



Santa Clara Valley Water District Board Policy and Planning Committee Meeting

Headquarter Boardroom
5700 Almaden Expressway, San Jose

Join Zoom Meeting:
<https://valleywater.zoom.us/j/81170871803>
Meeting ID: 811 7087 1803

REGULAR MEETING AGENDA

**Monday, March 6, 2023
2:00 PM**

District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.

BOARD POLICY AND PLANNING COMMITTEE

Nai Hsueh - Director District 5
Tony Estremera, Director District 6
Rebecca Eisenberg, Director District 7

During the COVID-19 restrictions, all public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body, will be available to the public through the legislative body agenda web page at the same time that the public records are distributed or made available to the legislative body. Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to participate in the legislative body's meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

COMMITTEE CLERK

Michele L. King, CMC
Clerk, Board of Directors

Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.

Santa Clara Valley Water District
Board Policy and Planning Committee
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AGENDA

Monday, March 6, 2023

2:00 PM

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5700 Almaden Expressway, San Jose

IMPORTANT NOTICES AND PARTICIPATION INSTRUCTIONS

Santa Clara Valley Water District (Valley Water) Board of Directors/Board Committee meetings are held as a “hybrid” meetings, conducted in-person as well as by telecommunication, and is compliant with the provisions of the Ralph M. Brown Act.

To maximize public safety while still maintaining transparency and public access, members of the public have an option to participate by teleconference/video conference or attend in-person. To observe and participate in the meeting by teleconference/video conference, please see the meeting link located at the top of the agenda. If attending in-person, you are required to comply with Ordinance 22-03 - AN ORDINANCE OF THE SANTA CLARA VALLEY WATER DISTRICT SPECIFYING RULES OF DECORUM FOR PARTICIPATION IN BOARD AND COMMITTEE MEETINGS located at <https://s3.us-west-2.amazonaws.com/valleywater.org.if-us-west-2/f2-live/s3fs-public/Ord.pdf>

In accordance with the requirements of Gov. Code Section 54954.3(a), members of the public wishing to address the Board/Committee at a video conferenced meeting, during public comment or on any item listed on the agenda, should use the “Raise Hand” tool located in the Zoom meeting link listed on the agenda, at the time the item is called. Speakers will be acknowledged by the Board Chair in the order requests are received and granted speaking access to address the Board.

- Members of the Public may test their connection to Zoom Meetings at: <https://zoom.us/test>
- Members of the Public are encouraged to review our overview on joining Valley Water Board Meetings at: <https://www.youtube.com/watch?v=ToJpYCxXm0>

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This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Sections 54950 et. seq. and has not been prepared with a view to informing an investment decision in any of Valley Water’s bonds, notes or other obligations. Any projections, plans or other forward-looking

statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of Valley Water's bonds, notes or other obligations and investors and potential investors should rely only on information filed by Valley Water on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures and Valley Water's Investor Relations website, maintained on the World Wide Web at <https://emma.msrb.org/> and <https://www.valleywater.org/how-we-operate/financebudget/investor-relations>, respectively.

Under the Brown Act, members of the public are not required to provide identifying information in order to attend public meetings. Through the link below, the Zoom webinar program requests entry of a name and email address, and Valley Water is unable to modify this requirement. Members of the public not wishing to provide such identifying information are encouraged to enter "Anonymous" or some other reference under name and to enter a fictional email address (e.g., attendee@valleywater.org) in lieu of their actual address. Inputting such values will not impact your ability to access the meeting through Zoom.

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1. CALL TO ORDER:

1.1. Roll Call.

2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA.

Notice to the Public: Members of the public who wish to address the Committee on any item not listed on the agenda should access the "Raise Hand" tool located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Committee Chair in order requests are received and granted speaking access to address the Committee. Speakers comments should be limited to three minutes or as set by the Chair. The law does not permit Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If Committee action is requested, the matter may be placed on a future agenda. All comments that require a response will be referred to staff for a reply in writing. The Committee may take action on any item of business appearing on the posted agenda.

3. APPROVAL OF MINUTES:

- 3.1. Approval of Minutes. [23-0239](#)

Recommendation: Approve the February 5, 2023, Minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: February 6, 2023, Minutes](#)

4. INFORMATION AND ACTION ITEMS:

- 4.1. Review Process for Developing a Board Code of Conduct Board Governance Policy for Board Approval. [23-0241](#)

Recommendation: Review process for developing a Board Code of Conduct Board Governance Policy and provide direction to staff on next steps.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Board Governance Policy Sections](#)
[Attachment 2: Sample Codes of Conduct](#)
[Attachment 3: Prior Public Comment](#)

- 4.2. Review Board Governance Policies Related to the Election of the Board Chairperson/Vice Chairperson and the role of the Board Chairperson. [23-0242](#)

Recommendation: Review Board Governance Policies Related to the Election of the Board Chairperson/Vice Chairperson and the role of the Board Chairperson and provide direction to staff on next steps.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: GP-5](#)
[Attachment 2: GP-6](#)
[Attachment 3: GP-9](#)
[Attachment 4: EL-7](#)

- 4.3. Review Committee 2023 Work Plan and Meeting Schedule. [23-0240](#)

Recommendation: A. Review the 2023 Board Policy and Planning Committee's Work Plan and incorporate any new tasks;
and
B. Schedule Committee meetings as appropriate.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 2023 BPPC Work Plan](#)

5. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.

This is an opportunity for the Clerk to review and obtain clarification on any formally moved, seconded, and approved requests and recommendations made by the Committee during the meeting.

6. ADJOURN:

6.1. Regular Meeting at 2:00 p.m., on April 3, 2023.



Santa Clara Valley Water District

File No.: 23-0239

Agenda Date: 3/6/2023
Item No.: 3.1.

COMMITTEE AGENDA MEMORANDUM Board Policy and Planning Committee

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:

Approval of Minutes.

RECOMMENDATION:

Approve the February 6, 2023, Minutes.

SUMMARY:

A summary of Committee discussions, and details of all actions taken by the Committee, during all open and public Committee meetings, is transcribed and submitted for review and approval.

Upon Committee approval, minutes transcripts are finalized and entered into the district's historical records archives and serve as historical records of the Committee's meetings.

ATTACHMENTS:

Attachment 1: February 6, 2023, Minutes.

UNCLASSIFIED MANAGER:

Michele King, 408-630-2711



BOARD POLICY AND PLANNING COMMITTEE MEETING

DRAFT MINUTES

Wednesday, February 6, 2023
2:00 PM

(Paragraph numbers coincide with agenda item numbers)

1. **CALL TO ORDER**

1.1 ROLL CALL

A regular meeting of the Santa Clara Valley Water District (Valley Water) Board Policy and Planning Committee (Committee) was called to order at 2:00 p.m. on February 6, 2023.

Board Members in attendance: Director Nai Hsueh-District 5; Director Tony Estremera – District 6; and Director Rebecca Eisenberg-District 7, constituting a quorum of the Committee.

Staff members in attendance: Lisa Bankosh, Rechelle Blank, John Bourgeois, Rick Callender, Theresa Chinte, Mike Cook, Rachael Gibson, Vincent Gin, Brian Hopper, Michele King, Janice Lum, Carlos Orellana, Melanie Richardson, Kirsten Struve, Greg Williams, and Tina Yoke.

Guests in attendance: Arthur Keller, 2022 Environmental and Water Resources Committee (EWRC) Vice Chair; Charles Ice, 2023 EWRC Vice Chair; Peter Van Dyke, 2022 and 2023 Agricultural Water Advisory Committee (Ag Water) Chair; Bob Levy, 2022 EWRC Chair; Loren Lewis, 2023 EWRC Chair; Hon. Karen Hardy, 2023 Santa Clara Valley Water Commission (Water Commission) Chair; Hon. Kitty Moore, 2023 Water Commission Vice Chair; and Barbara Keegan, Director District 2 were in attendance.

2. **TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT AN AGENDA**

Committee Chair Hsueh declared time open for public comment on any item not on the agenda. Hon. Karen Hardy, City of Santa Clara Councilmember, stated that VTA would soon begin tunneling and has no plans for the dirt. She stated that perhaps Valley Water could use this dirt for the levees. Committee Chair Hsueh asked Melanie Richardson, Assistant Chief Executive Officer to follow up on this matter.

3. **3.1 APPROVAL OF MINUTES – January 11, 2023.**

The Committee considered the draft minutes from the January 11, 2023, meeting. It was moved by Director Hsueh, seconded by Director Estremera, with Director Eisenberg abstaining, and carried to approve the minutes as presented.

Chair Hsueh moved the agenda to Item 5.1.

5.1 Receive Feedback from the Board Advisory Committees' 2022 and/or 2023 Chairpersons and/or Vice Chairpersons on the Committees' Purposes and Accomplishments and Suggest Areas of Improvement.

Committee Chair Hsueh provided background on the purpose for this item and asked the advisory committee members to introduce themselves. The Committee received feedback from

former and current Chairpersons and Vice Chairpersons of the Ag Water, EWRC and Water Commission. The feedback is included in the attached notes.

Chair Hsueh thanked all committee members for participating in this important feed-back session, and stated that their input would be summarized and be brought back to the BPPC and shared with the advisory committee to discuss and provide recommendations on how the Board can improve the planning of Advisory Committee agendas.

The Chair returned to Item 4.1.

4.1 Election of 2023 Board Policy and Planning Committee Officers.

It was moved by Director Estremera, seconded by Director Eisenberg, and unanimously approved to elect Director Hsueh as 2023 Committee Chair and Director Eisenberg as 2023 Committee Vice Chair.

The Chair moved the agenda to item 5.2.

5.2 Analyze Santa Clara County Civil Grand Jury Final Report: If you Only Read the Ballot, You're Being Duped, October 7, 2022, and Provide Recommendation to Full Board by March 31, 2023.

The Committee discussed the information provided in the agenda memorandum and Grand Jury Final Report.

There was a motion by Director Hsueh, seconded by Director Eisenberg, and unanimously approved to recommend to the Board to Partially Agree with Finding 1 because local ballot measure language can be confusing or misleading to voters but doesn't require another layer of review by a third party. Disagree with Recommendations 1B, 1C and 1E since they are related a third-party review of ballot measure language. The Committee also requested that the letter be simplified, with simple statements - agree, disagree or partially agree, and the tone should be professional with no finger wagging.

5.3 Review Board-Approved Committee Purpose and 2023 WORK PLAN AND MEETING SCHEDULE

Committee Chair Hsueh provided a brief overview of the Committee's schedule and purpose, and Michele King, Clerk of the Board, reviewed the current work plan and meeting schedule. The Committee agreed to schedule review of items on the Board's Code of Conduct and Board Governance Policies related to the Election of the Board Chairperson/Vice Chairperson and the Chairperson's role at the March meeting.

5. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.

There were no formal requests from the Committee.

6. ADJOURNMENT

Chair Director Hsueh adjourned the meeting at approximately 3:45 p.m.

Michele L. King
Clerk of the Board

Approved:

February 6, 2023

Board Policy and Planning Committee

Item 5.1 – Receive Feedback from the Board Advisory Committees' 2022 and/or 2023 Chairpersons and/or Vice Chairpersons on the Committees' Purposes and Accomplishments and Suggest Areas of Improvement.

Board Advisory Committees' Feedback:

Hon. Karen Hardy, 2023 Water Commission Chair –

- Water Commission is concerned that rate payers are not being heard. Incremental changes in all services are very hard, especially for those that are on fixed incomes.
- There is a need to understand Pacheco Reservoir Project plan and timeline, and how the costs are baked into the water rates.
- There is also a need to work together to develop a plan on homelessness because it is complex and has many different moving parts and jurisdictions. It is a good idea to put together a joint powers board and work through the problems.

Bob Levy, 2022 EWRC Chair –

- There are engaged members serving on the EWRC.
- Engaging with staff in advance of meetings to identify subjects which the Valley Water Board would be interested in receiving feedback and mapping out agenda items for the entire year has work well. Generally, there are two things on each agenda for discussion, one more substantive than the other.
- The working groups still need some improvement for better engagement. They could benefit from direct staff intervention and assistance with proactively agendaizing subjects for discussion. Perhaps working groups can meet on an ad hoc basis to address timely information to present to the full committee.

Arthur Keller, 2022 EWRC Vice Chair –

- EWRC Agenda planning process could be better coordinated so that agendas have regular substantive agenda items.
- The Advisory Committee member appointment process needs to be reviewed and new Board members educated on when appointments and reappointments of committee members should be completed. Valley Water should be notified about construction along creeks/streams and then share that information with the EWRC.

Hon. Kitty Moore, 2023 Water Commission Vice Chair –

- There is a knowledge divide among Water Commission members due to high turnover.
- Commission members participation in the water ambassador program to obtain a better understanding of Valley Water's mission could improve the knowledge divide.
- The Water Commission could benefit from Board feedback on how they are performing and whether the Board is receiving what they were hoping to receive.
- Some members feel that they are just an information sharing commission and would like to do more and be empowered to provide more policy advice to the Board.
- When information on water rates is provided it would be helpful if it were packaged in a way that is simple and easy to communicate to constituents.
- On boarding for new commissioners would be helpful and help new members get up to speed quickly. The Water Commission could benefit from the Board's support for less turnover of new members from appointing agencies.

Loren Lewis, 2023 EWRC Chair –

- EWRC should continue with current agenda setting process and make sure items on the agenda allow for timely and useful feedback to the Board. This could be accomplished by meeting with staff ahead of the agenda being created to make sure committee items are still timely.
- Working groups are developed to meet more often, drill down into issues of interest, and provide high-level feedback to the Board.

Peter Van Dyke, 2022/2023 Ag Water Vice Chair –

- Needs to be a balance between water security, ecology, open space and farmland.
- Growers needs to be educated on run off into creeks.
- There is a need to address urban development encroaching into rural land that could contribute to problems downstream and impact flood projects.
- There is a concern about the water quality coming out of Pacheco Reservoir and it being used for fish mitigation and the loss of riparian habitat upstream of the dam.
- Research use of recycling programs for drip tape and the plastic mulch used by agriculture, and pollution that ends up in creeks, rivers, and reservoirs.
- Agricultural water rates need to remain low so farmers can continue to farm in the area which provides open space, habitat, and potential use of land for percolation, if necessary.
- Underserved minority farmers could use help understanding conservation farming techniques.
- More habitat restoration.



Santa Clara Valley Water District

File No.: 23-0241

Agenda Date: 3/6/2023

Item No.: 4.1.

COMMITTEE AGENDA MEMORANDUM Board Policy and Planning Committee

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:

Review Process for Developing a Board Code of Conduct Board Governance Policy for Board Approval.

RECOMMENDATION:

Review process for developing a Board Code of Conduct Board Governance Policy and provide direction to staff on next steps.

SUMMARY:

At the January 10, 2023, meeting, the Board approved the Board Policy and Planning Committee's (Committee) recommendation to perform an identified process to incorporate a Board Code of Conduct into the Board Governance Policies. This item will allow the committee to review the process and provide direction to staff on next steps.

In response to previous requests from Directors and the public during Board and Committee meetings, the Committee discussed the need for a Board Code of Conduct in the Board Governance Policies and identified a proposed process that could be used to create such a policy. Below is the proposed process approved by the Board to aid in developing a new Board Code of Conduct policy:

Proposed Process

A. Data Collection

1. Collect relevant information from existing Board Governance Policies that could fit appropriately in a new Board Code of Conduct Governance Policy.
2. Collect relevant information from other agencies that already have Code of Conduct procedures/policies for elected officials. (See Attachment 1 for samples.)
3. Collect comments already received from the public on previous code of conduct-related agenda items.
4. Request independent third-party interviews of individual directors to identify information that they feel would be necessary to include in a Board Code of Conduct Governance Policy. (Funds will need to be allocated for this work).

B. Data Compiling and Board Check In

1. Compile data listed in the data collection steps above, analyze, and compile it into an organized and categorized list.
2. Present the synthesized list to the Board for review to ensure Committee's process is covering all possible Board Code of Conduct areas and meeting the Board's expectations.
3. Request the Board approve resources for an external third party to collect data and synthesize for Committee review.

C. Review Data and Board Input

1. Committee review compiled information and input received from the Board and develop a proposed new Board Code of Conduct Governance Policy.
2. Propose a new Board Code of Conduct Governance Policy to the Board for review and approval.

Board Governance Policies

Attached (Attachment 1) are existing sections from the Board Governance Policies - Governance Process 2 - Governing Style, and Governance Process 6 - Board Members' Code of Conduct, which could be considered for retention, modification, or deletion in an updated Board Code of Conduct Governance Policy.

Sample Codes of Conduct

Attached (Attachment 2) are sample Codes of Conduct from ACWA, Los Vaqueros Reservoir JPA, and Cities of Santa Cruz, Monte Sereno and Sunnyvale, Alameda, Oceanside, Santa Clara and the Town of Los Gatos.

Public Input

Attached are prior public comments received (Attachment 3) from the Sierra Club (Handout 4.2-A, November 8, 2022, Board meeting), and the Board Policy and Planning Committee received comments from Trish Mulvey (Handout 4.2-C, April 5, 2022, Committee meeting, and Handout 4.2-A, November 7, 2022, Committee Meeting).

ATTACHMENTS:

Attachment 1: Board Governance Policy Sections

Attachment 2: Sample Codes of Conduct

Attachment 3: Prior Public Comments

UNCLASSIFIED MANAGER:

Michele King, 408-630-2711

Governance Policies of the Board

Title: Governing Style Category: Governance Process		
Policy No. GP-2	Adopted: June 15, 1999 Chair: Larry Wilson	Latest Revision: August 18, 2015 Chair: Gary Kremen
The Board of Directors revised and adopted this policy at its public meeting on the latest revision date.		

The Board will govern with an emphasis on (a) outward vision, (b) encouragement of diversity in viewpoints, (c) strategic leadership more than administrative detail, (d) clear distinction of Board and Board Appointed Officer (BAO), (e) collective rather than individual decisions, (f) future rather than past or present, and (g) pro-activity rather than reactivity.

Accordingly:

- 2.1. The Board will cultivate a sense of group responsibility. The Board will be responsible for excellence in governing. The Board will be the initiator of policy, not merely a reactor to initiatives. The Board may use the expertise of individual members to enhance the ability of the Board as a body, rather than to substitute the individual judgments for the Board's values.
- 2.2. The Board will direct, control, and inspire the organization through the careful establishment of broad written policies reflecting the Board's values and perspectives. The Board's major policy focus will be on the intended results, not on the administrative or programmatic means of attaining those effects.
- 2.3. The Board will further inform itself, individually and collectively, through extensive outreach to determine community wishes and through continuing education on issues relevant to the District.
- 2.4. The Board will enforce upon itself whatever discipline is needed to govern with excellence. Discipline will apply to matters such as attendance, preparation for meetings, policymaking principles, respect of roles, decorum and ensuring the continuance of governance capability.
 - 2.4.1. Board members may be excused from Board or Board Committee meetings, as defined:
 - Illness or incapacity
 - Illness or incapacity of an immediate family member
 - Jury duty
 - Observance of a religious holiday or ceremony
 - Vacation
 - Conducting District business

Governance Policies of the Board

- 2.4.2. For all absences, the Board member shall notify the Clerk of the Board prior to the Board or Board Committee meeting in which they will be absent with the reason for the absence. The Clerk of the Board will subsequently notify the Chair of the absence and the reason.
- 2.4.3. In the event of an emergency, in which a Board member is unable to provide advance notification, after the Board or Board Committee meeting, notification will be provided to the Clerk of the Board within 30 days.
- 2.5. Continual Board development will include orientation of new Board members in the Board's governance process and periodic Board discussion of process improvement.
- 2.6. The Board will allow no officer, individual, or committee of the Board to hinder or be an excuse for not fulfilling its commitments.
- 2.7. The Board will monitor the Board's process and performance. Self-monitoring will include comparison of Board activity and discipline to policies in the Governance Process and Board-BAO Linkage categories.
 - 2.7.1. The Board will conduct a Board performance review by the end of March for the previous calendar year and will conduct a mid-year review of Board performance by the end of September.
- 2.8. While serving as a member of the Board of Directors, and for one year immediately following the end of the Board member's term of office, no Board member shall seek or accept compensated employment by the District.
- 2.9. The Board, by ordinance, will adopt regulations governing the activities of persons who lobby the District. Those regulations shall include provisions requiring registration of lobbyists, reporting requirements governing the activities of lobbyists and communications with Board members, and disclosure by Directors of contact with lobbyists prior to voting on matters related to the contact. This ordinance will be adopted no later than July 1, 2010. The list of registered lobbyists will be posted on the District website, for openness and transparency.

Governance Policies of the Board

Title: Board Members' Code of Conduct

Category: Governance Process

Policy No. GP-6

Adopted: June 15, 1999
Chair: Larry Wilson

Latest Revision: July 28, 2020
Chair: Nai Hsueh

The Board of Directors revised and adopted this policy at its public meeting on the latest revision date.

The Board commits itself and its members to ethical, business-like, and lawful conduct, including proper use of authority and appropriate decorum when acting as Board members.

Board members who do not adhere to this code of conduct may be subject to the procedures of GP-6.7 through GP-6.9 listed below.

- 6.1. Members must have loyalty to the District and community and not be conflicted by loyalties to staff, other organizations or any personal interest.
- 6.2. Members must avoid conflict of interest with respect to their fiduciary responsibility and are obligated by virtue of their office to discharge their responsibilities with integrity and fidelity and are prohibited from placing themselves in a position where their private, personal interest may conflict with their official duties.
- 6.3. Board members may not attempt to exercise individual authority over the organization.
 - 6.3.1. Members' interaction with the BAOs or with staff must recognize the lack of authority vested in individual members except when explicitly Board authorized. Board members shall refrain from abusive conduct, personal charges or verbal assaults upon the character or motives of other members of the Board, committees, commissions, staff and the public. Board members shall support the maintenance of a positive and constructive environment for District employees.
 - 6.3.2. Members' interaction with public, press or other entities must recognize the same limitation and the inability of any Board member to speak for the Board except to repeat explicitly stated Board decisions.
 - 6.3.3. No member shall contact staff on behalf of a party who is bidding or intends to bid on a District contract or who has or intends to submit a response to a request for proposals or request for qualifications, nor shall a Director inquire about the identity of bidders or proposers prior to the time that staff has made a recommendation for selection of a contractor, vendor, or consultant. Members are not prohibited from making general inquiries about the status of a particular procurement, or from providing a member of the public with information about the appropriate staff contact concerning procurement of goods and services by the District.

Governance Policies of the Board

6.3.4. After issuance of a request for goods or services, Board members are prohibited from communicating with any current or potential vendor, supplier, contractor, or consultant, except as described in this paragraph, until after issuance by the Chief Executive Officer or his/her designee of a decision on any protest relating to the request for goods or services or resultant contract award. Any communications during this period shall be limited to matters unrelated to the request for goods or services or the contract award. Whenever the member has communicated during the aforementioned period with any current or potential vendor, supplier, contractor, or consultant in violation of these restrictions, the name of the party, the date, and the content of the communications shall be disclosed at the next board meeting after the communication and noted in the minutes.

6.4. Members will respect the confidentiality appropriate to issues of a sensitive nature.

6.4.1. No member shall violate the confidentiality of closed session discussion.

6.5. Members will be properly prepared for Board deliberation.

6.6. The Board may not authorize severance pay for a Board-appointed employee of the District when the employee voluntarily separates from District employment. "Severance pay" does not include any otherwise lawful payment required to be paid by the District under a pre-existing employment agreement or under a separation and release agreement resolving a claim or claims made or threatened against the District. The Board shall not agree to amend an employment contract after the employee announces or requests a voluntary separation, except upon a Board determination, in open session, that an adjustment in compensation is required to retain the employee and is in the best interest of the District.

6.7. This policy applies to the Santa Clara Valley Water District Board of Directors and the following procedures shall be followed when any member of the Board of Directors reasonably believes that another member of the Board has engaged in misconduct or has failed to act in the best interests of the District. The procedures shall not be effective in any case in which a non-board member seeks redress for alleged misconduct by a Board member. While the Board has discretion in deciding the actions it may choose to take in response to a complaint, this policy provides definitions and procedures related to three types of actions: admonition, sanction and censure.

6.7.1. Admonition

Admonition is the least severe form of action. An admonition may typically be directed to all members of the Board, reminding them that a particular type of behavior is not in the best interests of the District, and that, if it occurs or is found to have occurred, could make the member subject to sanction or censure. An admonition may be issued in response to a

Governance Policies of the Board

particular alleged action or actions, although it would not necessarily have to be triggered by a complaint of misconduct. An admonition may be issued by the Board prior to any findings of fact regarding any complaint, and because it is a warning or reminder, would not necessarily require an investigation or separate public hearing to determine whether a complaint is true.

6.7.2. Sanction

Sanction is the next most severe form of action. Sanction should be directed to a particular member of the Board based on a particular action (or set of actions) that is determined to be misconduct but is considered by the Board not to be sufficiently serious to require censure. A sanction is distinguished from censure in that it does not constitute punishment. A written sanction may be based upon the Board's review and consideration of a written complaint. The member accused of such misconduct will have an opportunity to provide a written response to the complaint. A sanction may be issued by the Board, and because it is not punishment or discipline, it would not necessarily require an investigation or separate public hearing.

6.7.3. Censure

Censure is the most severe form of action in this policy. Censure is a formal statement of the Board officially reprimanding one of its members. It is a punitive action, which serves as a penalty imposed for misconduct, but it carries no fine or suspension of the rights of the member as an elected official. Censure should be used for cases in which the Board determines that the misconduct is a serious offense. In order to protect the overriding principle of freedom of speech, the Board shall not impose censure on any of its members for the exercise of his or her First Amendment rights, no matter how distasteful the expression was to the Board or the District. However, nothing herein shall be construed to prohibit the Board from collectively condemning and expressing their strong disapprobation of such remarks.

6.7.4. Referral to District Attorney

At any point during any of the processes hereinafter described, the Board may refer the matter, as appropriate, to the Santa Clara County District Attorney for investigation. Prior to or following such referral, the Board may proceed with any of the actions described in this policy.

6.8. Available Procedures for addressing Misconduct

There are four separate methods for the Board to address Board member misconduct under this Policy: (1) written complaint; (2) request for admonition; (3) request for sanction; and (4) request for censure. Written complaints that specifically seek admonition, sanction, or censure as a specific remedy shall be treated as a request for that remedy (admonition, sanction, or censure), and the provisions of sections GP-6.9 and GP-6.10 shall not apply.

Governance Policies of the Board

6.9. Written Complaints

In the event a Board member reasonably believes another Board member has failed to act in the best interests of the District resulting in misconduct, a written complaint shall be submitted to the Chief People Officer. Upon receipt, the Chief People Officer, Human Resources Division shall transmit the complaint to the District Counsel for review. The District Counsel shall review complaints to determine whether there is a sufficient basis for further action.

6.9.1. If a complaint fails to articulate a sufficient basis for further consideration, the complainant and the accused Board member will be so advised by the District Counsel, and the matter shall be deemed concluded.

6.9.2. If a complaint adequately articulates a sufficient basis for further action, the District Counsel shall present the complaint to the Board Ethics and Conduct Ad Hoc Committee (the "Committee"), which shall be comprised of the Chair and two members of the Board. In the event the subject of a complaint is the Chair or any member of the Committee, the Board shall select another Board member to serve on the Committee in that member's stead. The District Counsel may recommend to the Committee that:

6.9.2.1. Fact finding as to the complaint should be conducted; or

6.9.2.2. Informal resolution of the complaint should occur; or

6.9.2.3. An independent investigation of the complaint should occur.

6.10. Prior to any determination by the Committee to proceed with an investigation, the accused Board member must be given a reasonable opportunity to meet with the Committee or to provide a written response to the complaint. In deciding whether or not to open an investigation, the Committee should consider:

6.10.1. Whether an investigation may compromise investigations regarding the same alleged misconduct, whether the misconduct may result in criminal charges, and whether the right of the accused Board member to a fair jury trial may be compromised by proceeding with an investigation.

6.10.2. Whether persons involved in the allegations may choose to exercise their constitutional right against self-incrimination, which may limit the investigation's ability to present a full and impartial picture of alleged events.

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- 6.10.3. Whether measures can be taken to protect the rights of the member accused of misconduct, the member making such allegations, and those who have information regarding the allegations.

6.11. Investigations

- 6.11.1. If the Committee determines that an investigation is warranted, upon notification of the Board, District Counsel may be directed to conduct the investigation. District Counsel may select and manage an independent investigator to assist in conducting the investigation.
- 6.11.2. In the course of the investigation, District Counsel shall determine the process by which statements are taken. District Counsel may allow witnesses to choose to provide a signed declaration under penalty of perjury attesting to their knowledge of the facts surrounding the complaint.
- 6.11.3. At the conclusion of the investigation, the results of the investigation shall be presented in writing to the Committee and CEO. If the Committee is satisfied with the completeness of the investigation, it shall provide the Board with its findings and any recommendations. Following such findings and recommendations, any individual Board member may file a request for admonition, sanction, or censure.
- 6.11.4. If the Committee determines that an investigation is not warranted, the complainant and the Board shall be notified. Following such notification, any Board member may file a request for admonition, sanction, or censure.
- 6.11.5. Should any Board member file a request for admonition, sanction, or censure following investigation, the Committee shall submit to the Board a recommendation as set forth in sections GP-6.12.2, GP-6.13.2, or GP-6.14.2, below, and the matter shall thereafter be considered by the Board at its next public meeting subject to the restrictions of section GP-6.14.5, below.

6.12. Request for Admonition

- 6.12.1. Any Board member may make a written request for an admonition which must be submitted to the Committee. The request must contain specific language descriptive of the alleged misconduct and the reason(s) admonition is appropriate. A copy of the request for admonition shall be provided to the Board member accused of the misconduct.
- 6.12.2. The Committee shall review the request and submit it to the Board with a recommendation. The Committee's recommendation shall provide:

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6.12.2.1. Admonition is warranted; or

6.12.2.2. Admonition is not warranted; or

6.12.2.3. No further action is required.

6.12.3. A recommendation by a majority of the Committee shall be based on the Committee's review of the written record.

6.12.4. An admonition can be approved by a majority of the Board.

6.13. Request for Sanction

6.13.1. Any Board member may make a written request for sanction which must be submitted to the Committee. The request must contain specific language descriptive of the alleged misconduct and the reason(s) sanction is appropriate. A copy of the request for sanction shall be provided to the Board member accused of the misconduct by personal service within five (5) business days from the date the Committee receives the request. The time for service shall be tolled if the Board member is unavailable for service.

6.13.2. The Committee shall review the request and determine if an investigation is warranted. Following the investigation, or if no investigation was undertaken, following review of the request, the Committee shall submit the request to the Board with a recommendation. The Committee's recommendation shall provide:

6.13.2.1. Admonition, rather than sanction is warranted; or

6.13.2.2. Sanction is warranted; or

6.13.2.3. No further action is warranted.

6.13.3. A recommendation by a majority of the Committee shall be based on the Committee's review of the written record.

6.13.4. The Committee's recommendation shall be subject to a majority vote of the Board.

6.14. Request for Censure

6.14.1. Any Board member may make a written request for a censure which must be submitted to the Committee. The request must contain specific language descriptive of the alleged misconduct and the reason(s) censure is appropriate. A copy of the request for censure shall be served

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on the Board member accused of the misconduct by personal service within five (5) business days from the date the Committee receives the written request. The time for service shall be tolled if the Board member is unavailable for service.

- 6.14.2. The Committee shall review the request and submit the request to the Board with a recommendation. The Committee's recommendation shall provide:
 - 6.14.2.1. Further investigation of the request for censure is required; or
 - 6.14.2.2. Admonition or sanction is warranted; or
 - 6.14.2.3. The request for censure should be set for a separate Board public hearing; or
 - 6.14.2.4. No further action is required.
- 6.14.3. A recommendation by a majority of the Committee shall be based on the Committee's review of the written record.
- 6.14.4. If the Board determines that further investigation is required, the Board shall direct the Committee to lead the investigation which may be assisted by the CEO and District Counsel. The following guidelines apply to such an investigation:
 - 6.14.4.1. The Committee may be assisted by a separate independent investigator.
 - 6.14.4.2. Upon completion of the investigation, the Committee should determine if taking all the facts and evidence into consideration, there are reasonable grounds to believe or not believe that the misconduct occurred.
 - 6.14.4.3. The Committee shall issue to the Board a final a report and recommendation as approved by a majority of the Committee. The Committee's final report shall be made available to the public.
- 6.14.5. If a separate Board public hearing is required, it must be scheduled far enough in advance to provide the Board member subject to the charges adequate time to prepare a defense, and that Board member shall be given the opportunity to make an opening and closing statement and to question his or her accusers. The Board member subject to the charges may be represented and may have the representative speak or question on his/her behalf. **The Chair or Vice Chair, if the Chair is the subject of the charges, shall preside at the public hearing.** The rules of evidence shall not apply to the hearing of the matter, which is not a formal adversarial proceeding. If the District Counsel has assisted Board members in the

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investigation, independent legal counsel shall provide legal advice to the Board during the hearing of the matter.

- 6.14.6. A decision to censure requires the adoption of a resolution making findings with respect to the specific charges, based on substantial evidence and approved by a two-thirds vote of Board.

6.15. Complaints from non-Board members

This policy applies to the Santa Clara Valley Water District Board of Directors and the following procedure shall be followed when a non-Board member files a written complaint stating his/her reasonable belief that a member of the Board has acted or failed to act in the best interests of the District resulting in misconduct. While the Board has discretion in deciding the actions it may choose to take in response to such a complaint, this policy provides definitions and procedures related to three types of actions: admonition, sanction and censure as defined in sections GP-6.7.1, GP-6.7.2., and GP-6.7.3, of this policy.

- 6.16. At any point during any of the processes hereinafter described, the Board may refer the matter as appropriate to the Santa Clara County District Attorney for investigation. Following such referral, the Board may proceed with any of the actions described in this policy.

- 6.17.** This policy applies to the Santa Clara Valley Water District Board of Directors and the following procedures shall be followed when a non-Board member reasonably believes that a member of the Board has acted or failed to act in the best interests of the District resulting in misconduct. A written complaint signed by the complainant shall be filed with the Chief People Officer, Human Resources Division. Upon receipt, the Chief People Officer shall transmit the complaint to the Chief Executive Officer (CEO) and the District Counsel for review. The CEO and District Counsel shall review the complaint to determine whether there is a sufficient basis for further action.

- 6.17.1. If a complaint fails to articulate a sufficient basis for further consideration, the complainant and the accused Board member will be so advised and the matter shall be deemed concluded.

- 6.17.2. If a complaint adequately articulates a sufficient basis for further action, the CEO and District Counsel shall present the complaint to the Chair of the Board.** In the event the subject of the complaint is the Chair, the Vice Chair shall be presented with the complaint. The CEO and District Counsel may recommend to the Chair or Vice Chair that:

- 6.17.2.1. Fact finding as to the complaint should be conducted; or

- 6.17.2.2. Informal resolution of the complaint should occur; or

- 6.17.2.3. An independent investigation of the complaint should occur.

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6.18. Prior to the determination by the Chair or Vice Chair to proceed with an investigation, the accused Board member must be given a reasonable opportunity to meet with the Chair or Vice Chair or to provide a written response to the complaint. In deciding whether or not to open an investigation, the Chair or Vice Chair should consider:

- 6.18.1. Whether an investigation may compromise investigations regarding the same alleged misconduct and if the misconduct may result in criminal charges, whether the right of the accused Board member to a fair jury trial may be compromised by proceeding with an investigation.
- 6.18.2. If persons involved in the allegation may choose to exercise their constitutional right against self-incrimination, which may limit the investigation's ability to present a full and impartial picture of the alleged events.
- 6.18.3. Measures to protect the rights of the member accused of misconduct, the non-Board member making such allegations, and those who have information regarding the allegations.

6.19. Investigations

6.19.1. If the Chair or Vice Chair determines that an investigation is warranted, upon notification of the Board, District Counsel may be directed to conduct an investigation, and District Counsel may select and manage an independent investigator to assist in conducting such investigation.

Alternatively, at the discretion of the Chair or Vice Chair, the Board's Ethics and Conduct Ad Hoc Committee (as described in Section 6.9.2 of the Board's Governance Policies) shall select an independent investigator to conduct the investigation.

6.19.2. In the course of the investigation, District Counsel shall determine the process by which statements are taken. A witness may choose to provide a signed declaration under penalty of perjury attesting to his/her knowledge of the facts surrounding the complaint. Within ninety (90) days of the date an investigation begins, District Counsel shall inform the Board of the investigation's progress. Investigations should be completed within six (6) months from the date the investigation begins; however, in the event the investigation cannot be completed within the six (6) month time period, District Counsel shall so notify the Board.

6.19.3. At the conclusion of the investigation, the results of the investigation shall be presented in writing to the Chair or Vice Chair. If the Chair or Vice Chair is satisfied with the completeness of the investigation, the Chair or Vice Chair shall provide the Board with findings and any recommendations. Following such findings and recommendation, any individual Board member may file a request for admonition, sanction, or censure.

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- 6.19.4. If the Chair or Vice Chair determines that an investigation is not warranted, the complainant and the Board shall be notified. Following such notification, any Board member may file a request for admonition, sanction, or censure as set forth in sections GP-6.12, GP-6.13, or GP-6.14 of this policy, save and except that whenever the term "Committee" appears therein, the term "Chair" or "Vice Chair" shall be applicable.
- 6.19.5. Should any Board member file a request for admonition, sanction, or censure following the Chair or Vice Chair's findings and recommendations or determination that an investigation is not warranted as set forth in sections GP-6.19.1 through GP-6.19.4 above, the matter shall thereafter be considered by the Board at its next public meeting subject to the restrictions of section GP-6.14.5, above.

(Approved by the ACWA Board of Directors on 7/31/2015)

2.1.10 Code of Conduct

2.1.10.1 Introduction

The Board is committed to ensuring that Board members carry out their duties with integrity and respect, and to honorably represent its agency members and the public they serve. The following Code of Conduct establishes ethical standards for Board members' performance of the duties of office. (Code of Conduct originally adopted by the Board on November 22, 2013, as required pursuant to Article 4, Section 11 of the Bylaws, as amended May 9, 2012.)

2.1.10.2 Code of Conduct

Board members agree to abide by the following:

1. Board members will treat all persons and transactions in a fair and respectful manner when participating in the Association's activities.
2. Board members will act in accordance with all applicable laws of the United States and the State of California in the performance of their official duties. Not doing so may constitute serious misconduct for the purpose of discipline under this Code of Conduct.
3. Board members will refrain from abusive conduct, and verbal attacks upon the character or motives of other Board members or member agencies, the Association and its staff, or the public. Board members will refrain from actions or behaviors that may be considered unlawful harassment or discrimination, as such behavior may constitute serious misconduct for the purpose of discipline under this Code of Conduct.
4. Board members will abide by the processes and rules of order as established by the Association Bylaws and this Code of Conduct.
5. When acting in their capacity as a Board member, Board members will accurately and honestly represent the official policies and positions of the Association and support and advocate such policies and measures (e.g., local, state, and federal) that serve the best interests of the Association, opposing those of a contrary nature.
6. The Board exercises authority only collectively as a Board. Individual Board members will not state that a matter is the Association's policy unless the matter has been previously approved by the Board.

7. Board members will not participate in or attempt to influence a Board decision that could have a reasonably-foreseeable impact on their personal or financial interest.
8. Board members will refrain from accepting gifts, favors, or promises of future benefits that might compromise their independent judgment or action as a Board member or give the appearance of being compromised in carrying out their duties as a Board member.
9. Board members will keep confidential Association information that has been provided to them in confidence. Board members will not disclose confidential information without proper authorization from the Board as a whole or use such information to advance their personal, or private, financial interests. Disclosure or misuse of confidential Association information may constitute serious misconduct for the purpose of discipline under this Code of Conduct.
10. Consistent with Article 3, Section 2(B) and Article 6, Section 2(A) of the Bylaws, individual Board members will refrain from (or the appearance of) directing the day-to-day operations of the Association's staff, except as may be authorized by the Executive Director to facilitate the performance of their duties as a Board member.
11. In accordance with the Bylaws, the Board may discipline or remove any Board member, including one who violates the rules of the Association or commits a violation determined to be serious misconduct pursuant to this Code of Conduct.

Psychological Safety Summary

Meeting Date: March 25, 2022	Item No.: VII.A.5.
Board Action Required: TBD	Chairperson: N/A
Fiscal/Budgetary Impact: NO	Prepared By: Dave Eggerton

BACKGROUND

On February 3, 2022, the Board held a workshop with organizational development expert Dr. Mitch Rosenberg on promoting a psychologically safe environment for the Board and staff in their work together for the benefit of the Association and its members. Dr. Rosenberg's notes from the workshop are attached this report. As discussed at the workshop, Dr. Rosenberg recommended the Board distill the central themes captured in the comments of Board members to create 3 – 7 guiding principles in support of creating a psychologically safe environment for ACWA. Based on the attached notes from the workshop, the following draft "Principles of Engagement" are provided for the Board to discuss, change as desired, and adopt for the organization.

DRAFT PRINCIPLES OF ENGAGEMENT

The following principles will guide the manner by which the Board of Directors and staff of ACWA work together for the benefit of the Association and its members:

- Create an environment that welcomes the voice of each and every person to ask questions, raise concerns and share ideas;
- Actively listen to other views and perspectives to collectively broaden our understanding; and
- Dedicate the time and space to build interpersonal relationships and gain trust.

Attachment: Dr. Rosenberg's Summary Notes

RESOLUTION NO. 03-22-03

RESOLUTION OF THE BOARD OF DIRECTORS OF THE LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY REGARDING DECORUM DURING BOARD OF DIRECTORS' MEETINGS AND ESTABLISHING RULES OF CONDUCT FOR DIRECTORS AND ALTERNATE DIRECTORS

WHEREAS, the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority (the "Authority") desires to adopt a policy to ensure that its meetings are conducted in an orderly manner and to ensure that the Directors and Alternate Directors treat each other in a professional manner,

NOW, THEREFORE, BE IT RESOLVED that the Authority's Board of Directors hereby approves and adopts the following policy regarding decorum during Board of Directors' meetings and establishing rules of conduct for Directors, Alternate Directors and the public.

1. Rules of Decorum for Board of Directors' Meetings.

(a) Decorum. Meetings of the Authority's Board of Directors (the "Board"), which shall include all regular and special Board meetings, in open and closed sessions, and all Authority standing committee meetings, must be conducted in an orderly manner to ensure that the public has an opportunity to be heard and that the Board's deliberative process is not disrupted. The Board's Chair or Vice Chair, or, in their absence, another member so designated by the Board (any of which, as applicable, shall be referred to as the "Presiding Officer"), is responsible for maintaining the order and decorum of meetings.

(b) Rules of Decorum. While any meeting of the Board is in session the following rules of decorum must be observed:

(i) Persons Addressing the Board. Each person who addresses the Board must do so in an orderly manner and must not make personal, impertinent, slanderous, or profane remarks to any member of the Board, staff, or general public. Any person who makes such remarks, or who utters loud, threatening, personal, or abusive language, or who engages in any other disorderly conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any Board meeting will, at the discretion of the Presiding Officer or a majority of the Board, be barred from further audience before the Board during that meeting.

(ii) Members of the Audience. No person in the audience at a Board meeting may engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language, whistling or other acts that disturb, disrupt, or otherwise impede the orderly conduct of the Board meeting. Persons in the audience shall not interrupt ongoing discussions by the Board, Authority staff or other persons recognized and given the floor by the Presiding Officer, and shall avoid talking, making noises or other utterances while others are speaking. Any person who behaves in this manner may, at the discretion of the Presiding Officer or a majority of the Board be barred from further audience before the Board during that meeting.

(c) Addressing the Board. No person may address the Board without first being recognized by the Presiding Officer. The following procedures must be observed by persons addressing the Board:

(i) Each person shall follow the direction provided by the Presiding Officer and state the person's name and the organization, if any, the person represents.

(ii) Any subject that is deemed by the Presiding Officer to not be within the subject matter jurisdiction of the Board or the Authority may be precluded. Authority legal counsel shall have the authority to halt any comments determined to be outside the subject matter jurisdiction of the Board or Authority.

(iii) With regard to items that are listed on the agenda, the remarks of the speaker must be confined to the subject that is being discussed at the time such remarks are made. Members of the public are encouraged to hold any comments on specific agenda items until after the Board has concluded its initial discussion of the specific agenda item, and as otherwise directed by the Presiding Officer.

(iv) The remarks of each person shall generally be limited to three minutes, provided that time limit may be adjusted by the Presiding Officer in the Presiding Officer's discretion. Where a group of persons wishes to address the Board on the same subject, the group should endeavor to select one spokesperson to address the Board in order to expedite matters and avoid repetitious presentations. Speakers may not lend any portion of their speaking time to other persons or borrow additional time from other persons. Public comments shall be allowed during the "Public Comment" period and on any Action Items or Discussion Items, as directed by the Presiding Officer.

(v) All remarks to the Board must be addressed to the Presiding Officer and not to any single member of the Board unless in response to a question from that Director or Alternate Director.

(d) Rules of Decorum among Directors and Alternate Directors. The following rules apply to all Directors and Alternate Directors at meetings:

(i) By Directors and Alternate Directors. While the Board is in session, Directors and Alternate Directors must preserve order and decorum, and a Director or Alternate Director must not, by conversation or otherwise, delay or interrupt the proceedings of the Board, nor disturb any Director or Alternate Director while speaking, nor refuse to obey the orders of the Board or the Presiding Officer, except as otherwise provided in this section.

(ii) Getting the Floor—Improper References to be Avoided. Every Director or Alternate Director desiring to speak must address the Presiding Officer and, upon recognition by the Presiding Officer, must confine all remarks to the question under debate. Authority legal counsel shall have the authority to halt any comments that in counsel's opinion may constitute violations of the Brown Act.

(iii) Interruptions. Once recognized, a Director or Alternate Director must not be interrupted when speaking unless it is to call that Director or Alternate Director to order, or as otherwise provided in this section (d). If a Director or Alternate Director is called to order while speaking, that Director or Alternate Director must cease speaking until the question of order is determined and, if in order, the Director or Alternate Director will be permitted to proceed.

(iv) Appeals. Any ruling of the Presiding Officer may be appealed at the request of a Director by way of a motion to appeal the decision of the chair, which can be passed by a majority vote of the Board.

(e) Enforcement of Decorum. The rules of decorum set forth above will be enforced in the following manner:

(i) Warning; Removal. The Presiding Officer may request that a person who is breaching the rules of decorum be orderly and silent. After receiving a warning from the Presiding Officer, if a person persists in disturbing the meeting, the Presiding Officer may order that person to leave the Board meeting or may call for a recess of the meeting to allow the meeting room to be cleared and for the readmittance of only those individuals not responsible for the disturbance. If the person responsible for the disturbance does not leave, then the Presiding Officer may request assistance from a law enforcement officer to remove the person from the meeting.

(ii) Motion to Enforce. If the Presiding Officer fails to enforce the rules set forth above, any Director may move to require such enforcement, and an affirmative vote of a majority of the Board will require that action. If the Presiding Officer fails to carry out the will of a majority of the Board, the majority may designate another Director to act as Presiding Officer for the limited purpose of enforcing any rule of this section that it wishes enforced.

2. Board of Directors – Norms of Conduct and Communication.

(a) Personal Conduct. The work of the Authority is a team effort. All Directors and, as applicable, Alternate Directors should work together in the collaborative process, assisting each other and Authority management, staff and consultants in conducting the affairs of the Authority in the best interests of the Authority and its members. Directors and Alternate Directors shall thoroughly prepare themselves to discuss agenda items at Board meetings. Directors and Alternate Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the public present at Board meetings. Directors and Alternate Directors shall defer to the Presiding Officer for the conduct of Board meetings but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board. Directors and Alternate Directors should function as a part of the whole, with issues brought to the attention of the Board as a whole, rather than to individual Directors or Alternate Directors selectively. Directors and Alternate Directors are responsible for monitoring the Authority's progress in attaining its goals and objectives, while pursuing its mission.

(b) Compliance with Laws and Regulations. All Directors and Alternate Directors shall comply with all applicable laws and regulations applicable to their service as members of the Board, including, without limitation, the Political Reform Act and Fair Political Practices Commission regulations, Government Code Section 1090 and the Brown Act, including with respect to the confidentiality of closed session discussions and documents.

(c) Communication of Views and Positions. The Board of Directors is committed to providing excellence in leadership of the Authority. In order to ensure appropriate behavior between and among Directors and Alternate Directors, the following rules shall be observed:

(i) The dignity, style, values and opinions of each Director and Alternate Director shall be respected. Open and full discussion of all issues affecting the Authority shall take place. Responsiveness and attentive listening in communication are encouraged.

(ii) The needs of the Authority and its members should be the priority of the Board of Directors and Directors and Alternate Directors shall strive for fairness and honesty in all of their dealings with others.

(iii) Directors and Alternate Directors should emphasize the positive, avoid double talk, hidden agendas, gossip, backbiting and other negative forms of interaction. Directors and Alternate Directors should treat each other with respect, avoid personal attacks and avoid the use of profanity or other slurs directed at other Directors and Alternate Directors.

(iv) Directors and Alternate Directors should focus 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.

(v) Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions without being disagreeable. Once the Board of Directors takes action, Directors and Alternate Directors should commit to support such action and not create barriers to the implementation of the action.

(d) Board Discipline. In the exercise of its discretion to enforce the foregoing provisions of this Section 2, the Board of Directors, by the affirmative vote of a majority of its members, may censure any Director or Alternate Director for period of time deemed appropriate by the Board for any violation of this Section 2. The maximum penalty that may be imposed upon the censured director during the period of such censure shall be the following:

(i) The removal of the censured Director or Alternate Director from service on all Board committees, unless subsequently authorized by the Board of Directors.

(ii) The removal of the censured Director or Alternate Director from any office held by that Director or Alternate Director.

PASSED AND ADOPTED by the Board of Directors of the Los Vaqueros Reservoir
Joint Powers Authority this 9th day of March, 2022 by the following vote:

AYES: Ramirez Holmes (Chair), Hansen (Vice Chair), Sethy, Borba, Coleman, Wehr, Ritchie, LeZotte

NOES:

ABSTAIN:

ABSENT:

Angela Ramirez Holmes

Angela Ramirez Holmes (Mar 16, 2022 19:48 PDT)

Angela Ramirez Holmes, Chair

Attest:

Ellen Wehr

Ellen Wehr (Mar 17, 2022 09:48 PDT)

Ellen Wehr, Secretary

City of Santa Cruz Code of Ethics & Conduct

STATEMENT OF PURPOSE

The City of Santa Cruz City Council has adopted a Code of Ethics and Conduct for members of the City Council and the City's boards and commissions 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 Ethics and Conduct provides guidance on ethical issues of right and wrong.

1. **Act in the Public Interest**
Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Santa Cruz and not for any private or personal interest, and they will ensure fair and equal treatment of all persons, claims and transactions coming before the Santa Cruz City Council, boards, commissions, and committees.
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 Santa Cruz in the performance of their public duties. These laws include, but are not limited to the United States and California constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.
3. **Respect for the decision making process**
Members shall perform their duties in accordance with the processes and rules of order established by the City Council and boards and commissions, and committees governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by staff.
4. **Decisions Based on Merit**
Members shall base their decisions on the merits and substance of the matter at hand.
5. **Communication**
Members shall share substantive information that is relevant to a matter under consideration by the Council or boards, commissions, and committees which they may have received from sources outside the public decision-making process.
6. **Conflict of Interest**
In order to ensure their independence and impartiality on behalf of common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or personal relationship which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decisions-making where conflicts may exist.
7. **Gifts and Favors**
Members shall comply with the requirements of the Political Reform Act relating to the acceptance and reporting of gifts.

8. Confidential Information
Members shall strictly abide by the confidentiality of information concerning City property, personnel or proceedings of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal interests.
9. 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. Members shall not utilize the City's name or logo for the purpose of endorsing any political candidate or business.
10. Representation of Private Interests
In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission, committee, or proceeding of the City, nor shall members of boards, commissions, and committees appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
11. Advocacy
Members shall represent the official policies or positions of the City Council, board, commission, or committee to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body of the City of Santa Cruz, nor will they allow the inference that they do.
12. Policy Role of City Councilmembers
Councilmembers shall respect and adhere to the Council-manager structure of the City of Santa Cruz government as outlined by the Santa Cruz City Charter. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. Except as provided by the City Charter, members therefore shall not interfere with the administrative functions of the City or professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.
13. Independence of Boards, Commissions, and Committees
Because of the value of independent advice of boards, commissions, and committees to the public decision-making process, members of the Council shall refrain from using their position to influence unduly the deliberations or outcomes of board, commission, and committee proceedings.
14. Positive Workplace Environment.
Members shall support the maintenance of a positive and constructive workplace environment for City employees, volunteers and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees and refrain from creating the perception of inappropriate direction to staff. Councilmembers, boards and commissioners shall adhere to the City Council Policy 25.2 Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy, and Administrative

Procedure Order (APO) Section II, #1A Discrimination/Harassment/Retaliation Policy Implementation and Complaint Procedure, and APO II, #IB Respectful Workplace Conduct.

B. CONDUCT

The Conduct section of the City's Ethics and Code of Conduct policy is designed to describe the manner in which Councilmembers and board and commission members should treat one another, City Staff, constituents, and others they come into contact with in representing the City of Santa Cruz.

1. Conduct with other Councilmembers
Utilizing the adopted Values Statement Councilmembers, should consider those as they engage with each other in conducting City business.
2. Conduct in Public Meetings
 - a. Use formal titles
 - b. Practice civility and decorum in discussions and debates
 - c. Honor the role of the presiding officer in maintaining order
 - d. Avoid personal comments that could offend other members
 - e. Demonstrate effective problem-solving approaches
3. Conduct with City Staff
 - a. Treat all staff as professionals
Clear, honest communication that respects the abilities, experiences, and dignity of each individual is expected. As with Council colleagues, practice civility and decorum in all interactions with City staff.
 - b. Questions/Inquiries to City staff
Communication with City staff should be limited to normal business hours unless the circumstances warrant otherwise. Responses to Council questions posed outside of normal business hours should be expected no earlier than the next business day.
 - c. Requests of Staff Made by Councilmembers (Council Policy 6.9)
Requests of staff made by individual Councilmembers will require authorization by Council only if the assignment is expected to take more than one day of staff time (one-day, one person). Staff members are encouraged to raise concerns or explain time factors regarding any requests. Requests should be made directly to the City Manager, Assistant City Manager, or Department Heads.
 - d. Concerns related to the behavior or work of City staff.
All concerns regarding staff shall be directed to the City Manager. Councilmembers shall not reprimand employees.
4. Conduct with Other Public Agencies
 - a. Be clear about representing the City or personal interests

When officially representing the City, the Councilmember must convey the official City position on an issue, not a personal viewpoint.

b. City Council Outgoing Correspondence (Council Policy 6.3)

Copies of all letters written by Councilmembers in their official capacity shall be kept on file for public information in the Council office according to the records retention schedule for the current year and one full year prior to the current year.

Care should be taken when using official stationery to indicate that the point of view expressed by an individual Councilmember is not necessarily that of the Council, unless the position reflects an official Council action.

5. Conduct with Boards and Commissions

a. Attendance at board or commission meetings

Councilmembers may attend any board or commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation especially if it is on behalf of an individual, business or developer could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a meeting should be clearly made as individual opinion and not a representation of the entire City Council.

b. Independence of boards and commissioners

Members of Boards and Commissions serve the community, not individual Councilmembers.

C. IMPLEMENTATION

As an expression of standards of conduct for members expected by the City, the City of Santa Cruz Code of Ethics and 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, ethical standards shall be included in the regular orientations for candidates for City Council, applicants to boards, commissions, committees and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the City of Santa Cruz Code of Ethics and Conduct.

D. ACCOUNTABILITY AND ENFORCEMENT

The Code of Ethics and Conduct Policy for City Councilmembers and Board & Commissioner Members establishes guiding principles for appropriate conduct and behavior and sets forth the expectations of members of the Council, Boards, and Commissions. Members themselves have 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.

This section establishes a process and procedure for reporting violations of the Code of Ethics and Conduct Policy.

A. Complaints made by a City staff member or a member of the public regarding a Councilmember, or Board & Commission Members:

In the case of a City staff member or a member of the public making a report of suspected violation by a Councilmember or a member of a Board or Commission of this policy shall report it to the City Manager. The City Manager will report it to the Mayor and the Human Resources Director if it is a City staff member. The Mayor will follow the protocols as described in Section B.

However, if the complaint is a violation of City Council Policy 25.2 Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy, Administrative Procedure Order (APO) Section II, #1A Discrimination/Harassment/Retaliation Policy Implementation and Complaint Procedure or APO II, #1B Respectful Workplace Conduct, the process for investigation and resolution will be conducted pursuant to the appropriate policy. Upon conclusion of an investigation, the Human Resources Director shall refer the findings to the ad hoc committee as described in Step C of this policy.

B. Complaints made by Councilmembers or Boards & Commission Members about a fellow Councilmember or Board & Commission Member:

1. Whenever possible, the first step for a Councilmember or Board or Commission Member who believes there was a potential violation of the Code of Ethics and Conduct Policy, they will attempt to resolve the matter with the person directly. If this does not resolve the matter, or if there is sufficient complexity or legal violation then it shall be reported directly to the Mayor. In the event the Mayor is the subject of the inquiry, the role of that official shall be the Vice Mayor.
 - a. In the event that both the Mayor and Vice Mayor are subject to inquiry, the role of that official shall be the most senior councilmember. "Most senior" is defined as the Councilmember with the most consecutive years of service, or in the event of a tie, the one who received the most votes at the last election.
2. Upon report of a complaint, an ad hoc committee composed of the Mayor, Vice Mayor and the most senior uninvolved Councilmember will convene as an evaluation committee to determine the validity of the complaint and, if appropriate, an initial course of action as discussed below. In the event that both the Mayor and Vice Mayor are subject to inquiry, the role of that official shall be the most senior councilmember. "Most senior" is defined as the Councilmember with the most consecutive years of service, or in the event of a tie, the one who received the most votes at the last election.
3. Within three (3) working days of receipt of complaint, the Mayor or Vice Mayor, the Councilmember/Commissioner/Board Member in question shall be notified of the reported complaint by the Mayor or Vice Mayor. The notification shall include a copy of the written complaint if one was submitted and supporting documentation, if any, the identity of the complainant, and the nature of the complaint.
4. If the majority of the ad hoc committee agrees that the reported violation is without substance, no further action will be taken. If the violation is deemed to have merit, the ad hoc committee shall refer the matter to the City Attorney for the purpose of conducting an initial interview with the subject Councilmember/Commissioner/Board Member. The City Attorney shall report his/her initial findings back to the ad hoc committee.
5. If the ad hoc-committee then determines that an investigation is warranted, the ad hoc committee shall direct the City Attorney to conduct or refer for an investigation.

C. Report of Findings:

At the conclusion of the investigation, the City Attorney shall report the findings back to the ad hoc committee in writing. The ad hoc committee shall review the report. If there were no findings of a violation, no further action shall be taken. If the findings are substantiated, the ad hoc committee shall make a recommendation on the imposition of a consequence and refer the matter to the City Council for consideration.

D. Proceedings:

Investigative findings and recommendations from the ad hoc committee that are brought forward to the Council shall be considered at a city council meeting within 45 days of the ad hoc committee's receipt of findings.

E. Accountability

At the discretion of the Council, consequences may be imposed for violating the Code of Ethics & Conduct Policy or engaging in other misconduct. They include but are not limited to:

- a) Admonishment: A reproof or warning directed to a Councilmember, Board or Commission Member about a particular type of behavior that violates this policy.
- b) Censure: A formal statement or resolution by the City Council officially reprimanding a Councilmember.
- c) Removal from Commission or Board: For members of a Board or a Commission, they can be removed from the Board or Commission by a majority vote of the Council.

I affirm that I have read and that I understand, the City of Santa Cruz Code of Ethics and Conduct Policy.

Signature _____ Date: _____

Position: _____

Attachment A: Values Statement

CODE OF ETHICS AND CONDUCT

VALUES STATEMENT

STATEMENT OF PURPOSE:

The City of Santa Cruz City Council has adopted a Code of Ethics and Conduct for members of the City Council and the City's boards and commissions to ensure public confidence in the integrity of local government and its effective and fair operation.

The Values listed below are our framework for day-to-day actions and decision-making. They are a commitment to uphold a standard of integrity and competence beyond that required by law in our treatment of others and how we conduct the business of the City.

VALUES

- INTEGRITY
- HONESTY
- RESPECT
- FAIRNESS
- TRUST
- EQUITY
- COMMUNICATION
- COLLABORATION
- PUBLIC SERVICE
- INCLUSIVENESS
- ACCOUNTABILITY

Monte Sereno Code of Ethics

Adopted: 7/17/12

Re-affirmed: 2/4/14, 3/3/15, 5/3/16, 1/17/17, 1/16/18, 1/22/19, 1/21/20, 1/20/21, 1/4/22,
1/17/2023

Preamble

The Monte Sereno City Council holds itself to the highest standard of ethical conduct. The following pledges are not intended to supersede or override any Federal, State, or local laws relating to elected officials. These pledges are intended to supplement those laws to hold the Council to a higher standard of conduct than may be required by law. It is incumbent on the City Council to ensure that all ethical standards are understood and met, thus providing our citizens with the full confidence of the integrity of our City government.

Public Interest

We, as City Councilmembers, recognize that our duty is to act in the public interest of the citizens of Monte Sereno. This means that any actions that we take as members of the Council will have no private or personal interests whatsoever. Also, in this regard, all members of the public must be treated in a fair and equitable manner.

Comply with the Law

We, as Councilmembers, shall comply with Federal, State and local laws. This applies to all laws including but not limited to laws regarding conflict of interest, election campaigns, financial disclosures, and open processes of government.

Conduct of Members

Members of the City Council shall act in a responsible manner, which includes being respectful of the opinions, character or motives of other Councilmembers, commissions, committees, staff, and the public.

Conflict of Interest

City Councilmembers should not use their official positions to influence government decisions where they have financial or personal interests, where such influence would present a conflict of interest under State or Federal laws. If such a conflict of interest should occur, the Councilmember shall file a written disclosure of their economic interest or personal interest and then refrain from participating in that decision.

Gifts and Favors

We, as City Councilmembers, shall not accept any gifts, favors, or promises of future benefits that are prohibited under Federal or State law.

Use of Public Resources

Public resources, except those already available to the general public, shall not be used by any City Councilmember for his/her own personal gain which includes but is not limited to, office supplies, campaign materials or the use of staff time.

Public Meetings and Decisions

City Councilmembers shall prepare for and participate in City Council meetings by reading materials

provided by staff, respecting public discussion, and making decisions based on all relevant and disclosed facts.

Communications

City Councilmembers, during City Council meetings, shall disclose substantive information relevant to the issue under consideration which is the basis or part thereof for such City Councilmember's decision. This will include any written or oral information from sources outside the public decision-making process including, but not limited to, private residents, lobbyists, developers or any other individuals or groups that have an influence on the City Council's decision-making process.

Confidential Information

Confidential information should remain confidential under all circumstances. No Council member shall have the authority to waive the attorney client privilege while on the council or after his/her term expires.

Advocacy

It is the responsibility of City Councilmembers to ensure that personal opinions or positions are not confused for the official policies and positions that have been acted on by the Council to the extent they differ. When presenting their personal opinions or positions, City Councilmembers shall explicitly state that they do not represent the City Council or the City.

Private Interests after Office

While in office, City Councilmembers shall not appear on behalf of private interests of a third party before the Council or any commission, committee or proceeding of the City. Former City Councilmembers shall not appear as a representative, lobbyist, or employee on behalf of the private interests of a third party regarding any matter pending before the Council or any commission, committee or proceeding, for a period of two years after their term on the City Council. As a private citizen, past City Councilmembers may represent their own interests in issues that may affect their residence or neighborhood.

, Mayor

Date

, Vice Mayor

Date

, Council Member

Date

, Council Member

Date

, Council Member

Date



City of Sunnyvale

2022 Code of Ethics and Conduct for Elected and Appointed Officials

"Conduct is three-fourths of our life and its largest concern."

-- Matthew Arnold

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Ethics

Policy Purpose

The Sunnyvale City Council has adopted a Code of Ethics and Conduct for members of the City Council and the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

A. ETHICS

The citizens and businesses of Sunnyvale are entitled to fair, ethical and accountable local government, which will instill public confidence in the fair operation and integrity of Sunnyvale's City government.. In keeping with the City of Sunnyvale's Commitment to Excellence and the City Council's commitment to the ethical values while representing its residents and community, the effective functioning of democratic government requires that:

- public officials, both elected and appointed, 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 permitted to be conducted in a closed session under the Ralph M. Brown Act, in an atmosphere of respect and civility.
- Public officials, both elected and appointed, act in a transparent manner to enable the public to obtain information about public official activities and the decision-making process.

To this end, the Sunnyvale City Council has adopted a Code of Ethics and Conduct for members of the City Council and of the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation. The Ethics section of the City's Code of Ethics and Conduct provides guidance on ethical issues and questions of right and wrong.

1. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of all the people of Sunnyvale 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 Sunnyvale City Council, boards and commissions.
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 Sunnyvale in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the Sunnyvale City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.
3. **Conduct of Members.** The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members of Council, boards and commissions, staff or the public.

Ethics

4. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the City Council and board and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions.
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. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.
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 verbally disclose any contact or receipt of substantive information they have received outside of the public decision-making process that is relevant to a matter under consideration by the Council or boards and commissions prior to considering that matter so that all parties have the opportunity to respond to that information.
8. **Conflict of Interest.** In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.
9. **Gifts and Favors.** Members shall not take any special advantage of their public office to access services or opportunities for personal gain that are not available to the general public. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise or appear to compromise their independence of judgment or action.
10. **Confidential Information.** Members shall respect the confidentiality of information concerning certain negotiations (e.g., labor and real property), personnel matters, claims and litigation in order to avoid prejudicing the legal or negotiating position of the City or compromise the private interest of employees. They shall neither disclose confidential information without proper City Council authorization nor use such information to advance their personal/private, financial, or other interests.
11. **Use of Public Resources.** Members shall not use public resources not available to the general public, such as City staff time, vehicles, equipment, supplies, land or facilities, for private gain or political or personal purposes.
12. **Representation of Private Interests.** In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City, nor shall members of

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Ethics

boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the subject matter jurisdiction of their bodies.

13. **Advocacy.** Members shall represent the official policies or positions of the City Council, board or commission to the best of their ability when authorized to do so. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Sunnyvale, nor will they allow the inference that they do. Councilmembers and board and commission members have the right to endorse candidates for City Council or Mayor or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, board/commission meetings, or other official City meetings or other governmental meetings where the member is serving in their capacity as an appointed official.
14. **Policy Role of Members.** Members shall respect and adhere to the council-manager structure of Sunnyvale City government as outlined by the Sunnyvale City Charter Section 500 (Form of Government). In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. Except as provided by the City Charter, members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff, nor impair the ability of staff to implement Council policy decisions.
15. **Independence of boards and commissions.** Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or actions of board and commission proceedings.
16. **Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive workplace environment for City employees and for residents and businesses dealing with the City. Members shall direct their requests of staff pertaining to their elected or appointed role to the appropriate staff liaison or in the case of Councilmembers, to the City Manager.

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Conduct

B. CONDUCT

This section is designed to describe the manner in which Members should treat one another, City staff, constituents, and others they come into contact with when representing the City of Sunnyvale.

The constant and consistent theme through all of the conduct guidelines is "respect." Members experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, Members are called upon to exhibit appropriate and respectful behavior at all times.

1. Elected and Appointed Officials' Conduct with One Another

Elected and appointed officials have a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to support the community. In all cases, this common goal should be acknowledged even though individuals may "agree to disagree" on contentious issues.

1(a). In Public Meetings

Use formal titles

Elected and appointed officials should refer to one another formally during public meetings, such as Mayor, Vice Mayor, Councilmember, Chair, Vice Chair, Board Member or Commissioner followed by the individual's last name.

Practice civility and decorum in discussions and debate

Criticism is an essential component of democracy. This does not however, allow public officials to make belligerent, personal, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

Honor the role of the chair in maintaining order

It is the responsibility of the chair to keep members on track during public meetings. Members should honor efforts by the chair to focus discussions on current agenda items. If there is disagreement about the agenda or the chair's actions, members should follow parliamentary procedure to voice their objections politely.

Avoid personal comments that could offend other members

If a member is personally offended by the remarks of another member, the offended member should note the actual words used and call for a "point of personal privilege" that challenges the other member to justify or retract their language. The chair will maintain control of this discussion.

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 a compromise that benefits the community as a whole.

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Conduct

Representing the Body

Outside of official board or commission meetings, individual board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or their board or commission to do so for a particular purpose. In private settings, board and commission members may communicate at any time and on any subject with individual members of the City Council, and may express to them individual viewpoints and opinions. In public, however, all members shall represent the official policies or positions of their board or commission, with the following exception:

1(b). In Private Encounters

Continue respectful behavior in private

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

Be aware of the insecurity of written notes, voicemail messages, and E-mail

Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note posted to Twitter? How would you feel if this voicemail message were uploaded to YouTube? What would happen if this e-mail gets forwarded to others? Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

Even private conversations can have a public presence

Public officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted. Cellular phones and other technologies allow for recording of these events with the potential for recorded conversations and actions being shared via social media.

In private, board and commission members may communicate at any time and on any subject with the City Council, and may express to Council individual viewpoints and opinions.

2. Elected and Appointed Officials' Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

Treat all staff as professionals

Treat city staff with respect. Poor behavior towards staff is not acceptable.

Do not disrupt City staff from their jobs

Public officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions. Do not attend City staff meetings unless requested by staff – even

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Conduct

if the official does not say anything, his or her presence could intimidate staff and hampers their ability to do their job objectively.

Never publicly criticize an individual employee

Public officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager privately. Comments about staff in the City Attorney's Office should be made directly to the City Attorney. Appointed officials should make their comments regarding staff to the City Manager or the Mayor.

Do not get involved in administrative functions

Public officials must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits. [See Code of Ethics] The Sunnyvale City Charter, Section 807, also contains information about the prohibition of Council interference in administrative functions.

Check with City staff on correspondence before taking action

Before sending correspondence, Councilmembers should check with City staff to see if an official City response has already been sent or is in progress. Board and commission members shall not send correspondence except as authorized under the City's policy governing volunteers. (Council Policy 7.2.19, Boards and Commissions.)

Do not solicit political support from staff

Public officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace and outside of the employee's work hours.

3. Elected and Appointed Officials' Conduct with the Public

3(a). In 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 individual 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 to speakers and treat them with respect and professionalism. While questions of clarification may be asked, the official's primary role during public testimony is to listen.

Be fair and equitable in allocating public hearing time to individual speakers.

The chair will determine and announce limits on speakers at the start of the public hearing process. Questions should *not* be asked for the express purpose of allowing one speaker to evade the time limit imposed on all others (e.g., "Was there something else you wanted to say?"). Generally, each speaker will be allocated three minutes with applicants and appellants or their designated representatives allowed additional time. If many speakers are anticipated, the chair may shorten the time limit and/or

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Conduct

ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

No speaker will be turned away unless he or she exhibits disruptive behavior. Each speaker may only speak once during the public hearing unless the chair requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the chair reopens the public hearing for a limited and specific purpose.

Give the appearance of active listening

It is disconcerting to speakers to have members not look at them when they are speaking. Avoid facial expressions that could be interpreted as smirking, disbelief, anger, disrespect, or boredom.

Maintain an open mind

Members of the public deserve an opportunity to influence the thinking of public officials. To express an opinion prior to the close of a public hearing casts doubt on the body's fairness. This is particularly important when officials are serving in a quasi-judicial capacity.

Ask for clarification, but avoid debate and argument with the public

Only the chair – not individual members – can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

If speakers become flustered or defensive by questions, it is the responsibility of the chair to calm and focus the speaker and to maintain order and decorum. Questions by members to the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker.

No personal attacks of any kind, under any circumstance

Members should also be aware of their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

Follow parliamentary procedure in conducting public meetings

The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. The Mayor or Chair, subject to the appeal of the full City Council or board/commission makes final rulings on parliamentary procedure.

3(b). In Unofficial Settings

Make no promises on behalf of the Council, board/commission or City

Members will frequently be asked to explain a Council or board/commission action or to give their opinion about an issue as they talk with community members. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council or board/commission action, or to promise that City staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).

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Conduct

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.

Remember that despite its impressive population figures, Sunnyvale is a small town at heart
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 Sunnyvale. 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. This is a serious and continuous responsibility.

4. Elected and Appointed Officials' Conduct Regarding Ex-parte Communications

Members have the responsibility to hear all viewpoints at a public hearing. Members must always keep an open mind, and not rush to pre-judge any matter, until all concerned parties (including but not limited to applicants, members of the public and staff) are heard during the public hearing. Members must not come to a conclusion on a matter until the public hearing is closed.

One key responsibility involves "ex parte" communications. Ex parte is a Latin phrase that literally means "from one party." Generally, it is defined as any oral or written communication with a decisionmaker about the subject matter of an upcoming quasi-judicial proceeding, which takes place outside of a noticed hearing that is open to all parties to the matter. An ex parte communication can include sensory information, such as things that are seen or heard during a site visit.

Hearings are "quasi-judicial" when they require the Members to apply general rules and standards to specific factual situations and to reach conclusions that affect the rights or interests of an individual person or entity. Common examples of quasi-judicial matters include decisions to approve or deny specific development projects, permit revocation proceedings, and employee disciplinary matters.

For quasi-judicial agenda matters, a Member must report (disclose) any information that they received outside of the public hearing or staff report, if the information significantly influenced their views of the matter. The disclosure should state the nature of the communication (e.g., whether it was oral, written, or sensory), and should explain the substance of the communication so that other Members, interested parties, and the public will have an opportunity to become apprised of the factors influencing the Member and to attempt to controvert or rebut any such factor during the hearing. Disclosure alone will not be deemed a sufficient basis for a request to continue the hearing. An ex parte communication is not grounds to disqualify a Member from participation in a quasi-judicial hearing unless the Member feels that they cannot reach an impartial decision.

5. Council Conduct When Serving on Intergovernmental Assignments

Be clear about representing the City or personal interests

When representing the City, the Councilmember must support and advocate the official City position on an issue, not a personal viewpoint. Outside of official board or commission meetings, board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or the board or commission to do so for a particular purpose.

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Conduct

Correspondence also should be equally clear about representation

City letterhead may be used when the Councilmember is representing the City and the City's official position. A copy of official correspondence shall be given to the Council Executive Assistant to be filed in the Council Office as part of the public record.

City letterhead shall not be used for non-City business nor for correspondence representing a dissenting point of view from an official Council position.

6. Council Conduct with Boards and Commissions

The City has established several boards and commissions as a means of gathering more community input. Residents who serve on boards and commissions 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.

If attending a board or commission meeting, be careful to only express personal opinions

Councilmembers may attend any board or commission meeting, which are always open to any member of the public. Councilmembers are encouraged to attend board or commissions meetings in support of their role as council liaison to a board or commission. However, they should be sensitive to the way their participation could be viewed as unfairly affecting the process—especially if it is on behalf of an individual, business or developer. Any public comments by a Councilmember at a board or commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

Limit participation to questions of clarification

It is inappropriate for a Councilmember to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to clarify a position taken by the board or commission or City Council.

Remember that boards and commissions serve the community, not individual Councilmembers

The City Council appoints individuals to serve on boards and commissions, and it is the responsibility of boards and commissions to follow policy established by the Council. But board and commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten board and commission members with removal if they disagree about an issue. Appointment and re-appointment to a board or commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A board or commission appointment should not be used as a political "reward."

Be respectful of diverse opinions

A primary role of boards and commissions is to represent many points of view in the community and to provide the City Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a close working relationship with some individuals serving on boards and commissions, but must be fair and respectful of all individuals serving on boards and commissions.

For ease of reference in the Code of Ethics and Conduct, the term "Member" refers to any member of the Sunnyvale City Council or the City's boards and commissions established by the City Charter, City Ordinance or Council policy.

Conduct

Keep political support away from public forums

Board and commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support board and commission members who are running for elective office, but not in an official forum in their capacity as a Councilmember.

7. Elected and Appointed Officials' Conduct with the Media

Board and commission members are not authorized to represent the City outside of official board/commission meetings unless specifically authorized to do so.

Councilmembers are frequently contacted by the media for background and quotes.

The best advice for dealing with the media is to never go "off the record"

Most members of the media follow journalistic ethics and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

The Mayor is the official spokesperson for the City on City positions.

The Mayor is the designated representative of the City Council to present and speak on the official City position. If an individual Councilmember is contacted by the media, the Councilmember should direct the requester to the Mayor. If the Councilmember chooses to engage with the requester, they should be clear about whether their comments represent the official City position or a personal viewpoint.

Choose words carefully and cautiously

Comments taken out of context can cause problems. Be especially cautious about humor, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

C. SANCTIONS

Model of Excellence

City Councilmembers, board and commission members, and Council appointees who do not sign the Model of Excellence (Appendix A) shall be ineligible for intergovernmental assignments or Council subcommittees.

Ethics Training for Public Officials

City Councilmembers, board and commission members, and Council appointees who are out of compliance with State- or City-mandated requirements for ethics training shall not represent the City on intergovernmental assignments or Council sub-committees, and may be subject to sanctions.

Public Disruption

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers/meeting room.

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Conduct

Inappropriate Staff Behavior

Councilmembers should refer to the City Manager for any City staff or to the City Attorney for any City Attorney Office's staff who do not follow proper conduct in their dealings with members, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions. (Please refer to the section on Council Conduct with City Staff for more details on interaction with Staff.)

Members Behavior and Conduct

The Sunnyvale Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Sunnyvale City Council, boards and commissions. Members are responsible for adhering to these standards. The chairs of boards and commissions and the Mayor and Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

City Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority and/or committee assignments (both internal and inter-governmental) and/or have official travel restricted. Serious infractions could lead to other sanctions as deemed appropriate by Council.

Councilmembers should point out to the offending Councilmember infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Vice Mayor.

It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

For ease of reference in the Code of Ethics and Conduct, the term "Member" refers to any member of the Sunnyvale City Council or the City's boards and commissions established by the City Charter, City Ordinance or Council policy.

Glossary of Terms / Implementation

D. GLOSSARY OF TERMS

attitude	The manner in which one shows one's dispositions, opinions, and feelings
behavior	External appearance or action; manner of behaving; carriage of oneself
civility	Politeness, consideration, courtesy
conduct	The way one acts; personal behavior
courtesy	Politeness connected with kindness
decorum	Suitable; proper; good taste in behavior
manners	A way of acting; a style, method, or form; the way in which things are done
point of order	An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration
point of personal privilege	A challenge to a speaker to defend or apologize for comments that a fellow member considers offensive
propriety	Conforming to acceptable standards of behavior
protocol	The courtesies that are established as proper and correct
respect	The act of noticing with attention; holding in esteem; courteous regard

E. IMPLEMENTATION

As an expression of the standards of conduct for members expected by the City, the Sunnyvale Code of Ethics and 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, this document shall be included in the regular orientations for candidates for City Council, applicants to board and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of Sunnyvale Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be annually reviewed by the City Council, boards and commissions, and the City Council shall consider recommendations from boards and commissions and update it as necessary.

(Adopted: RTC 08-113 (4/8/08), Update: RTC 09-036 (2/3/09); Updated: RTC 09-047 (2/24/09); Approved with no changes: RTC 10-078 (3/23/10); RTC 11-058 (3/29/11); RTC 12-067 (3/20/2012); Updated: RTC 13-060 (3/19/13); Approved with no changes: RTC 14-0211 (3/18/14); RTC 15-0050 (3/24/15); RTC 16-0360 (4/5/16); RTC 17-0161 (3/28/17); RTC 18-0036 (1/9/18); RTC 19-0185 (2/26/2019); RTC 20-0021 (3/17/20); RTC 21-0383 (3/16/21); RTC 21-0985 (10/26/21))

Lead Department: Office of the City Manager

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APPENDIX A - Model of Excellence Member Statement

MODEL OF EXCELLENCE

Sunnyvale City Council, Boards and Commissions

MEMBER STATEMENT

As a member of the Sunnyvale City Council or of a Sunnyvale board or commission, I agree to uphold the Code of Ethics and Conduct for Elected and Appointed Officials adopted by the City and conduct myself by the following model of excellence. I will:

- Recognize the worth of individual members and appreciate their individual talents, perspectives and contributions;
- Help create an atmosphere of respect and civility where individual members, City staff and the public are free to express their ideas and work to their full potential;
- Conduct my personal and public affairs with honesty, integrity, fairness and respect for others;
- Respect the dignity and privacy of individuals and organizations;
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;
- Avoid and discourage conduct which is divisive or harmful to the best interests of Sunnyvale;
- Treat all people with whom I come in contact in the way I wish to be treated;

I affirm that I have read and understood the City of Sunnyvale Code of Ethics and Conduct for Elected and Appointed Officials.

Signature

Date

Name

Office/Meeting Body

For ease of reference in the Code of Ethics and Conduct, the term "Member" refers to any member of the Sunnyvale City Council or the City's boards and commissions established by the City Charter, City Ordinance or Council policy.



City of Alameda
City Council Handbook & Code of Conduct

Mayor Marilyn Ezzy Ashcraft
Vice Mayor John Knox White
Council Member Jim Oddie
Council Member Tony Daysog
Council Member Malia Vella

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Policy Purpose

The City Council has adopted a Code of Ethics and Conduct for its members, as well as the City's boards and commissions, to ensure the integrity of local government and its effected, and fair operation.

A. ETHICS

The residents and businesses of Alameda 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 Alameda Commitment to Excellence (see Appendix A), the effective function of democratic government therefore requires:

- public officials, both elected and appointed, 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 Ethics section of the City's Code of Ethics and Conduct provides guidance on questions of right and wrong.

1. Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Alameda 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 City Council, boards and/or commissions.
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 Alameda in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the Alameda City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.
3. Conduct of Members. The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff, and/or public.
4. Respect for Process. Members shall perform their duties in accordance with the processes and rules of order established by the City Council and board and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

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. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.
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 Council or boards and commissions, which they may have received from sources outside of the public decision-making process.
8. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.
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. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.
10. Confidential Information. Members shall respect the confidentiality of information concerning the property, personnel, and/or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, and/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.
12. Representation of Private Interests. Members of Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission, or proceeding of the City, nor shall members of boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
13. Advocacy. Members shall represent the official policies or positions of the City Council, board or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Alameda, nor will they allow the inference that they do.

Councilmembers and board and commission members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, board/commission meetings, or other official City meetings.

14. Policy Role of Members. Members shall respect and adhere to the council-manager structure of City's government as outlined by the Alameda City Charter. In this structure, the City Council determines the policies of the City with the advice, information, and analysis provided by the public, boards and commissions, and City staff. Except as provided by the City Charter, members therefore 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.
15. Independence of boards and commissions. Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to influence the deliberations or outcomes of board and commission proceedings.
16. Positive Work Place Environment. Members shall support the maintenance of a positive and constructive work place environment for City employees and for residents and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

B. CONDUCT

The Conduct section of the City's Code of Ethics and Conduct is designed to describe the manner in which Councilmembers and board and commission members should treat one another, City staff, constituents, and others they come into contact with in representing the City of Alameda.

The constant and consistent theme through all of the conduct guidelines is "respect." Councilmembers experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected and appointed officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Councilmembers and board and commission members to do the right thing in even the most difficult situations.

1. Elected and Appointed Officials' Conduct with One Another

Elected and appointed bodies are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen public service as a way to enhance the community. In all cases, this common goal should be acknowledged even though individuals may "agree to disagree" on contentious issues.

1(a). In Public Meetings

Use formal titles

Elected and appointed officials should refer to one another formally during public meetings, such as Mayor, Vice Mayor, Chair, Commissioner or Councilmember followed by the individual's last name.

Practice civility and decorum in discussions and debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

Honor the role of the chair in maintaining order

It is the responsibility of the chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason.

Avoid personal comments that could offend other members

If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.

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 a compromise that benefits the community as a whole.

Outside of official board or commission meetings, individual board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or the board or commission to do so for a particular purpose. In private settings, board and commission members may communicate at any time and on any subject with individual members of the City Council, and may express to them individual viewpoints and opinions. In public, however, all members shall represent the official policies or positions of their board or commission, with the following exception. During a Council public hearing on any item addressed by the board or commission, any member may speak under standard time limits, but shall indicate whether their testimony represents an official position (majority opinion) or a minority opinion of the board/commission to which they belong. The chair shall represent the majority view of the board or commission, but may report on any minority views as well, including his or her own. When an official board or commission position differs from staff's recommendation on a particular policy issue, then at the Council's discretion additional time may be provided to the chair of the board or commission (or his/her designee) to explain the position of the board/commission or to rebut statements made by staff or the public. If new information is brought to light during a public hearing which was not shared previously with the board or commission, the Council may allow the board or commission chair to respond. If the Council deems the new information sufficient to warrant additional study, then by majority vote Council may remand the issue back to the board or commission for further study prior to taking other action itself.

Individual opinions and positions may be expressed by board and commission members regarding items that have not come before the particular board/commission to which they belong. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Alameda, nor will they allow the inference that they do.

Although a board or commission may disagree with the final decision the Council makes, the board or commission shall not act in any manner contrary to the established policy adopted by the Council.

1(b). In Private Encounters

Continue respectful behavior in private

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

Be aware of the insecurity of written notes, voicemail messages, and email

Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note shared with others? How would you feel if this voicemail message were played on a speaker phone in a full office? What would happen if this email message were forwarded to others? Written notes, voicemail messages and email should be treated as potentially "public" communication.

Even private conversations can have a public presence

Elected and appointed officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

In private, board and commission members may communicate at any time and on any subject with the City Council, and may express to Council individual viewpoints and opinions.

2. Elected and Appointed Officials' Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

Treat all staff as professionals

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

Member questions/inquiries to City staff

1. General. Council and board/commission communications with City staff should be limited to normal City business hours unless the circumstances warrant otherwise.

2. 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 library’s hours of operation?” or “How does one reserve a tee time at the golf course?”). Under these circumstances staff shall treat the member no differently than they would the general public, and the member shall not use their elected status to secure preferential treatment. The City Manager does not need to be advised of such contacts.
3. 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?”).
4. Non-Routine Requests Requiring Special Effort. Any member 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) must be directed to the City Manager, or to the City Attorney, as appropriate (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?”). The City Manager (or City Attorney as appropriate) shall be responsible for distributing such requests to his/her staff for follow-up. Responses to such requests shall be copied to all Councilmembers (if originating from a Councilmember), relevant board or commission members (if originating from a board or commission member), the City Manager, the City Attorney as appropriate and affected department directors.
5. Meeting Requests. Any member request for a meeting with staff must be directed to the City Manager or City Attorney, as appropriate.

Do not disrupt City staff from their jobs

Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City staff meetings unless requested by staff – even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, may intimidate staff, and hampers staff’s ability to do their job objectively.

Never publicly criticize an individual employee

Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee’s manager. Comments about staff performance should only be made to the City Manager, or City Attorney as appropriate, through private correspondence or conversation.

Do not get involved in administrative functions

Elected and appointed officials must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

Check with City staff on correspondence before taking action

Before sending correspondence, Councilmembers should check with City staff to see if an official City response has already been sent or is in progress.

Limit requests for staff support

Routine secretarial support will be provided to all Councilmembers. The Council Executive Assistant opens all mail for Councilmembers, unless a Councilmember requests other arrangements. Mail addressed to the Mayor is reviewed first by the City Manager who notes suggested action and/or follow-up items.

Requests for additional staff support – even in high priority or emergency situations – should be made to the City Manager, and/or City Attorney as appropriate, who are responsible for allocating City resources in order to maintain a professional, well-run City government.

Do not solicit political support from staff

Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private residents with constitutional rights, support political candidates but all such activities must be done away from the workplace.

3. Elected and Appointed Officials' Conduct with the Public

3(a). In 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 individual 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 to speakers and treat them with care and gentleness. While questions of clarification may be asked, the official's primary role during public testimony is to listen.

"I give many public presentations so standing up in front of a group and using a microphone is not new to me. But I found that speaking in front of Council was an entirely different experience. I was incredibly nervous and my voice was shaking. I think the reason was because the issue was so personal to me. The Council was going to take a vote that would affect my family's daily life and my home. I was feeling a lot of emotion. The way that Council treats people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity."

Be fair and equitable in allocating public hearing time to individual speakers.

The chair will determine and announce limits on speakers at the start of the public hearing process. Questions should not be asked for the express purpose of allowing one speaker to evade the time limit imposed on all others (e.g., "Was there something else you wanted to say?").

No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during any particular agenda item unless the chair requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the chair reopens the public hearing for a limited and specific purpose.

Give the appearance of active listening

It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger, or boredom.

Maintain an open mind

Members of the public deserve an opportunity to influence the thinking of elected and appointed officials. To express an opinion or pass judgment prior to the close of a public hearing casts doubt on a member's ability to conduct a fair review of the issue. This is particularly important when officials are serving in a quasi-judicial capacity.

Ask for clarification, but avoid debate and argument with the public

If speakers become flustered or defensive by questions, it is the responsibility of the chair to attempt to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by members to the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

No personal attacks of any kind, under any circumstance

Members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

Follow parliamentary procedure in conducting public meetings

The City Clerk serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. The chair, subject to the appeal of the full Council or board/commission makes final rulings on parliamentary procedure.

3(b). In Unofficial Settings

Make no promises on behalf of the Council, board/commission or City

Members will frequently be asked to explain a Council or board/commission 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 to City staff for further information. It is inappropriate to overtly or implicitly promise Council or board/commission action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, 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.

Remember that despite its operational capacity, Alameda is a small town at heart
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 Alameda. 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.

4. Council Conduct with Other Public Agencies

Be clear about representing the City or personal interests

When representing the City, the Councilmember must support and advocate the official City position on an issue, not a personal viewpoint. Outside of official board or commission meetings, board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or the board or commission to do so for a particular purpose.

When representing another organization whose position is different from the City, the Councilmember should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Councilmembers should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

Correspondence also should be equally clear about representation

City letterhead may be used when the Councilmember is representing the City and the City's official position. A copy of official correspondence should be given to the Council Executive Assistant to be filed in the Council Office as part of the permanent public record.

City letterhead should not be used for non-City business nor for correspondence representing a dissenting point of view from an official Council position.

5. Council Conduct with Boards and Commissions

The City has established several boards and commissions as a means of gathering more community input. Residents who serve on boards and commissions are likely to 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.

If attending a board or commission meeting, be careful to only express personal opinions

Councilmembers may attend any board or commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation - especially if it is on behalf of an individual, business, or developer - could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a board or commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

Limit contact with board and commission members to questions of clarification

It is inappropriate for a Councilmember to contact a board or commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact board or commission members in order to clarify a position taken by the board or commission.

Remember that boards and commissions serve the community, not individual Councilmembers

The City Council appoints individuals to serve on boards and commissions, and it is the responsibility of boards and commissions to follow policy established by the Council. But board and commission

members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten board and commission members with removal if they disagree about an issue. Appointment and re-appointment to a board or commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A board or commission appointment should not be used as a political "reward."

Be respectful of diverse opinions

A primary role of boards and commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on boards and commissions, but must be fair and respectful of all residents serving on boards and commissions.

Keep political support away from public forums

Board and commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support board and commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

6. Agenda Setting

The agenda is the official guide for Council meetings. Prepared by staff, the agenda includes current legislative and policy issues that Council reviews and, on which the Council may take action. By law and subject to very limited exceptions, the Council cannot take action on items or issues which are not listed on the agenda.

The City Manager, City Clerk, and City Attorney may meet with the Mayor, and other members of the Council as necessary, to collaborate on the setting of the agenda. Unless otherwise specifically directed by the Council, the City Manager, City Clerk, and City Attorney shall have final authority to set the agenda for their respective area of administrative responsibility.

7. Conduct with the Media

Board and commission members are not authorized to represent the City outside of official board/commission meetings unless specifically authorized to do so.

Councilmembers are frequently contacted by the media for background and quotes.

The best advice for dealing with the media is to never go "off the record"

Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

The Mayor is the official spokesperson for the City on City positions.

The Mayor is the designated representative of the Council to present and speak on an official City position. If an individual Councilmember is contacted by the media, the Councilmember should be clear about whether their comments represent the official City position or a personal viewpoint.

Choose words carefully and cautiously

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.

C. SANCTIONS

Model of Excellence

City Councilmembers, board and commission members, and Council appointees who do not sign the Model of Excellence (see Appendix A) shall be ineligible for intergovernmental assignments or Council subcommittees.

Ethics Training for Local Officials

City Councilmembers, board and commission members, and Council appointees who are out of compliance with State- or City-mandated requirements for ethics training shall not represent the City on intergovernmental assignments or Council sub-committees, and may be subject to sanctions.

Public Disruption

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting and/or removed from the Council Chambers.

Inappropriate Staff Behavior

Councilmembers should refer to the City Manager, or City Attorney as appropriate, any City staff who do not follow proper conduct in their dealings with Councilmembers, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions. (Please refer to the section on Council Conduct with City Staff for more details on interaction with Staff.)

Councilmembers Behavior and Conduct – Compliance and Enforcement

The Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the City Council, boards and commissions. Members themselves have 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 chairs of boards and commissions and the Mayor and Councilmembers have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

Councilmembers should point out to the offending Councilmember infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Vice Mayor.

It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

Board and Commission Members Behavior and Conduct

Counseling, verbal reprimands, and written warnings may be administered by the Mayor to board and commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the chair of the respective board or commission, the city clerk, the city attorney, the city manager, and the City Council. Written reprimands administered by the Mayor shall not be included in packets for public meetings and shall not be publicized except as required under the Public Records Act.

The City Council may impose sanctions on board and commission members whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline imposed by Council shall be determined by a majority vote of at least a quorum of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation. The Report to Council shall be distributed in accordance with normal procedures, including hard copies to numerous public facilities and posting online. Any Report to Council addressing alleged misconduct by a board or commission member shall be routed through the Office of the City Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Records Act.

When deemed warranted, the Mayor or majority of Council may call for an investigation of board or commission member conduct. Should the City Manager or City Attorney believe an investigation is warranted, they shall confer with the Council. The Council may ask the City Manager and/or the City Attorney to investigate the allegation and report the findings.

The results of any such investigation shall be provided to the full Council in the form of a Report to Council, and shall be placed on the agenda of a noticed public meeting as "Information Only". Any such report shall be made public and distributed in accordance with normal procedures (i.e., hard copies to numerous public locations and posted online). Any report to Council addressing the investigation of board and commission members shall be routed through the Office of the City Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Records Act.

It shall be the Council's responsibility to determine the next appropriate action. Any such action taken by Council (with the exception of "take no further action") shall be conducted at a noticed public hearing. These actions include, but are not limited to: discussing and counseling the individual on the violations; placing the matter on a future public hearing agenda to consider sanctions; forming a Council ad hoc subcommittee to review the allegation, the investigation, and its findings, as well as to recommend sanction options for Council consideration.

D. PRINCIPLES OF PROPER CONDUCT

Proper conduct IS ...

- Keeping promises
- Being dependable
- Building a solid reputation
- Participating and being available

- Demonstrating patience
- Showing empathy
- Holding onto ethical principles under stress
- Listening attentively
- Studying thoroughly
- Keeping integrity intact
- Overcoming discouragement
- Going above and beyond, time and time again
- Modeling a professional manner

Proper conduct IS NOT ...

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up bad feelings, divisiveness
- Acting in a self-righteous manner

It all comes down to respect

Respect for one another as individuals ... respect for the validity of different opinions ... respect for the democratic process ... respect for the community that we serve.

E. CHECKLIST FOR MONITORING CONDUCT

- Will my decision/statement/action violate the trust, rights or good will of others?
- What are my interior motives and the spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?
- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- Do I exhibit the same conduct in my private life as I do in my public life?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and understand the views of others?
- Do I question and confront different points of view in a constructive manner?
- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

F. GLOSSARY OF TERMS

attitude The manner in which one shows one's dispositions, opinions, and feelings

behavior	External appearance or action; manner of behaving; carriage of oneself
civility	Politeness, consideration, courtesy
conduct	The way one acts; personal behavior
courtesy	Politeness connected with kindness
decorum	Suitable; proper; good taste in behavior
manners	A way of acting; a style, method, or form; the way in which thing are done
point of order	An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration
point of personal privilege	A challenge to a speaker to defend or apologize for comments that a fellow member considers offensive
propriety	Conforming to acceptable standards of behavior
protocol	The courtesies that are established as proper and correct
respect	The act of noticing with attention; holding in esteem; courteous regard

G. IMPLEMENTATION

As an expression of the standards of conduct for members expected by the City, the Alameda Code of Ethics and 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, this document shall be included in the regular orientations for candidates for City Council, applicants to board and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of Alameda Code of Ethics and Conduct.

MODEL OF EXCELLENCE

Alameda City Council, Boards and Commissions

MEMBER STATEMENT

As a member of the Alameda City Council or of an Alameda board or commission, I agree to uphold the Code of Ethics and Conduct for Elected and Appointed Officials and conduct myself by the following model of excellence. I will:

- Recognize the worth of individual members and appreciate their individual talents, perspectives and contributions;
- Help create an atmosphere of respect and civility where individual members, City staff and the public are free to express their ideas and work to their full potential;
- Conduct my personal and public affairs with honesty, integrity, fairness and respect for others;
- Respect the dignity and privacy of individuals and organizations;
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;
- Avoid and discourage conduct which is divisive or harmful to the best interests of Alameda; and
- Treat all people with whom I come in contact in the way I wish to be treated.

I affirm that I have read and understood the City of Alameda Code of Ethics and Conduct for Elected and Appointed Officials.

Signature

Date

CITY OF OCEANSIDE

CODE OF ETHICS AND CONDUCT

FOR

ELECTED AND APPOINTED OFFICIALS

Policy Purpose

The Oceanside City Council adopts this Code of Ethics and Conduct to assure that all elected and appointed officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of Oceanside's City government. This policy shall apply to all elected positions, including the Mayor, Councilmembers, City Clerk and City Treasurer, whether elected or appointed to serve in that capacity, Council Aides and all persons appointed by the City Council to the City's Boards, Committees and Commissions.

A. ETHICS

The citizens and businesses of Oceanside are entitled to have fair, ethical and accountable local government. To this end, the public shall have full confidence that their elected and appointed officials:

- Comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Are independent, impartial and fair in their judgment and actions;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility.

Therefore, members of the City Council, City Treasurer, City Clerk, Council Aides, and members of all Boards, Committees and Commissions shall conduct themselves in accordance with the following ethical standards:

1. **Act in the Public Interest.** Recognizing that stewardship of the public interest shall be their primary concern, members will work for the common good of the people of Oceanside and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.
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 Oceanside in the performance of their public duties.
3. **Conduct of Members.** The professional and personal conduct of members while exercising their office shall be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards, Committees and Commissions, the staff or public.
4. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the City and the City Council.
5. **Conduct at 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. When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts peculiar to an individual case), members shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented at the hearing and the law.
7. **Communication.** For adjudicative matters pending before the body, written communication provided to the City Council shall be retained in accordance with the City's document retention schedule and shall be open to inspection and/or copying in accordance with the California Public Records Act.

8. **Conflict of Interest.** In order to assure their independence and impartiality on behalf of the common good and compliance with conflict of interest laws, members shall use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Members shall not use their official positions to influence government decisions in which they have (a) a material financial interest as set forth in the Political Reform Act and applicable regulations promulgated by the Fair Political Practices Commission, or (b) actual bias that would result in the denial of procedural due process.

In accordance with the City's Municipal Code Section 2.1.32., "if a council member has reason to believe he or she has a conflict of interest with respect to a governmental decision, he or she may give the full facts of the matter to the city attorney and request advice thereon. The request for advice should be submitted to the city attorney sufficiently in advance of the meeting to allow the city attorney a reasonable opportunity to analyze the facts stated and the applicable law and to seek appropriate assistance from the fair political practices commission. Any response by the city attorney shall be in writing, if time permits, and delivered to each council member before the meeting in question. Oral responses shall be stated on the public record. If a determination whether it is reasonably foreseeable that a financial interest would be affected by a governmental decision depends on the advice of an appraiser or similar professional, except an attorney, the city attorney may retain such professional at city expense. Nothing in this section shall be deemed to preclude the member or the city attorney from seeking assistance or advice on a conflict of interest matter from the fair political practices commission."

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and if they have an impermissible conflict of interest regarding a particular decision, shall not, once the conflict is ascertained, participate in the decision and shall not discuss or comment on the matter in any way to any person including other members unless otherwise permitted by law.

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 is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised. Disqualification of a member from participating in a government decision based on the acceptance of a gift shall be determined in accordance with legal requirements of the Political Reform Act, applicable regulations and case law.
10. **Confidential Information.** Members shall maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members 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 which are not available to the public in general (e.g., City staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.
12. **Representation of Private Interests.** In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the

Council or any Board, Committee, Commission or proceeding of the City, nor shall members of Boards, Committees and Commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

13. **Advocacy.** Members shall represent the official policies or positions of the City Council, Board, Committee or Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Oceanside, nor will they allow the inference that they do. Councilmembers, Council Aides and Board, Committee and Commission members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, or Board, Committee and Commission meetings, or other official City meetings.
14. **Policy Role of Members.** Members shall respect and adhere to the council-manager structure of Oceanside City government as outlined in the City Charter. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City staff, Boards, Committees and Commissions, and the public. Except as provided by the City Code and applicable council policies, 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.
15. **Independence of Boards, Committees and Commissions.** Because of the value of the independent advice of Boards, Committees and Commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of Board, Committee and Commission proceedings.
16. **Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

B. CONDUCT GUIDELINES

The Conduct Guidelines are designed to describe the manner in which elected and appointed officials shall treat one another, City staff, constituents, and others they come into contact with while representing the City of Oceanside.

1. Elected and Appointed Officials' Conduct with Each Other in Public Meetings

Elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal shall be acknowledged even though individuals may not agree on every issue.

(a) Honor the role of the chair in maintaining order

It is the responsibility of the chair to keep the comments of members on track during public meetings. Members shall honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections shall be voiced politely and with reason, following procedures outlined in parliamentary procedure.

(b) Practice civility and decorum in discussions and debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.

(c) Avoid personal comments that could offend other members

If a member is personally offended by the remarks of another member, the offended member shall make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.

(d) Demonstrate effective problem-solving approaches

Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

2. Elected and Appointed Officials' Conduct with the Public in Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect shall be evident on the part of individual members toward an individual participating in a public forum. Every effort shall be made to be fair and impartial in listening to public testimony.

(a) Be welcoming to speakers and treat them with care and gentleness.

While questions of clarification may be asked, the official's primary role during public testimony is to listen.

(b) Be fair and equitable in allocating public hearing time to individual speakers.

The chair will determine limits on speakers at the start of the public hearing process, if different than standard time limits.

(c) Practice active listening

It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Members shall try to be conscious of facial expressions, and avoid those that could be interpreted as "smirking," disbelief, anger or boredom.

(d) Maintain an open mind

Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.

(e) Ask for clarification, but avoid debate and argument with the public

Only the chair – not individual members – can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

(f) Use of Electronic Devices during Public Hearing Time

While the Council is in session, to satisfy due process requirements, Council Members shall give their sole attention to the proceedings and shall refrain from using electronic devices such as computers, cell phones, pagers, PDAs and other electronic devices for the purpose of sending or receiving external communication unless an emergency or extraordinary circumstance exists.

3. Elected and Appointed Officials' Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed members of Boards and Commissions who advise the elected, and City staff who implement and administer the Council's policies. Therefore, every effort shall 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 as professionals

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

(b) Do not disrupt City staff from their jobs

Elected and appointed officials shall not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Attendance by elected officials at any meeting attended by City staff shall be in accordance with City Council Policy 100-20.

(c) Never publicly criticize an individual employee

Elected and appointed officials shall never express concerns about the performance of a City employee under the supervision of the City Manager or City Attorney in public, to the employee directly, or to the

employee's manager. Comments about staff performance shall only be made to the City Manager or City Attorney, as applicable, through private correspondence or conversation. Appointed members of Boards and Commissions shall make their comments regarding staff to the City Manager or the Mayor.

(d) Do not get involved in administrative functions

Elected and appointed officials acting in their individual capacity shall not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

(e) Do not solicit political support from staff

Elected and appointed officials shall not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities shall be done away from the workplace.

(f) No Attorney-Client Relationship

The City Attorney represents the City and not elected or appointed officials acting in their individual capacity. Members shall not seek to establish an attorney-client relationship with the City Attorney, or members of the City Attorney's staff.

4. Council Conduct with Boards, Committees and Commissions

The City has established several Boards, Committees and Commissions as a means of gathering more community input. Citizens who serve on Boards, Committees and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and shall be treated with appreciation and respect.

(a) If attending a Board, Committee or Commission meeting, be careful to only express personal opinions

Subject to the limitations of the Brown Act, Councilmembers may attend any Board, Committee or Commission meeting, which are always open to any member of the public. However, they shall be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a Board, Committee or Commission meeting shall be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

(b) Limit contact with Board, Committee and Commission members to questions of clarification

It is inappropriate for a Councilmember to contact a Board, Committee or Commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact Board, Committee or Commission members in order to clarify a position taken by the Board, Committee or Commission.

(c) Respect that Boards, Committees and Commissions serve the community, not individual Councilmembers

The Mayor, subject to City Council confirmation, appoints individuals to serve on Boards, Committees and Commissions, and it is the responsibility of members of Boards, Committees and Commissions to follow applicable bylaws as well as City law and policy established by the Council. Board, Committee and Commission members do not report to individual Councilmembers, nor shall Councilmembers threaten Board, Committee and Commission members with removal over political disputes. Appointment and re-appointment to a Board, Committee or Commission shall be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties.

(d) Be respectful of diverse opinions

A primary role of Boards, Committees and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Boards, Committees and Commissions, but shall be fair and respectful of all citizens serving on Boards, Committees and Commissions.

(e) Keep political support away from public forums

Board, Committee and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board, Committee and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

5. Conduct with the Media

Council Members are frequently contacted by the media for background and quotes. Advisory Body members are not authorized to represent the City outside of official Advisory Body meetings unless specifically authorized to do so by the City Council. Media inquiries should be responded to within reasonable timeframes. Official City responses will be given by the Mayor or Council designee (i.e. Deputy Mayor in Mayor's absence), the City Manager or his/her designee, or City Attorney, as applicable.

6. Social Media Use

When using social media, City officials 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. City officials must also use caution when communicating on social media in that it does not become a conduit to communicate with their fellow council/commission members in violation of the Brown Act.

7. Outside Employment

No official shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of their official duties in violation of

Government Code section 1099 and applicable case law, or would tend to impair their independence of judgment or action in the performance of their official duties.

8. Post-City Employment

Former City Officials shall not engage in direct communication with the City for the purpose of lobbying the City if the former City Official served as a City Official within the previous 12 months, and the former City Official is receiving compensation from a private business to engage in the direct communication with the City.

C. SANCTIONS

Upon a finding by a majority of the City Council that any public official violated any provision of the Prohibited Conduct section of this chapter, the City Council may impose any of the following sanctions:

1. Elected Officials.

- a) Public censure.

2. Council Aides

- a) Public censure.

3. Appointed Officials of Boards, Commissions and Committees.

- a) Referral to the Board, Commission or Committee of which the appointed official is a member for public censure;
- b) Public censure by the Mayor and City Council; or
- c) Removal from office by a majority of the Mayor and City Council

4. Whistle Blower Protections

To the extent not otherwise prohibited by State law, City officials and employees shall not use or threaten to use any official authority or influence to discourage, restrain or interfere with or to effect a reprisal against any person, including, but not limited to, a City official or employee, for the purpose or with the intent of preventing such person from acting in good faith to report or otherwise bring to the attention of the City or other appropriate agency, office or department, any information that, if true, would constitute a gross waste of City funds, a gross abuse of authority, a specified and substantial danger to public health or safety due to any act or omission of an City official or employee, or the use of a City office or position or of City resources for personal gain.

D. IMPLEMENTATION

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the City. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be included in the regular orientations for candidates for City Council, City Treasurer, City Clerk, Council Aides, members of Board, Committee and Commissions, and newly elected and appointed officials. **Members entering office shall sign a statement (below) acknowledging they have read and understand the Code of Ethics and Conduct.** In addition, the Code of Ethics and Conduct shall be periodically reviewed by the City Council and updated as necessary.

I affirm that I have read and understand the City of Oceanside Code of Ethics and Conduct for Elected and Appointed Officials.

Name: _____

Signature: _____

Date: _____

Code of Ethics & Values

Santa Clara's Code of Ethics & Values, adopted by the City Council in March of 2000 and modified by Council in August of 2001, is designed to provide clear, positive statements of ethical behavior reflecting the core values of the community. The Code includes practical strategies for addressing ethical questions and a useful framework for decision-making and handling the day-to-day operations of the municipality.

The current Code of Ethics & Values was developed in 1999 by a Committee composed of three elected officials, nine City commissioners, two community members, the City Manager and the City Attorney. A previous Code was adopted in the 1960s and periodically updated, but the Committee took a fresh approach by working with the [Markkula Center for Applied Ethics](#) at Santa Clara University to create a new Code of Ethics & Values for the City that would better reflect the issues and concerns of today's complex and diverse society.

ETHICAL STANDARDS FOR CONTRACTORS SEEKING TO ENTER INTO AN AGREEMENT WITH THE CITY OF SANTA CLARA, CALIFORNIA

Goals of the Code of Ethics & Values

- To make Santa Clara a better community, built on mutual respect and trust
- To promote and maintain the highest standards of personal and professional conduct among all involved in City government elected officials, City staff, volunteers, and members of the City's boards, commissions and committees

The Code of Ethics & Values is a touchstone for members of boards, commissions and committees in fulfilling their roles and responsibilities.

Preamble

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of Santa Clara has adopted this Code of Ethics & Values to promote and maintain the highest standards of personal and professional conduct in the City's government. All elected and appointed officials, City employees, volunteers, and others who participate in the city's government are required to subscribe to this Code, understand how it applies to their specific responsibilities, and practice its eight core values in their work. Because we seek public confidence in the City's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this code.

1. As a Representative of the City of Santa Clara, I will be ethical.

In practice, this value looks like:

- a. I am trustworthy, acting with the utmost integrity and moral courage.
- b. I am truthful, do what I say I will do, and am dependable.

- c. I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, and financial and other personal interests that impair my independence of judgment or action.
- d. I am fair, distributing benefits and burdens according to consistent and equitable criteria.
- e. I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting decisions.
- f. I show respect for persons, confidences, and information designated as "confidential."
- g. I use my title(s) only when conducting official City business, for information purposes, or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority.

2. As a Representative of the City of Santa Clara, I will be professional.

In practice, this value looks like:

- a. I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
- b. I approach my job and work-related relationships with a positive attitude.
- c. I keep my professional knowledge and skills current and growing.

3. As a Representative of the City of Santa Clara, I will be service-oriented.

In practice, this value looks like:

- a. I provide friendly, receptive, courteous service to everyone.
- b. I am attuned to, and care about, the needs and issues of citizens, public officials, and city workers.
- c. In my interactions with constituents, I am interested, engaged, and responsive.

4. As a Representative of the City of Santa Clara, I will be fiscally responsible.

In practice, this value looks like:

- a. I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the City, especially its financial stability.
- b. I demonstrate concern for the proper use of City assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.
- c. I make good financial decisions that seek to preserve programs and services for City residents.

5. As a Representative of the City of Santa Clara, I will be organized.

In practice, this value looks like:

- a. I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long term goals.
- b. I follow through in a responsible way, keeping others informed, and responding in a timely fashion.
- c. I am respectful of established City processes and guidelines.

6. As a Representative of the City of Santa Clara, I will be communicative.

In practice, this value looks like:

- a. I convey the City's care for and commitment to its citizens.
- b. I communicate in various ways that I am approachable, open-minded and willing to participate in dialog.
- c. I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response which adds value to conversations.

7. As a Representative of the City of Santa Clara, I will be collaborative.

In practice, this value looks like:

- a. I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
- b. I work towards consensus building and gain value from diverse opinions.
- c. I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.
- d. I consider the broader regional and State-wide implications of the City's decisions and issues.


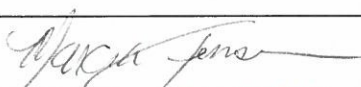
8. As a Representative of the City of Santa Clara, I will be progressive.

In practice, this value looks like:

- a. I exhibit a proactive, innovative approach to setting goals and conducting the City's business.
- b. I display a style that maintains consistent standards, but is also sensitive to the need for compromise, "thinking outside the box," and improving existing paradigms when necessary.
- c. I promote intelligent and thoughtful innovation in order to forward the City's policy agenda and City services.

Last Updated:

03-22-2019

 <div style="display: inline-block; vertical-align: middle;"> <p>TOWN OF LOS GATOS CALIFORNIA</p> </div> <div style="display: inline-block; vertical-align: middle; text-align: center;"> <p>COUNCIL POLICY MANUAL</p> <p><i>Small Town Service Community Stewardship Future Focus</i></p> </div>	
TITLE: Town Council Code of Conduct	POLICY NUMBER: 2-04
EFFECTIVE DATE: 5/3/2004	PAGES: 8
ENABLING ACTIONS: 2004-059; 2006-111	REVISED DATES: 12/17/2012; 3/3/2015; 12/17/2019
APPROVED: 	

I. Preamble

The legal responsibilities of the Los Gatos Town Council are set forth by applicable state and federal laws. In addition, the Town Council has adopted regulations, including this Code of Conduct Policy, that hold Council Members to standards of conduct above and beyond what is required by law. This Policy is written with the assumption that Council Members, through training, are aware of their legal and ethical responsibilities as elected officials.

II. Form of Government

The Town of Los Gatos operates under a Council-Manager form of government as prescribed by Town Code, Section 2.30.305. Accordingly, members of the Council are elected at-large, provide legislative direction, set Town policy, and ultimately answer to the public. The Town Manager serves as the Town's chief administrative officer and is responsible for directing the day-to-day operations of the Town and implementing policy direction.

III. Town Council Roles and Responsibilities

The role of the Town Council is to act as a legislative and quasi-judicial body. Through its legislative and policy authority, the Council is responsible for assessing and achieving the community's desire for its present and future and for establishing policy direction to achieve its desired outcomes. All members of the Town Council, including those who serve as Mayor and Vice Mayor, have equal votes.

Members of the Town Council fulfill their role and responsibilities through the relationships they have with each other and the public. Town Council Members should approach their work, each other, and the public in a manner that reflects ethical behavior, honesty and integrity. The commitment of Town Council Members to their work is characterized by open constructive communication, innovation, and creative problem solving.

TITLE: Town Council Code of Conduct	PAGE: 2 of 8	POLICY NUMBER: 2-04
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IV. Mayoral and Vice Mayoral Selection Process

Per Town Municipal Code, Section 2.20.035, the selection of the Mayor and Vice Mayor occurs annually at a special meeting in December by majority vote of the Town Council. The Mayor and Vice Mayor serve at the pleasure of the Town Council and may be replaced by a majority vote of the Council.

V. Mayoral and Vice Mayoral Roles, Responsibilities, Relationships

The following outlines some of the key roles, responsibilities, and relationships as they relate to the positions of Mayor and Vice Mayor:

Mayor

- A. The Mayor is the presiding officer of the Town Council. In this capacity, the Mayor is responsible for developing Council agendas in cooperation with the Town Manager and leading Council meetings.
- B. The Mayor recommends various standing committee appointments to the Council for approval.¹ This will be done at a Council meeting in December of each year. When making committee recommendations, the Mayor should attempt to balance shared responsibilities and opportunities among Council Members. The Mayor may also appoint citizens to committees not established by Town ordinance or resolution as s/he deems appropriate.
- C. The title of Mayor carries with it the responsibility of communicating with the Town Council, Town Manager, and members of the public. In this capacity, the Mayor serves as the Town “spokesperson” representing the Council in official and ceremonial occasions.
- D. As the official Town spokesperson, the Mayor performs special duties consistent with the Mayoral office, including, but not limited to: signing of documents on behalf of the Town, issuing proclamations, serving as the official voting delegate for various municipal advocacy groups, and delivering the State of the Town Address at his or her discretion.² The Town Council will determine any additional authority or duties that the Mayor shall perform.
- E. Special duties consistent with the Mayoral office may be delegated to the Vice Mayor or any other member of the Town Council.
- F. In the event that one or more members of a Town Board, Commission, or Committee acts in a manner contrary to approved Board/Commission policies and procedures, the Mayor may counsel those members about the rules set forth in the Town Commissioner Handbook.³

¹ Council Agenda Format and Rules Policy

² Council Commendation and Proclamation Policy

³ Resolution 1999-167

TITLE: Town Council Code of Conduct	PAGE: 3 of 8	POLICY NUMBER: 2-04
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Vice Mayor

- A. In the Mayor's absence, the Vice Mayor shall perform the formal duties of the Mayor.⁴
- B. When the Vice Mayor performs the duties of the Mayor in his/her absence, the Vice Mayor also carries the responsibility of communicating with the Town Manager, Town Council, and members of the public.

VI. Council Conduct in Public Meetings

To ensure the highest standards of respect and integrity during public meetings, Council Members should:

- A. *Use formal titles.* The Council should refer to one another formally during Council meetings such as Mayor, Vice Mayor or Council Member or Mr., Mrs., or Ms., followed by the individual's last name.
- B. *Practice civility and decorum in discussions and debate.* Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. During public discussions, Council Members should be respectful of others and diverse opinions and allow for the debate of issues.
- C. *Honor the role of the presiding officer in maintaining order and equity.* Respect the Mayor/Chair's efforts to focus discussion on current agenda items.
- D. *Council decisions should be reserved until all applicable information has been presented.*
- E. *Conduct during public hearings.* During public testimony, Council Members should refrain from engaging the speaker in dialogue. For purposes of clarification, Council Members may ask the speaker questions. Council comment and discussion should commence upon the conclusion of all public testimony

VII. Legal Requirements

The Town Council operates under a series of laws that regulate its operations as well as the conduct of its members. The Town Attorney serves as the Town's legal officer and is available to advise the Council on these matters.

A. Training

Biannual training in the following areas shall be provided by staff to Council Members:

- 1. The Ralph M. Brown Act
- 2. Town / CA State Law on Conflict of Interest (AB 1234)
- 3. Government Section 1090
- 4. Incompatible Offices
- 5. The Fair Political Practices Commission Forms
- 6. Bias
- 7. Town / CA State Law on Harassment (SB 1343)

⁴ Council Agenda Format and Rules Policy

TITLE: Town Council Code of Conduct	PAGE: 4 of 8	POLICY NUMBER: 2-04
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B. Procurement

Unless authorized by the Town Council, Council Members shall not become involved in administrative processes for acquiring goods and services.

C. Land Use Applications

The merits of an application shall only be evaluated on information included in the public record. Council Members shall disclose ex parte communication and any information obtained outside of the public record that may influence his/her decision on a matter pending before the Town Council. Council disclosure shall occur after the Public Hearing section of the agenda, and before Council deliberations.

D. Code of Conduct Policy

Newly elected Council Members are strongly encouraged to sign a statement affirming they have read and understand the Town of Los Gatos Council Code of Conduct Policy.

E. Non-Profit Organizations

Council Members may not sit on boards of directors of non-profit organizations which receive funding or in-kind contributions from the Town, unless the role serves a legitimate Town purpose, such as the League of California Cities, and the participation is approved by the full Council.

VIII. Council Participation in Boards, Commissions and Committees, and Reporting Requirements

There are several committees that Town Council Members have been appointed to or have an interest in, including but not limited to: Town Council standing and ad hoc committees, Town boards and commissions, regional boards and commissions, and community-generated committees.

Primary Council representatives should update the Council about board, commission, and committee activities. When serving as the primary Council representative on any board, commission, or committee, Council Members should periodically provide updated reports to the Council during the "Council Matters" opportunity on the Council meeting agenda.

Recommended actions by Council Committees should be reported to the Council. When serving on a Council Committee, whether standing or ad hoc, all work undertaken by the Committee must be directed by the Council, and all recommended actions of a Council Committee shall be reported to the Council.

IX. Council Relationship with Town Staff

The Town Council has adopted a Council-Manager form of government. The Town Manager's powers and duties are outlined in the Town Code, Section 2.30.295.

TITLE: Town Council Code of Conduct	PAGE: 5 of 8	POLICY NUMBER: 2-04
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Council Conduct and Communication with Town Staff

To enhance its working relationship with staff, Council should be mindful of the support and resources needed to accomplish Council goals. When communicating and working with staff, Council should follow these guidelines:

- A. *Council Members should treat staff as professionals.* Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with Council colleagues, practice civility and decorum in all interactions with Town staff.
- B. *Council Members should direct questions about policy, budget, or professional opinion to the Town Manager, Town Attorney or Department Directors.* Council Members can direct questions and inquiries to any staff for information that is readily available to the general public or easily retrievable by staff.
- C. *The Town Manager and staff are responsible for implementing Town policy and/or Council action.* The processing of Council policy and decisions takes place with the Town Manager and staff. Council should not direct policy/program administrative functions and implementation; rather it should provide policy guidance to the Town Manager.
- D. *Council Members should attempt to communicate questions, corrections, and/or clarifications about reports requiring official action to staff prior to Council meetings.* Early feedback will enable staff to address Council questions and incorporate minor corrections or changes to a Council report, resulting in a more efficient Council meeting discussion; however, this does not preclude Council Members from asking questions at Council Meetings.
- E. *Council Members should not direct the Town Manager to initiate any action, change a course of action, or prepare any report without the approval of Council.* The Town Manager's responsibility is to advise on resources available and required for a particular course of action as it relates to the direction of the majority of the Council.
- F. *Council Members should not attend department staff meetings unless requested by the Town Manager.*
- G. *All Council Members should have the same information with which to make decisions.* Information requested by one Council Member will be shared with all members of the Council.
- H. *Concerns related to the behavior or work of a Town employee should be directed to the Town Manager.* Council Members should not reprimand employees.
- I. *Per California Government Code, Sections 3201-3209, Council Members should not solicit financial contributions from Town staff or use promises or threats regarding future employment.* Although Town staff may, as private citizens with constitutional rights, support political candidates, such activities cannot take place during work hours, at the workplace, or in uniform.

X. Council Communication with the Public and other Council Members

The Public has a reasonable expectation that it may engage its Council Members on matters of community concern. In response, Council Members may express a preliminary opinion on issues or projects raised. Any such preliminary statement shall not constitute a prejudgment or create a presumption of bias on any issue or a project. In addition, Council Members may from

TITLE: Town Council Code of Conduct	PAGE: 6 of 8	POLICY NUMBER: 2-04
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time to time express opinions regarding broad policy matters which may be in conflict with currently adopted Council policies. Such statements are permissible if clearly characterized as personal opinion or policy change objectives.

XI. Enforcement

A. Purpose

The Council Code of Conduct Policy establishes guiding principles for appropriate conduct and behavior and sets forth the expectations of Council Members. The purpose of the policy language is to establish a process and procedure that:

1. Allows the public, Town Council, and Town employees to report Code of Conduct policy violations or other misconduct.
2. Provides guidelines to evaluate Code of Conduct policy violations or other misconduct and implement appropriate disciplinary action when necessary.

B. Procedures

1. Reporting of Complaints

The following section outlines the process for reporting Council Member Code of Conduct Policy violations or other misconduct:

- a. Complaints made by members of the public, the Town Manager, and Town Attorney should be reported to the Mayor. If a complaint involves the Mayor, it should be reported to the Vice Mayor.
- b. Complaints made by Council Members should be reported to the Town Manager or Town Attorney to adhere to Brown Act requirements.
- c. Complaints made by Town employees should be reported to the Town Manager, who will direct them to the Mayor or Vice Mayor.

2. Evaluation of Complaints Alleging Violations

Upon report of a written complaint, the Town Manager and Town Attorney will join the Mayor or Vice Mayor as an evaluation committee to determine the validity of the complaint and, if appropriate, an initial course of action as discussed below. If the Town Manager or Town Attorney is the complainant, the longest serving uninvolved Council Member will replace the Town Manager or Town Attorney on the evaluation committee.

Within seventy-two (72) hours of receipt of the complaint by the Mayor or Vice Mayor, the Council Member in question shall be notified of the reported complaint by the Mayor or his/her designee. The notification shall include a copy of the written complaint and supporting documentation, if any, the identity of the complainant and nature of the complaint.

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3. Unsubstantiated or Minor Violations

If the majority of the Committee agrees that the reported violation is without substance, no further action will be taken. If the reported violation is deemed valid but minor in nature, the Mayor or Vice Mayor shall counsel and, if appropriate, admonish the Council Member privately to resolve the matter. Admonishment is considered to be a reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy.

4. Allegations of Major Violations

If the reported violation is considered to be serious in nature, the matter shall be referred to outside legal counsel selected by the Committee for the purpose of conducting an initial interview with the subject Council Member. The outside counsel shall report his/her initial findings back to the Committee.

If the Committee then determines that an investigation is warranted, the Committee shall direct the outside legal counsel to conduct an investigation. The investigation process would include, but is not limited to, the ascertainment of facts relevant to the complaint through interviews and the examination of any documented materials.

5. Report of Findings

At the conclusion of the investigation, outside legal counsel shall report back to the Committee in writing. The report shall either (1) recommend that the Council Member be exonerated based on a finding that the investigation did not reveal evidence of a serious violation of the Code of Conduct, or (2) recommend disciplinary proceedings based on findings that one or more provisions of the Code of Conduct or other Town policies have been violated. In the latter event, the report shall specify the provisions violated along with the facts and evidence supporting each finding.

The Committee shall review the report and its recommendations. If the consensus of the Committee is to accept the report and recommendations, the Committee shall implement the recommendations. Where the recommendation is exoneration, no further action shall be taken. Where the recommendation is to initiate disciplinary proceedings, the matter shall be referred to the Council. Where there is no consensus of the Committee regarding the recommendations, the matter shall be referred to the Council.

The subject Council Member shall be notified in writing of the Committee's decision within 72 hours. Where the decision is to refer the matter to the Council, a copy of the full report, including documents relied on by the investigator shall be provided with the notification, and a copy of both shall be provided to the whole Council.

6. Proceedings

Investigative findings and recommended proceedings and disciplinary action that are brought forward to Council as a result of a significant policy violation shall be considered at a public hearing. The public hearing should be set far enough in advance to allow the Council Member in question reasonably sufficient time to prepare a response.

Investigative findings shall be presented to the Town Council at a public hearing. The rules of evidence do not apply to the public hearing. It shall not be conducted as an adversarial proceeding.

C. **Disciplinary Action**

1. Considerations in Determining Disciplinary Action

Disciplinary action may be imposed by Council upon Council Members who have violated the Council Code of Conduct Policy. Disciplinary action or sanctions are considered when a serious violation of Town policy has occurred by a Council Member. In determining the type of sanction imposed, the following factors may be considered:

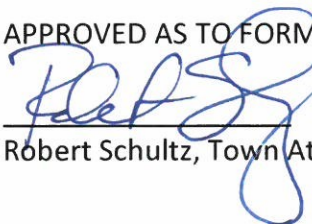
- a. Nature of the violation
- b. Prior violations by the same individual
- c. Other factors which bear upon the seriousness of the violation

2. Types of Sanctions

At the discretion of the Council, sanctions may be imposed for violating the Code of Conduct or engaging in other misconduct. These actions may be applied individually or in combination. They include, but are not limited to:

- a. *Public Admonishment* – A reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy.
- b. *Revocation of Special Privileges* – A revocation of a Council Member's Council Committee assignments, including standing and ad hoc committees, regional boards and commissions, and community-generated board/committee appointments. Other revocations may include temporary suspension of official travel, conference participation, and ceremonial titles.
- c. *Censure* – A formal statement or resolution by the Council officially reprimanding a Council Member.

APPROVED AS TO FORM:



Robert Schultz, Town Attorney



SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

November 7, 2022

To: Valley Water Board of Directors

Sent via e-mail: board@valleywater.org and clerkoftheboard@valleywater.org

Re: Investigation Report concerning Santa Clara Valley Water District Director Gary Kremen

In March 2022, the Valley Water Board of Directors initiated an investigation to determine “[w]hether Director Kremen ... violated any Valley Board Governance Policies with respect to interaction with Valley Water staff ... [or] with respect to his treatment of members of the public at Valley Water meetings.” The Sierra Club together with Restore the Delta had filed a complaint highlighting “disrespectful treatment from Director Gary Kremen towards environmental advocates.”

On October 25, 2022 Valley Water released an Executive Summary of the investigation of complaints about Director Kremen’s actions as a Director on Valley Water’s board. The report concluded that, in six situations with staff, Director Kremen violated Governance Policy 6.3.1 which states that “Board members shall refrain from abusive conduct, personal charges, or verbal assaults upon the character or motives of ... staff and the public.” The report also concluded that Director Kremen violated Governance Policy 6.3 which states that “Board members may not attempt to exercise individual authority over the organization.” **There must be consequences for these violations. We encourage the Board to consider appropriate sanctions against Director Kremen.**

However, the report did not find “that Kremen made any ‘personal charge(s)’ or ‘verbal assault(s)’ upon any Sierra Club member’s ‘character or motives’” (per GP-6.3.1). This determination was justified because “Kremen’s comments about the Sierra Club were not aimed at any particular Sierra Club members, but at the organization as a whole” and “were not made in direct response to the comments made by any of the members at the meeting.” Furthermore, the report did not find “that Kremen’s conduct was ‘abusive’ (i.e., extremely offensive or cruel) as understood in [the] report” (per GP-6.3.1).

Nonetheless, the report stated the following regarding disrespectful and disparaging comments by Director Kremen aimed at the Sierra Club and other environmental organizations during board meetings:

- Kremen’s comment stating the Sierra Club is “well known for its...white privilege position” left investigators “troubled by the use of a racially charged statement from the dais,” and investigators “acknowledge[d] that Kremen’s statements may have been rude, counterproductive, unprofessional, and inconsistent with GP-7, the District’s Values Statement, or GP-11, the Inclusion, Equal Employment Opportunity, Discrimination/Harassment Prevention, and Diversity policy.”
- Kremen’s comment stating “This kind of shameful conduct that appears over and over again by a couple of small members of the Sierra Club: ‘Oh I don’t want X so people can have 10 times the price of water especially disadvantaged communities’ [– i]t’s shameful to me this lack of social justice and putting plants over people” in response to comments on CEQA compliance, “may have been rude, counterproductive, unprofessional, and inconsistent with GP-7, the

District's Values Statement, or GP-11, the Inclusion, Equal Employment Opportunity, Discrimination/Harassment Prevention, and Diversity policy."

Director Kremen responded to San Jose Spotlight's request for comment as follows:

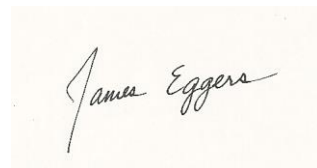
"As a fighter for the interests of taxpayers and water ratepayers, it is within my duties to not only question whether the mission, policies and procedures of the district are being fulfilled but to insist that the direction of the board be followed[.]" "In a few instances, my defense of taxpayers, ratepayers and constituents was too ardent, and I apologize. To that end, I appreciate any constructive criticism I can take from this report to be a better advocate for the people I serve."

Director Kremen has not apologized to the Sierra Club for his inappropriate comments. Therefore, environmental advocates continue to be wary about participating in Board meetings to avoid inappropriate disparaging and offensive comments from Director Kremen.

The Sierra Club complaint requested that the Ordinance of Santa Clara Valley Water District Specifying Rules of Decorum in the Participation of Board and Committee Meetings "be equally applicable to the Board as to participating members of the public." The purpose of the Ordinance includes "enhancing civility and decorum" and avoiding "an atmosphere in Meetings that: is uncivil, threatening, and disrespectful; stifles public participation and debate; threatens the quality of decision making; or otherwise undermines the democratic process."

In response to the investigation report, we urge Valley Water to update the Decorum Ordinance, revisit Governance Policies as appropriate to encourage more civil interaction with the public, and institute annual training for the Board of Directors on appropriate demeanor and interaction with staff and the public.

Sincerely,



James Eggers
Executive Director
Sierra Club Loma Prieta Chapter

Cc: Charles Schafer
Chapter Chair
Sierra Club Loma Prieta Chapter

Katja Irvin
Water Committee Co-Chair
Sierra Club Loma Prieta Chapter

Michele King

Subject: FW: BPPC proposed decourm ordinance discussion 4/5/22

From: Trish Mulvey <mulvey@ix.netcom.com>

Sent: Monday, April 04, 2022 8:01 PM

To: Clerk of the Board <clerkoftheboard@valleywater.org>; Michele King <MKing@valleywater.org>

Subject: BPPC proposed decourm ordinance discussion 4/5/22

Please provide a copy of this note to the committee members and appropriate staff re agenda item 4.2, decorum ordinance, on April 5, 2022

Thanks for holding this special BPPC meeting prior to Board consideration of the proposed decorum ordinance.

The purpose of this note is to request that the BPPC also determine and initiate the best approach to implement Director LeZotte's suggestion that the Valley Water Board of Directors also needs decorum guidelines for interactions with each other, with staff, and with the public at Board and Committee meetings. My assumption is that such guidelines are probably best documented in Board Policy rather than in the proposed ordinance.

Thanks for considering this suggestion.

Trish Mulvey

(650) 326-0252 or mulvey@ix.netcom.com

cc: interested parties

Agenda Item 4.2
Committee Work Plan
November 7, 2022

TO: Board Policy & Planning Committee
CC: Michele King and Interested Parties
FR: Trish Mulvey
ON: November 4, 2022
RE: Governance Policies of the Board

In crafting Board Governance Policy updates that might be appropriate based on the recent RPLG investigation and what could be called “lessons learned,” I hope this Committee will consider the following questions:

- Should “rude, counterproductive or unprofessional” behavior be proscribed?
- Should arrogant behavior be proscribed?
- Should an expectation about behaving in the “spirit” of Board Governance Policy be stated?
- When considering harassment, in addition to “sexual,” should “gender” be specified?

Additionally, would this Committee recommend that the “Board Ethics and Conduct Ad Hoc Committee” be listed on the Valley Water list of Board Committees and public notice be provided when that Ad Hoc Committee meets? My hope is that opportunity for public comment prior to Committee closed sessions can be provided. In my view, the Brown Act has appropriate provisions for allowing closed sessions as well urgent meeting scheduling and noticing while still offering “sunshine and transparency” around dealing with sensitive ethics and conduct issues.

Thanks for considering these inquiries.

Michele King

Subject: FW: Sierra Club Loma Prieta Chapter comment letter regarding the Investigation Report concerning Santa Clara Valley Water District Director Gary Kremen
Attachments: Sierra Club comment on Kremen investigation Executive Summary 11.7.22.pdf

From: Barbara Kelsey <barbara.kelsey@sierraclub.org>
Sent: Monday, November 7, 2022 5:43 PM
To: Clerk of the Board <clerkoftheboard@valleywater.org>; Board of Directors <board@valleywater.org>
Cc: James Eggers <james.eggers@sierraclub.org>; Charles Schafer <c_g_schafer@yahoo.com>; Katja <katja.irvin@sbcglobal.net>; Gladwyn d'Souza <goodsouza@mac.com>; Mike Ferreira <MichaelJFerreira@gmail.com>
Subject: Sierra Club Loma Prieta Chapter comment letter regarding the Investigation Report concerning Santa Clara Valley Water District Director Gary Kremen

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

November 7, 2022

To: Valley Water Board of Directors

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Please find our full comment letter attached.

Sincerely,

James Eggers
Executive Director
Sierra Club Loma Prieta Chapter

Cc: Charles Schafer
Chapter Chair
Sierra Club Loma Prieta Chapter

Katja Irvin

Water Committee Co-Chair
Sierra Club Loma Prieta Chapter

Sent by:

Barbara Kelsey

she/her/hers

Chapter Coordinator

Sierra Club, Loma Prieta Chapter

3921 E. Bayshore Rd, Suite 204

Palo Alto, CA 94303

barbara.kelsey@sierraclub.org

We are still working remotely
most of the time, so email is
the best contact method.



Santa Clara Valley Water District

File No.: 23-0242

Agenda Date: 3/6/2023

Item No.: 4.2.

COMMITTEE AGENDA MEMORANDUM Board Policy and Planning Committee

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:

Review Board Governance Policies Related to the Election of the Board Chairperson/Vice Chairperson and the role of the Board Chairperson.

RECOMMENDATION:

Review Board Governance Policies Related to the Election of the Board Chairperson/Vice Chairperson and the role of the Board Chairperson and provide direction to staff on next steps.

SUMMARY:

During the election of the Board Chairperson and Vice Chairperson at their January 10, 2023, meeting, the Board referred the Board Governance policy related to the Chair and Vice Chair Election Process, as well as the Chair's Roles and Responsibilities, to the Board Policy and Planning Committee for review.

Attached for the Committee's information are the following Board Governance policies that pertain to the Board Chair and Vice Chair election process and the Chair's roles and responsibilities:

Governance Process (GP) 5 - Chairperson's Role (Attachment 1) - Contains language on both the Board Chair and Vice Chair election process and the Chair's roles and responsibilities.
(*Entire policy*)

Governance Process (GP) 6 - Board Members' Code of Conduct - Contains language on the Board Chair's role in procedures for managing complaints of misconduct against board members. (GP-6.9.2, 6.14.5, 6.17, 6.17.2, 6.18, 6.19, 6.19.1, 6.19.3, 6.19.4, and 6.19.5)

Governance Process (GP) 9 - Board Committee Structure -Contains language on Chair's nomination of Board members to committees. (GP-9 Introductory Paragraph)

Executive Limitations (EL) 7 - Communication and Support to the Board - Contains language on Chair's role in reviewing emergency legislation positions. (EL-7.8)

This item allows the Committee to review these policies and provide direction to staff on next steps.

ATTACHMENTS:

Attachment 1: GP-5
Attachment 2: GP-6
Attachment 3: GP-9
Attachment 4: EL-7

UNCLASSIFIED MANAGER:

Michele King, 408-630-2711

Governance Policies of the Board

Title: Chairperson's Role		
Category: Governance Process		
Policy No. GP-5	Adopted: September 7, 1999 Chair: Larry Wilson	Latest Revision: February 22, 2022 Chair: Gary Kremen
The Board of Directors revised and adopted this policy at its public meeting on the latest revision date.		

The Chairperson assures the integrity of the Board's process and represents the Board to outside parties.

Accordingly:

- 5.1. The job result of the Chairperson is that the Board behaves consistently with its own policies and those legitimately imposed upon it from outside the organization.
 - 5.1.1. Board meeting discussion content will be only those issues which, according to Board policy, clearly belong to the Board to decide, not the BAOs.
 - 5.1.2. Board deliberation will be fair, open, and thorough, but also timely, orderly, and kept to the point.
- 5.2. The authority of the Chairperson consists in making decisions that fall within topics covered by Board policies on Governance Process and Board Appointed Officer Linkage, with the exception of (a) employment or termination of a BAO and (b) where the Board specifically delegates portions of this authority to others. The Chairperson is authorized to use any reasonable interpretation of the provisions in these policies.
 - 5.2.1. The Chairperson is empowered to chair Board meetings with all the commonly accepted power of that position (e.g., ruling, recognizing).
 - 5.2.2. The Chairperson is empowered to modify previously approved Board Standing Committee work plans and agendas in the event returning to the Board would delay distribution of Standing Committee meeting materials.
 - 5.2.3. The Chairperson has no authority to make decisions about policies created by the Board within Ends and Executive Limitations policy areas. Therefore, the Chairperson has no authority to supervise or direct the BAOs.
 - 5.2.4. The Chairperson may represent the Board to outside parties in announcing Board-stated positions and in stating Chair decisions and interpretations within the area delegated to her or him.

Governance Policies of the Board

- 5.2.5. The Chairperson may delegate this authority but remains accountable for its use.
- 5.2.6. The Chairperson will determine, in concert with the CEO as necessary, whether to place on an agenda consideration of documents of support or recognition (e.g., resolutions, commendations, certificates of appreciation, etc.) for individuals, organizations or efforts in the community by evaluating whether the individual, organization or effort has a clear nexus to issues relevant to the District.
 - 5.2.6.1. A Board member may, at his or her discretion, request the CEO to prepare for the Board member's signature a Certificate of Appreciation for an individual, organization, or effort. The Chair may also sign the certificate.
 - 5.2.6.2. No more than three Board members may sign one of the above-mentioned documents, unless the action was approved by the Board at a Board meeting.
 - 5.2.6.3. Should there be disagreement between the Chair and a Board member over a request for placement of any of the above-mentioned documents on an agenda, the Board member may request that the matter be placed on the next available Board agenda for consideration.
- 5.2.7. The Chair may add agenda items to agendas.
- 5.2.8. The Chair may execute documents on behalf of the Board using electronic and/or digital signatures (such as DocuSign) as allowed by law in lieu of handwritten signatures, including the following Board-approved documents:

- Agreements
- Agreement Amendments
- Contracts
- Resolutions (excluding Resolutions of Appreciation) Ordinances
- Board Meeting Minutes
- Letters

- 5.3. The Board of Directors elects both the Chairperson (Chair) and Vice Chairperson (Vice Chair) of the Board. The Chair and Vice Chair each serve 1-year terms beginning at the first Board meeting in January of each year.

Accordingly:

- 5.3.1. Beginning in the calendar year 2012, the positions of Chair and Vice Chair shall rotate from member to member in numerical order continuing from the 2010 rotation: the District 4 Director

Governance Policies of the Board

would be Chair and District 5 Director would be Vice Chair; the Vice Chair follows the Chair in sequence.

5.3.2. Any Board member may, at his/her discretion, and on a one-time basis, postpone, by one year, the acceptance of either the Chair or Vice Chair office by “swapping” with the Director immediately following him/her on the list of succession.

5.3.2.1. Provided, however, that newly-elected or appointed Board members will postpone, by one year, the acceptance of the Chair office by “swapping” with the Director immediately following him/her on the list of succession.

5.3.3. Any Board member may, at his/her discretion, decline to serve as Chair or Vice Chair. In the event the Board member declines to serve, that District shall be skipped and the next District Board member shall serve in their stead.

5.3.4. The Clerk of the Board shall maintain the list of Board member service as Chair or Vice Chair.

Governance Policies of the Board

Title: Board Members' Code of Conduct Category: Governance Process		
Policy No. GP-6	Adopted: June 15, 1999 Chair: Larry Wilson	Latest Revision: July 28, 2020 Chair: Nai Hsueh
The Board of Directors revised and adopted this policy at its public meeting on the latest revision date.		

The Board commits itself and its members to ethical, business-like, and lawful conduct, including proper use of authority and appropriate decorum when acting as Board members.

Board members who do not adhere to this code of conduct may be subject to the procedures of GP-6.7 through GP-6.9 listed below.

- 6.1. Members must have loyalty to the District and community and not be conflicted by loyalties to staff, other organizations or any personal interest.
- 6.2. Members must avoid conflict of interest with respect to their fiduciary responsibility and are obligated by virtue of their office to discharge their responsibilities with integrity and fidelity and are prohibited from placing themselves in a position where their private, personal interest may conflict with their official duties.
- 6.3. Board members may not attempt to exercise individual authority over the organization.
 - 6.3.1. Members' interaction with the BAOs or with staff must recognize the lack of authority vested in individual members except when explicitly Board authorized. Board members shall refrain from abusive conduct, personal charges or verbal assaults upon the character or motives of other members of the Board, committees, commissions, staff and the public. Board members shall support the maintenance of a positive and constructive environment for District employees.
 - 6.3.2. Members' interaction with public, press or other entities must recognize the same limitation and the inability of any Board member to speak for the Board except to repeat explicitly stated Board decisions.
 - 6.3.3. No member shall contact staff on behalf of a party who is bidding or intends to bid on a District contract or who has or intends to submit a response to a request for proposals or request for qualifications, nor shall a Director inquire about the identity of bidders or proposers prior to the time that staff has made a recommendation for selection of a contractor, vendor, or consultant. Members are not prohibited from making general inquiries about the status of a particular procurement, or from providing a member of the public with information about the appropriate staff contact concerning procurement of goods and services by the District.

Governance Policies of the Board

6.3.4. After issuance of a request for goods or services, Board members are prohibited from communicating with any current or potential vendor, supplier, contractor, or consultant, except as described in this paragraph, until after issuance by the Chief Executive Officer or his/her designee of a decision on any protest relating to the request for goods or services or resultant contract award. Any communications during this period shall be limited to matters unrelated to the request for goods or services or the contract award. Whenever the member has communicated during the aforementioned period with any current or potential vendor, supplier, contractor, or consultant in violation of these restrictions, the name of the party, the date, and the content of the communications shall be disclosed at the next board meeting after the communication and noted in the minutes.

6.4. Members will respect the confidentiality appropriate to issues of a sensitive nature.

6.4.1. No member shall violate the confidentiality of closed session discussion.

6.5. Members will be properly prepared for Board deliberation.

6.6. The Board may not authorize severance pay for a Board-appointed employee of the District when the employee voluntarily separates from District employment. "Severance pay" does not include any otherwise lawful payment required to be paid by the District under a pre-existing employment agreement or under a separation and release agreement resolving a claim or claims made or threatened against the District. The Board shall not agree to amend an employment contract after the employee announces or requests a voluntary separation, except upon a Board determination, in open session, that an adjustment in compensation is required to retain the employee and is in the best interest of the District.

6.7. This policy applies to the Santa Clara Valley Water District Board of Directors and the following procedures shall be followed when any member of the Board of Directors reasonably believes that another member of the Board has engaged in misconduct or has failed to act in the best interests of the District. The procedures shall not be effective in any case in which a non-board member seeks redress for alleged misconduct by a Board member. While the Board has discretion in deciding the actions it may choose to take in response to a complaint, this policy provides definitions and procedures related to three types of actions: admonition, sanction and censure.

6.7.1. Admonition

Admonition is the least severe form of action. An admonition may typically be directed to all members of the Board, reminding them that a particular type of behavior is not in the best interests of the District, and that, if it occurs or is found to have occurred, could make the member subject to sanction or censure. An admonition may be issued in response to a

Governance Policies of the Board

particular alleged action or actions, although it would not necessarily have to be triggered by a complaint of misconduct. An admonition may be issued by the Board prior to any findings of fact regarding any complaint, and because it is a warning or reminder, would not necessarily require an investigation or separate public hearing to determine whether a complaint is true.

6.7.2. Sanction

Sanction is the next most severe form of action. Sanction should be directed to a particular member of the Board based on a particular action (or set of actions) that is determined to be misconduct but is considered by the Board not to be sufficiently serious to require censure. A sanction is distinguished from censure in that it does not constitute punishment. A written sanction may be based upon the Board's review and consideration of a written complaint. The member accused of such misconduct will have an opportunity to provide a written response to the complaint. A sanction may be issued by the Board, and because it is not punishment or discipline, it would not necessarily require an investigation or separate public hearing.

6.7.3. Censure

Censure is the most severe form of action in this policy. Censure is a formal statement of the Board officially reprimanding one of its members. It is a punitive action, which serves as a penalty imposed for misconduct, but it carries no fine or suspension of the rights of the member as an elected official. Censure should be used for cases in which the Board determines that the misconduct is a serious offense. In order to protect the overriding principle of freedom of speech, the Board shall not impose censure on any of its members for the exercise of his or her First Amendment rights, no matter how distasteful the expression was to the Board or the District. However, nothing herein shall be construed to prohibit the Board from collectively condemning and expressing their strong disapprobation of such remarks.

6.7.4. Referral to District Attorney

At any point during any of the processes hereinafter described, the Board may refer the matter, as appropriate, to the Santa Clara County District Attorney for investigation. Prior to or following such referral, the Board may proceed with any of the actions described in this policy.

6.8. Available Procedures for addressing Misconduct

There are four separate methods for the Board to address Board member misconduct under this Policy: (1) written complaint; (2) request for admonition; (3) request for sanction; and (4) request for censure. Written complaints that specifically seek admonition, sanction, or censure as a specific remedy shall be treated as a request for that remedy (admonition, sanction, or censure), and the provisions of sections GP-6.9 and GP-6.10 shall not apply.

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6.9. Written Complaints

In the event a Board member reasonably believes another Board member has failed to act in the best interests of the District resulting in misconduct, a written complaint shall be submitted to the Chief People Officer. Upon receipt, the Chief People Officer, Human Resources Division shall transmit the complaint to the District Counsel for review. The District Counsel shall review complaints to determine whether there is a sufficient basis for further action.

6.9.1. If a complaint fails to articulate a sufficient basis for further consideration, the complainant and the accused Board member will be so advised by the District Counsel, and the matter shall be deemed concluded.

6.9.2. If a complaint adequately articulates a sufficient basis for further action, the District Counsel shall present the complaint to the Board Ethics and Conduct Ad Hoc Committee (the "Committee"), which shall be comprised of the Chair and two members of the Board. In the event the subject of a complaint is the Chair or any member of the Committee, the Board shall select another Board member to serve on the Committee in that member's stead. The District Counsel may recommend to the Committee that:

6.9.2.1. Fact finding as to the complaint should be conducted; or

6.9.2.2. Informal resolution of the complaint should occur; or

6.9.2.3. An independent investigation of the complaint should occur.

6.10. Prior to any determination by the Committee to proceed with an investigation, the accused Board member must be given a reasonable opportunity to meet with the Committee or to provide a written response to the complaint. In deciding whether or not to open an investigation, the Committee should consider:

6.10.1. Whether an investigation may compromise investigations regarding the same alleged misconduct, whether the misconduct may result in criminal charges, and whether the right of the accused Board member to a fair jury trial may be compromised by proceeding with an investigation.

6.10.2. Whether persons involved in the allegations may choose to exercise their constitutional right against self-incrimination, which may limit the investigation's ability to present a full and impartial picture of alleged events.

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- 6.10.3. Whether measures can be taken to protect the rights of the member accused of misconduct, the member making such allegations, and those who have information regarding the allegations.

6.11. Investigations

- 6.11.1. If the Committee determines that an investigation is warranted, upon notification of the Board, District Counsel may be directed to conduct the investigation. District Counsel may select and manage an independent investigator to assist in conducting the investigation.
- 6.11.2. In the course of the investigation, District Counsel shall determine the process by which statements are taken. District Counsel may allow witnesses to choose to provide a signed declaration under penalty of perjury attesting to their knowledge of the facts surrounding the complaint.
- 6.11.3. At the conclusion of the investigation, the results of the investigation shall be presented in writing to the Committee and CEO. If the Committee is satisfied with the completeness of the investigation, it shall provide the Board with its findings and any recommendations. Following such findings and recommendations, any individual Board member may file a request for admonition, sanction, or censure.
- 6.11.4. If the Committee determines that an investigation is not warranted, the complainant and the Board shall be notified. Following such notification, any Board member may file a request for admonition, sanction, or censure.
- 6.11.5. Should any Board member file a request for admonition, sanction, or censure following investigation, the Committee shall submit to the Board a recommendation as set forth in sections GP-6.12.2, GP-6.13.2, or GP-6.14.2, below, and the matter shall thereafter be considered by the Board at its next public meeting subject to the restrictions of section GP-6.14.5, below.

6.12. Request for Admonition

- 6.12.1. Any Board member may make a written request for an admonition which must be submitted to the Committee. The request must contain specific language descriptive of the alleged misconduct and the reason(s) admonition is appropriate. A copy of the request for admonition shall be provided to the Board member accused of the misconduct.
- 6.12.2. The Committee shall review the request and submit it to the Board with a recommendation. The Committee's recommendation shall provide:

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6.12.2.1. Admonition is warranted; or

6.12.2.2. Admonition is not warranted; or

6.12.2.3. No further action is required.

6.12.3. A recommendation by a majority of the Committee shall be based on the Committee's review of the written record.

6.12.4. An admonition can be approved by a majority of the Board.

6.13. Request for Sanction

6.13.1. Any Board member may make a written request for sanction which must be submitted to the Committee. The request must contain specific language descriptive of the alleged misconduct and the reason(s) sanction is appropriate. A copy of the request for sanction shall be provided to the Board member accused of the misconduct by personal service within five (5) business days from the date the Committee receives the request. The time for service shall be tolled if the Board member is unavailable for service.

6.13.2. The Committee shall review the request and determine if an investigation is warranted. Following the investigation, or if no investigation was undertaken, following review of the request, the Committee shall submit the request to the Board with a recommendation. The Committee's recommendation shall provide:

6.13.2.1. Admonition, rather than sanction is warranted; or

6.13.2.2. Sanction is warranted; or

6.13.2.3. No further action is warranted.

6.13.3. A recommendation by a majority of the Committee shall be based on the Committee's review of the written record.

6.13.4. The Committee's recommendation shall be subject to a majority vote of the Board.

6.14. Request for Censure

6.14.1. Any Board member may make a written request for a censure which must be submitted to the Committee. The request must contain specific language descriptive of the alleged misconduct and the reason(s) censure is appropriate. A copy of the request for censure shall be served

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on the Board member accused of the misconduct by personal service within five (5) business days from the date the Committee receives the written request. The time for service shall be tolled if the Board member is unavailable for service.

- 6.14.2. The Committee shall review the request and submit the request to the Board with a recommendation. The Committee's recommendation shall provide:
 - 6.14.2.1. Further investigation of the request for censure is required; or
 - 6.14.2.2. Admonition or sanction is warranted; or
 - 6.14.2.3. The request for censure should be set for a separate Board public hearing; or
 - 6.14.2.4. No further action is required.
- 6.14.3. A recommendation by a majority of the Committee shall be based on the Committee's review of the written record.
- 6.14.4. If the Board determines that further investigation is required, the Board shall direct the Committee to lead the investigation which may be assisted by the CEO and District Counsel. The following guidelines apply to such an investigation:
 - 6.14.4.1. The Committee may be assisted by a separate independent investigator.
 - 6.14.4.2. Upon completion of the investigation, the Committee should determine if taking all the facts and evidence into consideration, there are reasonable grounds to believe or not believe that the misconduct occurred.
 - 6.14.4.3. The Committee shall issue to the Board a final a report and recommendation as approved by a majority of the Committee. The Committee's final report shall be made available to the public.
- 6.14.5. If a separate Board public hearing is required, it must be scheduled far enough in advance to provide the Board member subject to the charges adequate time to prepare a defense, and that Board member shall be given the opportunity to make an opening and closing statement and to question his or her accusers. The Board member subject to the charges may be represented and may have the representative speak or question on his/her behalf. **The Chair or Vice Chair, if the Chair is the subject of the charges, shall preside at the public hearing.** The rules of evidence shall not apply to the hearing of the matter, which is not a formal adversarial proceeding. If the District Counsel has assisted Board members in the

Governance Policies of the Board

investigation, independent legal counsel shall provide legal advice to the Board during the hearing of the matter.

- 6.14.6. A decision to censure requires the adoption of a resolution making findings with respect to the specific charges, based on substantial evidence and approved by a two-thirds vote of Board.

6.15. Complaints from non-Board members

This policy applies to the Santa Clara Valley Water District Board of Directors and the following procedure shall be followed when a non-Board member files a written complaint stating his/her reasonable belief that a member of the Board has acted or failed to act in the best interests of the District resulting in misconduct. While the Board has discretion in deciding the actions it may choose to take in response to such a complaint, this policy provides definitions and procedures related to three types of actions: admonition, sanction and censure as defined in sections GP-6.7.1, GP-6.7.2., and GP-6.7.3, of this policy.

- 6.16. At any point during any of the processes hereinafter described, the Board may refer the matter as appropriate to the Santa Clara County District Attorney for investigation. Following such referral, the Board may proceed with any of the actions described in this policy.

- 6.17.** This policy applies to the Santa Clara Valley Water District Board of Directors and the following procedures shall be followed when a non-Board member reasonably believes that a member of the Board has acted or failed to act in the best interests of the District resulting in misconduct. A written complaint signed by the complainant shall be filed with the Chief People Officer, Human Resources Division. Upon receipt, the Chief People Officer shall transmit the complaint to the Chief Executive Officer (CEO) and the District Counsel for review. The CEO and District Counsel shall review the complaint to determine whether there is a sufficient basis for further action.

- 6.17.1. If a complaint fails to articulate a sufficient basis for further consideration, the complainant and the accused Board member will be so advised and the matter shall be deemed concluded.

- 6.17.2. If a complaint adequately articulates a sufficient basis for further action, the CEO and District Counsel shall present the complaint to the Chair of the Board.** In the event the subject of the complaint is the Chair, the Vice Chair shall be presented with the complaint. The CEO and District Counsel may recommend to the Chair or Vice Chair that:

- 6.17.2.1. Fact finding as to the complaint should be conducted; or

- 6.17.2.2. Informal resolution of the complaint should occur; or

- 6.17.2.3. An independent investigation of the complaint should occur.

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6.18. Prior to the determination by the Chair or Vice Chair to proceed with an investigation, the accused Board member must be given a reasonable opportunity to meet with the Chair or Vice Chair or to provide a written response to the complaint. In deciding whether or not to open an investigation, the Chair or Vice Chair should consider:

- 6.18.1. Whether an investigation may compromise investigations regarding the same alleged misconduct and if the misconduct may result in criminal charges, whether the right of the accused Board member to a fair jury trial may be compromised by proceeding with an investigation.
- 6.18.2. If persons involved in the allegation may choose to exercise their constitutional right against self-incrimination, which may limit the investigation's ability to present a full and impartial picture of the alleged events.
- 6.18.3. Measures to protect the rights of the member accused of misconduct, the non-Board member making such allegations, and those who have information regarding the allegations.

6.19. Investigations

6.19.1. If the Chair or Vice Chair determines that an investigation is warranted, upon notification of the Board, District Counsel may be directed to conduct an investigation, and District Counsel may select and manage an independent investigator to assist in conducting such investigation.

Alternatively, at the discretion of the Chair or Vice Chair, the Board's Ethics and Conduct Ad Hoc Committee (as described in Section 6.9.2 of the Board's Governance Policies) shall select an independent investigator to conduct the investigation.

6.19.2. In the course of the investigation, District Counsel shall determine the process by which statements are taken. A witness may choose to provide a signed declaration under penalty of perjury attesting to his/her knowledge of the facts surrounding the complaint. Within ninety (90) days of the date an investigation begins, District Counsel shall inform the Board of the investigation's progress. Investigations should be completed within six (6) months from the date the investigation begins; however, in the event the investigation cannot be completed within the six (6) month time period, District Counsel shall so notify the Board.

6.19.3. At the conclusion of the investigation, the results of the investigation shall be presented in writing to the Chair or Vice Chair. If the Chair or Vice Chair is satisfied with the completeness of the investigation, the Chair or Vice Chair shall provide the Board with findings and any recommendations. Following such findings and recommendation, any individual Board member may file a request for admonition, sanction, or censure.

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- 6.19.4. If the Chair or Vice Chair determines that an investigation is not warranted, the complainant and the Board shall be notified. Following such notification, any Board member may file a request for admonition, sanction, or censure as set forth in sections GP-6.12, GP-6.13, or GP-6.14 of this policy, save and except that whenever the term "Committee" appears therein, the term "Chair" or "Vice Chair" shall be applicable.
- 6.19.5. Should any Board member file a request for admonition, sanction, or censure following the Chair or Vice Chair's findings and recommendations or determination that an investigation is not warranted as set forth in sections GP-6.19.1 through GP-6.19.4 above, the matter shall thereafter be considered by the Board at its next public meeting subject to the restrictions of section GP-6.14.5, above.

Governance Policies of the Board

Title: Board Committee Structure

Category: Governance Process

Policy No. GP-9

Adopted: June 15, 1999
Chair: Larry Wilson

Latest Revision: December 10, 2019
Chair: Linda J. LeZotte

The Board of Directors revised and adopted this policy at its public meeting on the latest revision date.

Nominations of Board members to committees shall be made by the Chair subject to approval by the Board, subject to annual review.

9.1. Board Committees:

9.1.1. A committee is a Board committee only if its existence and charge come from the Board, regardless whether Board members sit on the committee. Unless otherwise stated, a committee ceases to exist as soon as its task is complete.

9.2. Board Members Representation on Board Standing and Ad Hoc Committees:

9.2.1. Board members who are not the appointed representatives to Board Standing or Ad Hoc Committees shall be permitted to attend open noticed meetings of such committees only as observers to watch and listen, and not participate in discussion, ask questions or make statements. The non-appointed Board member(s) must observe the meeting from the area designated for members of the public. During the course of the meeting, appointed representatives of Board Standing or Ad Hoc Committees shall not speak to or otherwise engage with non-appointed Board members attending the meeting as observers.

9.3. Board Members Representation on External Committees:

9.3.1. Board members serving on external committees or other governing bodies shall serve in the best interest of the District unless otherwise required by statute, ordinance, resolution or other legislative action.

9.3.2. Board members shall serve on appointed committees to maintain effective relationships.

Governance Policies of the Board

Title: Communication and Support to the Board		
Category: Executive Limitations		
Policy No. EL-7	Adopted: June 15, 1999 Chair: Larry Wilson	Latest Revision: July 29, 2015 Chair: Gary Kremen
The Board of Directors revised and adopted this policy at its public meeting on the latest revision date.		

The BAOs shall inform and support the Board in its work.

Further, a BAO shall:

- 7.1. Inform the Board of relevant trends, anticipated adverse media coverage, or material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established. [See BAO Interpretation](#)
- 7.2. Inform the Board of the intent to approve a collaborative agreement and keep the Board informed on an ongoing basis.
- 7.3. Inform the Board of the intent to undertake negotiation of any imported water management agreement connected with proposed land development or involving a private or non-governmental party and keep the Board informed of imported water management activities on an ongoing basis. [See BAO Interpretation](#)
- 7.4. Marshal for the Board as many employee and external points of view, issues and options as needed for fully informed Board choices. [See BAO Interpretation](#)
- 7.5. Deal with the Board as a whole except when (a) fulfilling informal or oral individual requests for information or (b) responding to officers or committees duly charged by the Board. Responses to formal “Board Member Requests” should be given to the entire Board. [See BAO Interpretation](#)
- 7.6. Report in a timely manner an actual or anticipated noncompliance with any policy of the Board. [See BAO Interpretation](#)
- 7.7. Supply for the consent agenda all items delegated to the BAOs yet required by law or contract to be Board-approved. [See BAO Interpretation](#)

Governance Policies of the Board

- 7.8. For emergency legislation, obtain the concurrence of the Chair of the Board of Directors, or the Chair's designee, prior to communicating a position on legislation:
- 7.8.1. Inform the Board regarding positions on legislation communicated on behalf of the District no later than the next regularly scheduled Board of Directors meeting.
- 7.9. Respond to individual Board member requests and Board requests within 30 calendar days, except as follows: *See BAO Interpretation*
- 7.9.1. For Board member and Board requests for information, a BAO shall respond within 30 calendar days of the initial Board member request. In the event that the responsible BAO determines that a Board request will require more than 30 calendar days to complete, the BAO shall inform the Board within 30 calendar days of receiving the request. Upon making this notification, the BAO shall also specify the expected completion date for the request.
 - 7.9.2. For Board member requests determined by a BAO to be non-routine and require redirection of District employees to the detriment of their normally assigned duties, the BAO shall agendize that request and report to the Board that fulfilling the request will require substantive work and request direction from the Board on whether to proceed with fulfilling the request.
- 7.10. Make available to the public agendas and employee reports, if available, containing recommendations about any item on the agenda of a regular public meeting of the Board, or of a public hearing conducted by the Board, or of a Board Standing or Ad Hoc Committee, no later than 10 days prior to the date of such a meeting or hearing except for the following reports, which shall be made available as soon as possible: *See BAO Interpretation*
- 7.10.1. Reports relating to a contract award, if the contract has been considered at a prior Board meeting;
 - 7.10.2. Reports recommending Board action necessary to meet a legal deadline, including a deadline for a grant funding application;
 - 7.10.3. Reports conveying a recommendation from a Board committee;
 - 7.10.4. Reports recommending immediate Board action to address urgent health, safety, or financial matters identified in the report;
 - 7.10.5. Supplemental reports conveying additional information received after the initial report was released.

Governance Policies of the Board

If a recommendation in an employee report is revised based upon direction from a member of the Board, the revision shall be disclosed in the applicable report.

- 7.11. Retain or employ adequate legal counsel to advise and represent the District and report to the Board the retention of employment of such counsel; inform the Board about threatened or pending litigation; or provide quarterly reports to the Board describing legal activity, status of litigation, cost of external legal counsel, and significant current and potential claims against the District.
- 7.12. Include in minutes of meetings of the Board, a report of the actions taken in closed session at that meeting in accordance with Section 54957.1 of the Government Code.



Santa Clara Valley Water District

File No.: 23-0240

Agenda Date: 3/6/2023
Item No.: 4.3.

COMMITTEE AGENDA MEMORANDUM Board Policy and Planning Committee

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:

Review Committee 2023 Work Plan and Meeting Schedule.

RECOMMENDATION:

- A. Review the 2023 Board Policy and Planning Committee's Work Plan and incorporate any new tasks; and
- B. Schedule Committee meetings as appropriate.

SUMMARY:

This allows the Committee an opportunity to review its 2023 Work Plan and meeting schedule (Attachment 1) and identify additional tasks and schedule meetings as appropriate.

ATTACHMENTS:

Attachment 1: 2023 BPPC Work Plan

UNCLASSIFIED MANAGER:

Michele King, 408-630-2711

2023 Board Policy and Planning Committee Work Plan and Schedule

Subject	Task	1/11/23	2/6/23	3/6/23	4/3/23	5/1/23	6/5/23	7/3/23	8/7/23	9/4/23	10/2/2023	11/6/2023	12/4/2023
Board Planning Process	A. Provide Support for Board Planning Activities												
	1. Discuss FY23-24 Board Budget Message & Board Work Plan												
	2. Planning for Board's FY23-24 Strategic Planning Workshop												
	B. Provide Support for Board Policy Review												
	1. Expansion of the Water Resources Protection Manual	X											
	2. Fuel Management Policy and Wildfire Resilience Plan												
	3. One Water Watershed Plans												
	4. Climate Change Action Plan Implementation Update.	X											
	5. Develop a Board Code of Conduct Board's Governance Policy for Board Approval.			X									
Board Committees Principles and Structures	6. Review Board Governance Policies related to the Election of the Board Chairperson/Vice Chairperson and the Chairperson's role.			X									
	C. Align Board Committees' Work Plans with Board Planning Calendar												
Other Assignments Requested by Board	1. Review Effectiveness of Board Advisory Committees (External) - Meet with BPPC prior to presenting Accomplishment Reports to Board.		X		X								
	D. Other Assignments as Requested by the Board												
Other Assignments Requested by Board	1. Analyze Santa Clara County Civil Grand Jury Final Report: If You Only Read the Ballot, You're Being Duped, October 7, 2022, and Provide Recommendations to Full Board by March 31, 2023.		X										

2023 Board Policy and Planning Committee Accomplishments Report

Subject	Task		Action Taken
Board Planning Process	A.	Provide ongoing support for Board Planning Activities	
	1.	Discuss FY23-24 Board Budget Message & Board Work Plan	
	2.	Planning for Board's FY23-24 Strategic Planning Workshop	
	B.	Provide Support for Board Policy Review	
	1.	Expansion of the Water Resources Protection Manual	1/11/23 - Received an update and provided input on the WRPM and outreach efforts related to the guidelines and standards for land use near streams.
	2.	Fuel Management Policy and Wildfire Resilience Plan	
	3.	One Water Watershed Plans	
	4.	Climate Change Action Plan Implementation Update.	1/11/23 - Received an update and provided input on high-priority climate change mitigation and adaption actions.
	5.	Develop a Board Code of Conduct Board's Governance Policy for Board Approval.	
	6.	Review Board Governance Policies related to the Election of the Board Chairperson/Vice Chairperson and the Chairperson's role.	
Board Committees Principles and Structures	C.	Align Board Committees' Work Plans with Board Planning Calendar	
	1.	Review Effectiveness of Board Advisory Committees (External) - Meet with BPPC prior to presenting Accomplishment Reports to Board.	2/6/23 - Board Advisory Committee Chairs/Vice Chairs attended meeting and provided feedback. Information collected will be shared with the Committees and will return to the BPPC for possible recommendations to the Board.
Other Assignments Requested by Board	D.	Assignments as Requested by the Board	
	1.	Analyze Santa Clara County Civil Grand Jury Final Report: If You Only Read the Ballot, You're Being Duped, October 7, 2022, and Provide Recommendations to Full Board by March 31, 2023.	2/5/23 - BPPC reviewed the report and made recommendations to the full board.