

RESOLUTION NO. 2023-01-18-02

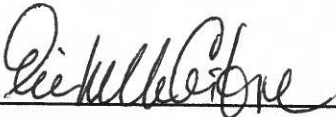
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SALTON COMMUNITY SERVICES DISTRICT ADOPTING A CODE OF ETHICS AND CONDUCT FOR ELECTED AND APPOINTED OFFICIALS

WHEREAS, the Board of Directors of the Salton Community Services District has determined that a code of conduct applicable to the conduct of Directors and appointed officials is essential to assure the mission of the District may be carried out in a way that is transparent, respectful and in the best interests of the community and the staff of the District;

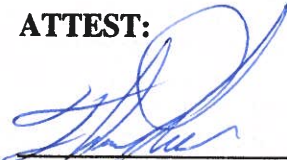
NOW, THEREFORE, BE IT RESOLVED that the Salton Community Services District adopts the attached Code of Ethics and Conduct for Elected and Appointed Officials.

PASSED AND ADOPTED by the Salton Community Services District at a regular meeting held on the 18th day of January 2023, by the following vote:

	Yes	No
Michelle Gilmore, President	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Friese, Vice President	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Manuel Ramos, Board Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dale Johnson, Board Member	<input type="checkbox"/>	<input checked="" type="checkbox"/> Absent
Lidia A. Sierra, Board Member	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Michelle Gilmore, President of the Board of Directors

ATTEST:


Thania Garcia, Secretary of the Board of Directors

SALTON COMMUNITY SERVICES DISTRICT
Code of Ethics and Conduct
for
Elected and Appointed Officials

Policy Purpose

The Salton Community Services District (“SCSD”) Board of Directors 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 SCSD’s government. For ease of reference the term “member” refers to any member of the SCSD Board of Directors or SCSD Committees established by SCSD.

A. ETHICS

The citizens and businesses of SCSD are entitled to have fair, ethical and accountable local government. To this end, the public should 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 Board of Directors, and of all Committees shall conduct themselves in accordance with the following ethical standards:

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 SCSD 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 SCSD Policy. Members shall comply with the laws of the nation, the State of California and SCSD of SCSD in the performance of their public duties.
3. Conduct of Members. The professional and personal conduct of members while exercising their office 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 Board, 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 Board of Directors.
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, members shall refrain from receiving information outside of an open public meeting or the agenda materials, except on advice of the SCSD legal counsel. Members shall publicly disclose substantive information that is relevant to a matter under consideration by the body 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 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, (b) an organizational responsibility or personal relationship which may give the appearance of a conflict of interest, or (c) a strong personal bias.

A member who has a potential conflict of interest regarding a particular decision shall disclose the matter to the SCSD legal counsel and reasonably cooperate with the SCSD legal counsel to analyze the potential conflict. If advised by the SCSD legal counsel to seek advice from the Fair Political Practices Commission (FPPC) or other appropriate state agency, a member shall not participate in a decision unless and until he or she has requested and received advice allowing the member to participate. A member shall diligently pursue obtaining such advice. The member shall provide the General Manager and the SCSD legal counsel a copy of any written request or advice, and conform his or her participation to the advice given. In providing assistance to members, the SCSD legal counsel represents the SCSD and not individual members. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and if they have a 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.

10. **Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged and in particular such information disclosed in a duly convened closed session of the Board of Directors. 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., SCSD 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 Board shall not appear on behalf of the private interests of third parties before the Board or any Board, Committee or proceeding of the SCSD, nor shall members of Committees appear before their own bodies.

13. **Advocacy.** Members shall represent the official policies or positions of the Board of Directors, 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 SCSD of SCSD, nor will they allow the inference that they do. Board members

and Committee members have the right to endorse candidates for all Board seats or other elected offices. It is inappropriate to mention or display endorsements during Board meetings, or Committee meetings, or other official SCSD meetings.

14. **Policy Role of Members.** Members shall respect and adhere to the Board General Manager structure of SCSD government as outlined in the SCSD Bylaws. In this structure, the Board of Directors determines the policies of the SCSD with the advice, information and analysis provided by SCSD staff, Boards, Committees and Commissions, and the public. Except as provided by the SCSD Bylaws, members shall not interfere with the administrative functions of SCSD or the professional duties of SCSD staff; nor shall they impair the ability of staff to implement Board 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 Board shall refrain from using their position to unduly influence the deliberations or outcomes of Committee proceedings.

16. **Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive work place environment for SCSD employees and for citizens and businesses dealing with the SCSD. Members shall recognize their special role in dealings with SCSD employees to in no way create the perception of inappropriate direction to staff. Members shall refrain from rude, inappropriate or harassing conduct when dealing with staff. Members shall endeavor to schedule meetings with staff in advance so as not to disrupt the conduct of SCSD business unnecessarily.

B. CONDUCT GUIDELINES

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

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 should 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 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, 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 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.

(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 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.

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

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 and announce limits on speakers at the start of the public hearing process.

(c) Maintain an open mind

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

(d) 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.

3. Elected and Appointed Officials' Conduct with SCSD Staff

Governance of SCSD relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and SCSD staff who implement and administer the Board'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.

(a) Treat all staff as professionals

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

(b) Do not disrupt SCSD staff from their jobs

Elected and appointed officials should not disrupt SCSD 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 SCSD 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.

(c) Never publicly criticize an individual employee

Elected and appointed officials should never express concerns about the performance of a SCSD employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the SCSD Manager through private correspondence or conversation. Appointed officials should make their comments regarding staff to the SCSD General Manager.

(d) Do not get involved in administrative functions

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

(e) 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 SCSD staff. SCSD staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

(f) No Attorney-Client Relationship

Members shall not seek to establish an attorney-client relationship with the SCSD legal counsel, including his or her staff and legal counsels contracted to work on behalf of the SCSD. The SCSD legal counsel represents the SCSD and not individual members. Members who consult with the SCSD legal counsel cannot enjoy or establish an legal counsel-client relationship with the legal counsel.

4. Board Conduct with Boards, Committees and Commissions

The SCSD has established several Committees as a means of gathering more community input. Citizens who serve on Committees become more involved in government and serve as advisors to the Board of Directors. They are a valuable resource to the SCSD's leadership and should be treated with appreciation and respect.

(a) If attending a Committee meeting, be careful to only express personal opinions. Board members may attend any Committee 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 Board member at a Board, Committee or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire Board of Directors.

(b) Limit contact with Board and Committee members to questions of clarification. It is inappropriate for a Board member to contact a Committee to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Board members to contact Committee members in order to clarify a position taken by the Committee.

(c) Respect that Committees serve the community, not individual Board members. The Board of Directors appoints individuals to serve on Boards, Committees and Commissions, and it is the responsibility of Committees to follow policy established by the Board. But Committee members do not report to individual Board members, nor should Board members feel they have the power or right to threaten Committee members with removal if they disagree about an issue. Appointment and re-appointment to a Committee should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Committee appointment should not be used as a political "reward."

(d) Be respectful of diverse opinions

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

(e) Keep political support away from public forums

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

C. SANCTIONS

(a) Acknowledgement of Code of Ethics and Conduct

Board members who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct shall be ineligible for Committee assignments, intergovernmental assignments or Board subcommittees. Committee members who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct are not eligible to hold office.

(b) Ethics Training for Local Officials

Board members and staff members who are out of compliance with State or SCSD mandated requirements for ethics training shall not represent the SCSD on Committees, intergovernmental assignments or Board subcommittees, and may be subject to sanctions.

(c) Behavior and Conduct

The SCSD Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the SCSD Board of Directors, staff and Committees. 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 the Board, and Committees.

Board members:

Board members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Board, lose seniority or committee assignments (both within the and with intergovernmental agencies) or other privileges afforded by the Board. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by the Board. Individual Board members should point out to the offending Board member perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the President in private. If the President is the individual whose actions are being questioned, then the matter should be referred to the Vice President. It is the responsibility of the President (or Vice President) to initiate action if a Board member's behavior may warrant sanction. If no action is taken by the President (or Vice President), then the alleged violation(s) can be brought up with the full Board.

Committee Members:

Counseling, verbal reprimands and written warnings may be administered by the President to Committee members failing to comply with SCSD policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the President shall be distributed in memo format to the chair of the respective Committee, the SCSD Clerk, the SCSD legal counsel, the SCSD General Manager, and the Board of Directors.

The Board of Directors may impose sanctions on Committee members whose conduct does not comply with the SCSD's policies, up to and including removal from office. Any form of discipline imposed by Board shall be determined by a majority vote of at least a quorum of the Board at a noticed public meeting and such action shall be preceded by a Report to Board with supporting documentation. When deemed warranted, the President or majority of Board may call for an investigation of Committee member conduct. Also, should the SCSD General Manager or SCSD legal counsel believe an investigation is warranted, they shall confer with the President or Board. The President or Board shall ask the SCSD Manager or the SCSD legal counsel to investigate the allegation and report the findings. These sanctions are alternatives to any other remedy that might otherwise be available to remedy conduct that violates this code or state or federal law. In order to protect and preserve good government, any individual including the SCSD Manager and the SCSD legal counsel after complying with Rule 3-600(B) of the State Bar Rules of Professional Conduct, who knows or reasonably believes a member acts or intends or refuses to act in a manner that is or may be a violation of law reasonably imputable to the organization, or in a manner which is likely to result in substantial injury to the organization, may report the violation to the appropriate governmental authorities.

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 SCSD. 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 Board of Directors and applicants to Committees. Members entering office shall sign a statement (example 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 Board of Directors and Committees and updated it as necessary.

Example:

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

Signature: _____

Date: _____