



BEAR VALLEY COMMUNITY SERVICES DISTRICT

ETHICS POLICY OF THE BOARD OF DIRECTORS

A. Purpose

It is the policy of Bear Valley Community Services District to promote ethical behavior by members of the Board of Directors in the conduct of District business.

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 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 polices, practices, and procedures that provide the legal framework and guidelines for addressing ethical issues.

B. Compliance with Ethics Laws Governing Public Office

1. BVCS D Board members are dedicated to the concepts of effective and democratic government 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 the local government agencies.
(Government Code Section 1360; Article 20, Section 3 of the California Constitution.)
 - Comply with applicable laws regulating their conduct, including open government, conflict of interest, and financial disclosure laws.
 - Receive training in ethics principles and ethics laws in accordance with Government Code Sections 53234 through 53235.2.

C. Fair and Open Processes Involving the Public

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, fully comply with California's open meeting law for public agencies (the Brown Act).

(Government Code Sections 54950 and following; including Sections 54952.1 and 54959.)

D. Fair and Equal Treatment

BVCSD Board members promote diversity and equality in all matters, consistent with state and federal laws.

1. Board members will not grant any special consideration, treatment, or advantage to persons or groups beyond that available to every other person or group in similar circumstances.
2. 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, sex, sexual preference, medical condition or disability.
3. Board members will cooperate in achieving the equal opportunity objectives of BVCSD.

(See, e.g. Article 1, Section 31 of the California Constitution; Age Discrimination in Employment Act of 1967; Americans Disabilities Act of 1990; Fair Employment and Housing Act; Rehabilitation Act of 1973; Title VII of the Civil Rights Act of 1964; California Labor Code Section 1102.)

E. Proper Use and Safeguarding of BVCSD Property and Resources

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

1. A Board member will not bribe, coerce, or otherwise request a BVCSD employee to perform services for the personal benefit or profit of a Board member or employee.
2. Each Board member will protect and properly use any BVCSD property within his or her control

A Board member will not use public funds or resources for personal, non-public purposes, including elections or political campaigns.

(Article 16, Section 6 of the California Constitution; Penal Code Section 42; Penal Code § 424; Government Code Section 8314.)

F. Use of Confidential Information

1. Board members will safeguard District confidential information in the member's possession or control.
2. 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.

3. In addition to any other penalty or remedy as provided by law, violations of this section may be used as a basis for disciplinary action or censure of a Board member by the Board.
 - If the Board determines a violation of this section has occurred, penalties and remedies include, but are not limited to, censure or exclusion from participation, including closed session, on that particular topic following notice and a hearing and action taken by a majority of the remaining members of the Board.
 - Violations by a Board member may also constitute official misconduct which may be cause for removal from office under Government Code Section 3060.
4. A Board member may make a confidential inquiry or compliant to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to the district attorney or grand jury necessary to establish the alleged illegality or potential illegality of a District action.

(California Government Code Section 54963; Government Code Section 1098.)

G. Conflict of Interest

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

1. A Board member will not have a financial interest in a contract with the District, nor 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.
2. 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.
3. A Board member will not accept gifts or honoraria that exceed the limitations specified in California law. Board member will report all gifts, honoraria 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.
4. A Board member will not recommend the employment of their dependent children 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 and following; California Government Code Sections 1090 and following; 81000 and following; and 87105; and Penal Code 68 and 70.)

H. Soliciting Political Contributions

1. Board member will not solicit political funds or contributions of in-kind services at BVCS D facilities.
2. A Board member will not accept, solicit, or direct a political contribution or in-kind services from District officers, employees, consultants, contractors, or

vendors.

3. A Board member will not use BVCSD's seal, logo, stationery, or other indicia of BVCSD's identity or facsimile thereof in any solicitation for political contributions.

(California Government Code Section 3205 and California Code of Regulations, Title 2, Section 18901.)

I. Incompatible Offices

Except as expressly permitted by law, a Board member that is appointed or elected to another public office, the duties of which may legally require action contradictory or inconsistent with the interests of the District, must resign from the Board.

(See, generally, 73 CA 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.)

J. Board Member-General Manager Relationship

The Board sets District policy and the General Manager is responsible for execution of policy. Directors should develop a working relationship with the General Manager wherein current issues, concerns, and District projects can be discussed comfortably and openly.

1. 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.
2. Members of the Board deal with all matters within the authority of the General Manager through the General Manager, except as it pertains to the functions of the General Counsel.
3. In handling complaints from residents and property owners of the District, all such complaints should be referred directly to the General Manager.
4. When approached by District personnel concerning specific District policies, programs or operations, Directors should direct inquiries to the General Manager, except in instances where personnel have a complaint regarding the General Manager.
5. When responding to constituent requests and concerns, Directors will respond to individuals in a positive manner and route their questions through the General Manager.

(Government Code Sections 61240-21245, BVCSD Code Section 2-2-4.)

K. Exercise Responsible Financial Management

The Board ensures the District exercises responsible financial management.

1. The Board ensures that BVCSD 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.
2. The Board retains an independent auditor who conducts an annual audit of the District's books, records and financial affairs. The auditor will meet with the Board's Finance/Administration Committee at the conclusion of the audit each year to review the audit results and recommendations.

L. Improper Activities and the Reporting Such Activities; Protection of Whistleblowers

The Board ensures that BVCSD maintains a healthy work environment.

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 and following; and Government Code Sections 53298 and 53298.5)

M. Directors' Compensation and Expense Reimbursement

BVCSD Board members receive a monthly stipend for their public service based upon the number of meetings attended or days of service to the District. BVCSD reimburses Board members for actual reasonable and necessary expenses incurred in the performance of duties authorized or requested by the Board in accordance with the Board of Directors Training, Travel and Reimbursement Policy.

(Government Code Section 61047 and Section 53232.2 and following.)

N. 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.)