formal appearances before, or meetings with administrative, regulatory agencies, legislators and their staffs.

While the wording may vary somewhat in each enabling act, the general standard for reimbursement of expenses is "reasonable and necessary." There is State statutory and case law, and Internal Revenue Service laws and regulations, that relate to what constitutes "reasonable and necessary" expenses, and distinguish between permissible compensation and reimbursable expenses.

Government Code Section 53065.5 requires special districts, at least annually, to disclose any reimbursement paid by the district within the immediately preceding fiscal year of at least \$100 for each individual charge (including meal, lodging and transportation expenses) for services or products received. Although not recommended, if a Board determines that the issuance of District/Agency credit cards to Board members is necessary, sample language is provided. Within these legal limitations, there are opportunities for Boards to exercise their discretion to provide that compensation and expense reimbursement are less than the maximums allowed by law. Therefore, this section may require revisions to make it applicable to a particular agency. Sample language is provided below.

The members of the Board of Directors will fully comply with the provisions of the Board's "Policy on Directors' Compensation and Expense Reimbursement" as set forth in this section.

A. Compensation for Attendance at Conferences and Meetings

Board members will be compensated at the daily rate (i.e., *per diem*) determined by the Board consistent with applicable law for attendance at meetings of the Board, including Board committee meetings, and for each day's service rendered as a member of the Board as approved by the Board; provided, however, that such compensation will not be paid for more than the number of days per month permitted under the district's enabling code(s). Such compensation will be provided in addition to any reasonable and necessary reimbursement for meals, lodging and travel expenses incurred in attending any conference, meeting or approved event. Compensation will be paid only if the Board member submits a written form that sets forth the date, location and District purpose of the meeting for which compensation is requested.

In order for a Board member to be paid a lawfully-established per diem for a meeting, or for reasonable and necessary travel time to and from a meeting, the meeting must be: (1) a "meeting" as defined in subdivision (a) of Government Code Section 54952.2 of the Brown Act; (2) committee meetings of the public agency; or (3) other meetings related to or informing the Board member on matters within the jurisdiction of the statutory powers of the public agency, provided that such other meetings deal with substantive issues and consume more than a minor amount of the Board member's time.

B. Directors Expenses

1. General Principles. Each member of the Board of Directors is encouraged to participate in those outside activities and organizations that in the judgment of the Board further the interests of the District/Agency. Expenses incurred by Board members in connection with such activities are reimbursable, where authorized in advance or subsequently ratified by the Board. The following rules apply:

- a.** All expenses must be reasonable and necessary, and Directors are encouraged to exercise prudence in all expenditures.
- b.** This policy is intended to result in no personal gain or loss to a Director.
- c.** Reimbursement will be made only for expenses that qualify as reimbursable expenses under an Internal Revenue Service Accountable Plan.
- d.** The most economical mode and class of transportation reasonably consistent with scheduling requirements will be used. In the event a more expensive class of transportation is used, the reimbursable amount will be limited to the cost of the most economical class of transportation available. Reimbursement for use of personal vehicles will be at the applicable IRS-approved rate.
- e.** Expenditures for food and lodging will be moderate and reasonable. An IRS Accountable Plan allows payment of fixed amounts to cover the daily cost of meals and lodging (depending on the city in which the meeting is held) as an alternative to reimbursing for the actual amount of the expenditure.

- f. Upon incurring these expenses, Directors may submit a request for reimbursement, accompanied by evidence of payment of such expenses or receipts for all amounts, consistent with the requirements of an IRS Accountable Plan.
- g. All requests for reimbursement will be submitted to the District/Agency's Board (or its designee) within a time period specified by the Board after the expenses were incurred or expenditures made. Requests for reimbursement will be submitted, where possible, on forms provided by the District/Agency, and will (1) state the District/Agency-related purpose for the expenditure, and (2) be accompanied by receipts evidencing each expense or other documentation deemed satisfactory by the Board or its designee, consistent with the requirements of an IRS Accountable Plan. Expenditures that are improper or otherwise not properly accounted for, or not consistent with the prohibition against gifts of public funds set forth in the California Constitution, will not be reimbursed or accepted by the District/Agency. Where such improper expenses have been paid by the District/Agency, they will be promptly refunded to the District/Agency or deducted from monies otherwise due a Director.
- h. To implement the reporting requirements of Government Code Section 53065.5, the District/Agency will prepare a list of the amount and purpose of each expense reimbursement made to each Director for the preceding fiscal year, which will be available to the public.
- i. Officials will be reimbursed for actual telephone and fax expenses incurred on district business. Telephone bills should identify which calls were made on district business. For cellular calls, when the district official has a particular number of minutes included in the official's plan, the official can identify the percentage of minutes used on public business.
- j. Long-term parking should be used for travel exceeding 24 hours.

2. Travel/Transportation Expenses. The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Directors will be reimbursed for expenses incurred in traveling to and from conferences, meetings and other events that are attended on behalf of the District/Agency in their capacity as Directors. Travel expenses will include round-trip airfare, actual reasonable expenses for ground transportation to and from airports and hotels, car rental, and mileage reimbursement (at the maximum allowable per mile rate established from time to time by the IRS) for use by Directors of privately owned vehicles in the conduct of District/Agency business.

3. Overnight Accommodations. No reimbursement claim or request for overnight accommodations will be approved for expenses incurred within the District/Agency's service area, except upon approval of the Board. Reasonable accommodation expenses (or at the daily rate as specified pursuant to an IRS Accountable Plan) will be reimbursed only for authorized personnel, and such expenses will not be reimbursed for guests or family members of the authorized personnel. Where reasonably possible, accommodations will be obtained in proximity to the conference or meeting site.

4. Meal Expenses. Directors will be entitled to receive reimbursement for the reasonable cost of meals, including tips, or at the daily rate as specified pursuant to an IRS Accountable Plan.

5. Use of District/Agency Credit Cards. While it is discouraged, if a Board authorizes Board members to be supplied with a credit card issued in the District/Agency's name, it is to be used only for District/Agency business. Credit card expenses must be reasonable and necessary to the furtherance of District/Agency business. Each credit card statement will be periodically reviewed by the Board or its designee, and payment of any unauthorized or inappropriate purchases will be the responsibility of the Board member.

6. Telephone/Fax/Cellular. Officials will be reimbursed for actual telephone and fax expenses incurred on city/county/district business. Telephone bills should identify which calls were made on city/county/district business. For cellular calls when the official has a particular number of minutes included in the official's plan, the official can identify the percentage of calls made on public business.

7. Airport Parking. Long-term parking should be used for travel exceeding 24 hours.

8. Reports to Governing Board. At the following district governing body meeting, each official shall briefly report on meetings attended at district/agency expense. If multiple officials attended, a joint report may be made.

In connection with all issues arising out of compensation and expenses, it is appropriate that elected directors pose this series of questions:

- Does the law allow me to use public resources in this manner?
- How does this particular expenditure benefit the public's interest as opposed to my own personal interest?
- Is my motivation for an expense a desire to personally curry favor with the would-be beneficiary of an expense?
- How would I feel if a particular expenditure were reported in the local newspaper? How about a political hit piece?
- How would my next-door neighbor feel about my spending his or her tax dollars this way? Would he or she feel resentful?
- Am I making a spending decision out of a sense of reward or entitlement?

Questions Source: Institute of Local Government

Section 13

Changes in Compensation

This section suggests discretionary provisions to make clear that increases in compensation are acted on in a public meeting prior to the change for those types of districts authorized to do so. Sample language is provided below.

Changes in the compensation of Board members will require the approval of the Board during an open meeting of the Board held at least 60 days prior to the effective date of the change, no more than once in any twelve-month period.

Section 14

Candidate's Statement

This section reflects a discretionary Board action to include the requirements of Elections Code Section 13313 in the agency's ethics guidelines. Sample language is provided below.

A Board member will not include false or misleading information in a candidate's statement for a general District/Agency election filed pursuant to Section 13307 of the Elections Code.

(Elections Code Section 13313.)

Section 15

Violation of Ethics Policy

Agencies should specify the Board's options for enforcing its ethics policy, while being mindful that Board members are entitled to due process regarding allegations of wrongdoing. The proposed

provisions of these guidelines are discretionary. Sample language is set forth below.

A perceived violation of this policy by a Board member should be referred to the President of the Board or the full Board of Directors for investigation, and consideration of any appropriate action warranted. A violation of this policy may be addressed by the use of such remedies as are available by law to the District/Agency, including but not limited to: (a) adoption of a resolution expressing disapproval of the conduct of the Board member who has violated this policy, (b) injunctive relief, or (c) referral of the violation to the District Attorney and/or the Grand Jury.

Resources

Web Sites

Institute for Local Government. The Institute serves as a source of independent research and information for California’s communities and their leaders. www.ilsg.org

American Society for Public Administration. This organization has an interesting, values-based professional ethics code. www.aspanet.org/ethics/coe.html

Center for the Study of Ethics in the Professions. Sponsored by the Illinois Institute of Technology, this site provides links to ethics codes online. www.iit.edu/departments/csep

City Ethics. A collaborative effort with the Council on Governmental Ethics, this site features presentation materials from conferences and links to other ethics sites. www.cityethics.org

Communities of Character. Communities of Character is a comprehensive and practical approach to character education and training which helps organizations define their core values. Groups identify the ideals that will shape behavior. www.communitiesofcharacter.org

Ethics Toolkit. An interesting site offering a “toolkit” for adopting ethics codes. www.ethics.org/toolkit.html

Independent Commission Against Corruption. This site has a 200-plus page guide entitled “Practical Guide to Corruption Prevention.” www.icac.org

Ethics Codes and Campaigns. This site has information for candidates, media and the public about promoting voluntary codes of campaign conduct. www.campaignconduct.org

Publications

Some titles available from the Institute of Local Government, c/o the League of California Cities; (916) 658-8257:

Berman, Evan M., West, Jonathan P., Bonczek, Stephen J. (editors), *The Ethics Edge*, International City/County Management Association: 1998.

Blanchard, Ken & O’Connor, Michael, *Managing By Values*, Barrett-Koehler Publishers: 1997.

Josephson Institute of Ethics, *Preserving the Public Trust: Five Principles of Public Service Ethics*, Josephson Institute of Ethics: 1997.

Kazman, Jane G. and Bonczek, Stephen J., *Ethics in Action: Leader's Guide*, International City-County Management Association: 1999.

Kidder, Rushworth M., *How Good People Make Tough Choices*, Simon & Schuster: 1995.

Lewis, Carol W., *The Ethics Challenge in Public Service: A Problem Solving Guide*, Jossey-Bass Publishers: 1991.

Mackenzie, G. Calvin & Hafken, Michael, *Scandal Proof: Do Ethics Laws Make Government Ethical?* Brookings Institution Press: 2002.

Wear Simmons, Charlene, Roland, Helen, Kelly-DeWitt, Jennifer, *Local Government Ethics Ordinances in California*, California Research Bureau: March 1998 (available online at www.library.ca.gov/CRB/98/02/98002.pdf).a Local Agency Code of EthicsRev9_1.doc

Contact the Special District Leadership Foundation for information on ordering; (916) 231-2939:

Institute for Local Self Government, *A Local Official's Guide to Ethics Laws*: Spring 2002.

League of California Cities, Jenkins, Armento, Pierre, Carvalho, Corbett, Gillig, Hentschke, Hicks, Smith, Whelan, *Open & Public III: A User's Guide to the Ralph M. Brown Act*: 2000.

Lemieux, Wayne K., *Public Agency Official's Complete Source Book, 4th ed.*, Lexis Law Publishing: 1998. (Updates 2000, 2001).

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Jim Pretti – Contra Costa Water District
Jess Senecal – Lagerlof, Senecal, Bradley, Gosney, et al.
Roger Sherrill – Rio Alto Water District
Dana Wisheart – United Water Conservation District
Greg Zlotnick – Santa Clara Valley Water District