



**MARIN MUNICIPAL
WATER DISTRICT**

BOARD POLICY

No.: 50

DATE: MARCH 5, 2013

SUBJECT: BOARD ETHICS POLICY

IT IS THE POLICY OF THE MARIN MUNICIPAL WATER DISTRICT BOARD OF DIRECTORS TO:

Promote ethical behavior in the conduct of District business.

Purpose and Scope

The proper operation of the District requires that Board Members remain objective and responsive to the needs of the public they serve, make decisions within the proper channels of governmental structure, and not use public office for personal gain. To further these objectives, certain ethical principles govern the conduct of each member of the Marin Municipal Water District Board of Directors.

This policy promotes awareness of ethics, integrity and fidelity as critical elements in Board Members' conduct and in achievement of the District's mission. It references relevant policies, practices, and procedures that provide the legal framework and operational guidelines for addressing ethical issues.

**Responsibilities of
Public Office**

District Board Members are dedicated to the concepts of effective and democratic governance by responsible elected officials. They:

- Uphold the Constitution of the United States and the Constitution of the State of California, and carry out the laws of the nation, the state and local governmental agencies;
- Comply with applicable laws regulating their conduct, including open government, conflict of interest, and financial disclosure laws;
- Fulfill all applicable training requirements, including attending two (2) hours of ethics (AB 1234) training every two (2) years; and,
- Work in full cooperation with other public officials, unless they are legally prohibited from doing so.

[Government Code Sections 1360 and 53235; Article 20, Section 3 of the California Constitution.]

**Fair and Open
Processes Involving
the Public**

District Board Members promote fair and open public processes. Board Members, and persons elected but who have not yet assumed office as Members of the Board, will fully comply with California's open meeting law for public agencies (the Brown Act).

[Government Code Sections 54950 et seq.; 54952.1 and 54959.]

**Fair and Equal
Treatment**

District Board Members promote diversity and equality in personnel matters and in contracting, consistent with state and federal laws.

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

[See, e.g., Article 1, Section 31 of the California Constitution; Age Discrimination in Employment Act of 1967; Americans with Disabilities Act of 1990; Fair Employment and Housing Act; Rehabilitation Act of 1973; Title VII of the Civil Rights Act of 1964; Labor Code Section 1102. See also the District's Administrative Policy No. 41 – Equal Employment Opportunity (EEO); Administrative Policy No. 29 – Anti Harassment and Discrimination Policy.]

**Proper Use and
Safeguarding of
District Property
and Resources**

District Board Members exercise responsible financial management in the conduct of District business.

- Board Members will safeguard District property, equipment, moneys, and assets against unauthorized use or removal, as well as from loss due to criminal act or breach of trust.
- A Board Member will not ask or require a District employee to perform services for the personal benefit or profit of a Board Member or employee.

- Each Board Member will protect and properly use any District asset within his or her control, including information recorded on paper or in electronic form.
- Board Members will maintain written records, including expense accounts, in sufficient detail to reflect accurately and completely all transactions and expenditures made on the District's behalf.

[Article 16, Section 6 of the California Constitution; Penal Code Section 424. See also Board Policy No. 13 – Retention of Ownership of District Watershed Lands and Board Policy No. 41 – Travel Authorization and Reimbursement of Travel Expenses for Elected Officials.]

Use of Confidential Information

Board Members will safeguard confidential information.

Board Members will not disclose information that legally qualifies as confidential to unauthorized persons without approval of the Board of Directors. This includes information that (1) has been received for, or during, a closed session Board meeting, (2) is protected from disclosure under the attorney/client or other evidentiary privilege, or (3) is not disclosable under the California Public Records Act.

A Board Member may make a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury necessary to establish the alleged illegality of a District action. Prior to disclosing confidential information, however, a Board Member will first bring the matter to the attention of either the President of the Board or the full Board, in a lawful and appropriate manner, to provide an opportunity to cure an alleged violation.

[Government Code Section 54963; Government Code Section 1098.]

Conflict of Interest

Board Members avoid both actual conflicts of interest and the appearance of conflicts of interest with the District.

- A Board Member will not have a financial interest in a contract with the District, or be purchaser at a sale by the District or a vendor at a purchase made by the District, unless his or her participation is legally authorized.

- A Board Member will not participate in the discussion, deliberation or vote on a matter before the Board, or in any way attempt to use his or her official position to influence a decision of the Board, if he or she has a prohibited interest with respect to the matter under California law.
- A Board Member will not accept any honoraria.
- A Board Member will not accept gifts that exceed the limitations specified in California law. Board Members will report all gifts, campaign contributions, income and financial information as required under the District's Conflict of Interest Code and the provisions of the Fair Political Practices Act and Regulations.
- A Board Member will not recommend the employment of a relative to the District or to any person known by the Board Member to be bidding for or negotiating a contract with the District.

[Government Code Sections 87100 et seq.; Government Code Sections 1090 et seq.; 81000 et seq.; 87105 and 89502 and Penal Code Sections 68 and 70.]

Soliciting Political Contributions

Board Members will not solicit political funds or contributions of in-kind services at District facilities.

- A Board Member will not solicit or direct a political contribution or in-kind services from District officers, employees, consultants or contractors, or from vendors or consultants that have a material financial interest in a contract or other matter while that matter is pending before the District.
- A Board Member will not use the District's seal, trademark, stationary, or other indicia of the District's identity or facsimile thereof in any solicitation for political contributions.

[Government Code Section 3205.]

Incompatible Offices

Except as expressly permitted by law, Board Members appointed or elected to another public office, the duties of which may legally require action contradictory or inconsistent with the interests of the first entity, will resign from the former Board.

(See, Government Code Section 1099, generally, 73 Cal.Op. Atty.Gen. 357 (1990). See also Government Code Section 53227, under which a special district employee may not be sworn into office as an elected or appointed Member of the same special district unless he or she resigns as an employee.)

**Board Member-
General Manager
Relationship**

The Board sets District policy and the General Manager is responsible for execution of policy.

- The Board provides policy direction and instructions to the General Manager on matters within the authority of the Board by majority vote of the Board during duly convened Board and Board committee meetings.
 - Members of the Board deal with matters within the authority of the General Manager through the General Manager, except as it pertains to the functions of the General Counsel.
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**Exercise
Responsible
Financial
Management**

The Board ensures the District exercises responsible financial management.

- The Board ensures that the District maintains a system of auditing and accounting that completely and at all times shows the financial condition of the District in accordance with generally accepted accounting principles and legal requirements.
- The Board retains an independent auditor who conducts an annual audit of the District's books, records and financial affairs. The District's Finance Manager and auditor will meet with the Board at the conclusion of the audit each year to review the audit results and recommendations.

**Improper Activities
and the Reporting
of Such Activities;
Protection of
Whistleblowers**

The Board ensures that the District maintains a healthy work environment.

- The General Manager has primary responsibility for ensuring compliance with the District's personnel/administrative policies and procedures, and ensuring that District employees do not engage in improper activities, for investigating allegations of improper activities, and for taking appropriate corrective and disciplinary actions. The Board ensures that the General Manager is operating the District according to law and the policies approved by the Board.
- Board Members will disclose to the General Manager, to the extent not expressly prohibited by law, improper activities within their knowledge. Board Members will not interfere with the General Manager's responsibilities in identifying, investigating and correcting improper activities, unless the Board determines the General Manager is not properly carrying out these responsibilities.
- A Board Member will not directly or indirectly use or attempt to use the authority or influence of his or her position to intimidate, threaten, coerce, command or influence any other person for the purpose of preventing such person from acting in good faith to bring to the attention of the General Manager or the Board any information that, if true, would constitute: a work-related violation by a Board Member or District employee of any law or regulation, gross waste of District funds, gross abuse of authority, a specified and substantial danger to public health or safety due to an act or omission of a District official or employee, use of a District office or position or of District resources for personal gain, or a conflict of interest of a District Board Member or District employee.

[Labor Code Section 1102.5 et seq.; Government Code Sections 53298 and 53298.5.]

**Directors'
Compensation and
Expense
Reimbursement**

The District Board Members receive a per diem amount as compensation for each day's attendance at meetings of the Board or for each day's service rendered as a member of the Board by request of the Board. That per diem amount is set by ordinance of the Board. No director may receive compensation for more than 10 days in any calendar month. The District reimburses Board Members for reasonable Board authorized expenses actually incurred in the performance of his or her duties.

[District Code Sections 2.10.060 & 2.10.070; Board Policy Nos. 41 & 42 and Government Code 53232.2.]

**Candidate's
Statement**

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

[Elections Code Section 13313.]

**Violation of Ethics
Policy**

A perceived violation of the District's ethics policy by a Board Member should be referred to the Board President for investigation and consideration of any appropriate action warranted. In the case of a perceived violation by the Board President, the matter should be referred to the Board Vice President. A violation of this policy may be addressed by remedies available by law, including but not limited to:

- Adopting a resolution expressing disapproval of the conduct of the Board Member who has violated this policy,
- Injunctive relief, or
- Referral of the violation to the District Attorney and/or the Grand Jury.