

## **Sunnyslope County Water District Code of Ethics**

### **7005: Code of Ethics**

**7005.1** The Board of Directors of Sunnyslope County Water District is committed to providing excellence in legislative leadership that result in the provision of the highest quality services to its constituents and to comply with State laws, including AB 1234 Ethics Training for Local Officials approved in 2006. (A copy of “Key Ethics Law Principles for Public Servants” is attached as reference.)

Public perception is an important aspect of being a director. It is also important to work as a team with fellow Directors and District staff. In order to assist in the governance of the behavior between and among members of the Board of Directors and District staff, the following rules shall be observed at all times:

- A.** The dignity, style, values and opinions of each Director shall be respected.
- B.** Responsiveness and attentive listening in communication is encouraged.
- C.** The needs of the District’s constituents should be the priority of the Board of Directors. When a Director believes he/she may have a conflict of interest, the legal counsel shall be requested to make a determination if one exists or not.
- D.** The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.
- E.** Directors should commit themselves to emphasizing the positive and avoiding double talk, hidden agendas, gossip, backbiting, and other negative forms of interaction.
- F.** Directors should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.
- G.** Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not create barriers to the implementation of said action.
- H.** Directors should practice the following procedures:
  - 1.** In seeking clarification on informational items, Directors may directly approach professional staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
  - 2.** In handling complaints from residents and property owners of the District, said



# Key Ethics Law Principles

## FOR PUBLIC SERVANTS

*Note that the following are not statements of law, but rather principles the law is designed to achieve. The goal in providing this list is to identify the kinds of issues addressed by public service ethics laws. If an issue arises for you under these principles, consult your agency counsel.*

### PERSONAL FINANCIAL GAIN

Public officials:

- ◆ Must disqualify themselves from participating in decisions that may affect (positively or negatively) their financial interests (see reverse for list of types of financial interests).
- ◆ Cannot have an interest in a contract made by their agency.
- ◆ Cannot request, receive or agree to receive anything of value or other advantages in exchange for a decision.
- ◆ Cannot influence agency decisions relating to potential prospective employers.
- ◆ May not acquire interests in property within redevelopment areas over which they have decision-making influence.

### PERSONAL ADVANTAGES & PERKS

Public officials:

- ◆ Must disclose all gifts received of \$50 or more and may not receive gifts aggregating to over \$390 (2007-8) from a single source in a given year.
- ◆ Cannot receive compensation from third parties for speaking, writing an article or attending a conference.
- ◆ Cannot use public agency resources (money, travel expenses, staff time and agency equipment) for personal or political purposes.
- ◆ May only be reimbursed for actual and necessary expenses consistent with their agency's reimbursement policy.
- ◆ Cannot participate in decisions that may affect (positively or negatively) their personal interests.
- ◆ Cannot accept free transportation from transportation companies.
- ◆ Cannot send mass mailings at public expense.
- ◆ Cannot make gifts of public resources or funds.
- ◆ Cannot receive loans over \$250 from those within the agency or those who do business with the agency.

### GOVERNMENT TRANSPARENCY

Public officials:

- ◆ Must disclose their financial interests.
- ◆ Must conduct the public's business in open and publicized meetings, except for the limited circumstances when the law allows closed sessions.
- ◆ Must allow public inspection of documents and records generated by public agencies, except when non-disclosure is specifically authorized by law.
- ◆ Must disclose information about significant (\$5000 or more) fundraising activities for legislative, governmental or charitable purposes.

### FAIR PROCESSES

Public officials:

- ◆ Have a responsibility to assure fair and competitive agency contracting processes.
- ◆ Cannot participate in decisions that will benefit their immediate family (spouse/domestic partner or dependent children).
- ◆ Cannot participate in quasi-judicial proceedings in which they have a strong bias with respect to the parties or facts.
- ◆ Cannot simultaneously hold certain public offices or engage in other outside activities that would subject them to conflicting loyalties.
- ◆ Cannot participate in entitlement proceedings – such as land use permits – involving campaign contributors (does not apply to elected bodies).
- ◆ Cannot solicit campaign contributions of more than \$250 from permit applicants while application is pending and for three months after a decision (does not apply to elected bodies).
- ◆ Cannot represent individuals before their agency for one year after leaving agency service.
- ◆ Must conduct public hearings in accordance with due process principles.

# A Public Official's Conflict Of Interest Checklist

## KEY CONCEPTS

- ✓ A public agency's decision should be based solely on what best serves the public's interests.
- ✓ The law is aimed at the perception, as well as the reality, that a public official's personal interests may influence a decision. Even the temptation to act in one's own interest could lead to disqualification, or worse.
- ✓ Having a conflict of interest does not imply that you have done anything wrong; it just means you have financial or other disqualifying interests.
- ✓ Violating the conflict of interest laws could lead to monetary fines and criminal penalties for public officials. Don't take that risk.

## BASIC RULE

A public official may not participate in a decision – including trying to influence a decision – if the official has financial or, in some cases, other strong personal interests in that decision. When an official has an interest in a contract, the official's agency may be prevented from even making the contract.

## WHEN TO SEEK ADVICE FROM AGENCY COUNSEL

The rules are very complex. Talk with your agency counsel 1) early and often 2) when an action by your public agency 3) may affect (positively or negatively) 4) any of the following:

- ✓ **Income.** Any source of income of \$500 or more (including promised income) during the prior 12 months for you or your spouse/domestic partner.
- ✓ **Business Management or Employment.** An entity for which you serve as a director, officer, partner, trustee, employee, or manager.
- ✓ **Real Property.** A direct or indirect interest in real property of \$2000 or more that you or your immediate family (spouse/ domestic partner and dependent children) have, including such interests as ownership, leaseholds (but not month-to-month tenancies), and options to purchase. Be especially alert when any of these are located within 500 feet of the subject of your decision.
- ✓ **Personal Finances.** Your or your immediate family's (spouse/ domestic partner and dependent children) personal expenses, income, assets, or liabilities.

- ✓ **Gift Giver.** A giver of a gift of \$390 or more to you in the prior 12 months to you, including promised gifts.
- ✓ **Lender/Guarantor.** A source of a loan (including a loan guarantor) to you.
- ✓ **Contract.** You or a member of your family would have an interest (direct or indirect) in a contract with the agency.
- ✓ **Business Investment.** An interest in a business that you or your immediate family (spouse/domestic partner and dependent children) have a direct or indirect investment worth \$2000 or more.
- ✓ **Related Business Entity.** An interest in a business that is the parent, subsidiary or is otherwise related to a business where you:
  - Have a direct or indirect investment worth \$2000 or more; or
  - Are a director, officer, partner, trustee, employee, or manager.
- ✓ **Business Entity Owning Property.** A direct or indirect ownership interest in a business entity or trust of yours that owns real property.
- ✓ **Campaign Contributor.** A campaign contributor of yours (applies to appointed decision-making bodies only).
- ✓ **Other Personal Interests and Biases.** You have important, but non-financial, personal interests or biases (positive or negative) about the facts or the parties that could cast doubt on your ability to make a fair decision.

## WHAT WILL HAPPEN NEXT?

Agency counsel will advise you whether 1) you can participate in the decision and, 2) if a contract is involved, whether the agency can enter into the contract at all. Counsel may suggest asking either the Fair Political Practices Commission or the State Attorney General to weigh in.

## EVEN IF IT'S LEGAL, IS IT ETHICAL?

The law sets only minimum standards. Ask yourself whether members of the public whose opinion you value will question whether you can act solely in the public's interest. If they might, consider excusing yourself voluntarily from that particular decision-making process.

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