

**WEST BAY SANITARY DISTRICT
GENERAL RULES OF OFFICE
FOR THE
DISTRICT BOARD**

Revision Date: 2/13/2013

Reviewed Date: 3/28/2018

GENERAL RULES OF OFFICE FOR THE DISTRICT BOARD

1. Code of Ethics and Conduct

A. Purpose. The Board of Directors of the West Bay Sanitary District has adopted the following set of principles of ethics and conduct as an expression of policy to guide the Board in its decision-making. As a statement of policies and guiding principles, this Code of Ethics and Conduct is meant to outline some of the legal and ethical obligations of Board Members, but shall not supersede existing laws and regulations.

B. Board Member Duties and Obligations. Each Board Member has the following duties:

1. To represent and work for the common good of the District and its citizens.
2. To provide fair and equal treatment for all persons and matters coming before the Board.
3. To faithfully perform all duties of their elected office, including:
 - a) understanding the roles and responsibilities of the Board position; and
 - b) becoming thoroughly knowledgeable about items of business before voting or developing a conclusion or recommendation; and
 - c) attending regular meetings.
4. To listen courteously and attentively to all public discussions and avoid interrupting other speakers, except as may be permitted by established Rules of Order.
5. To refrain from abusive conduct, personal charges or verbal attacks upon the character, motives, ethics or morals of other members of the District Board, District Employees, or members of the public.
6. All Board meeting shall be properly noticed and agendized in accordance with the Brown Act, and individual Board Members shall conduct themselves in accordance with the requirements thereof.

7. Confidential information shall not be disclosed by individual Board Members without the prior consent of a majority of the Board. Confidential information includes, but is not limited to the following: (1) documents which are exempted from disclosure under the Public Record Act (Govt. Code section 6250, et seq.); (2) information received in closed session; and (3) communications from legal counsel which are protected by attorney-client and attorney work-product privileges.
8. To scrupulously adhere to all pertinent laws and regulations governing conflicts of interest.
9. To refrain from accepting gifts, favors, or promises of future benefits which might compromise or tend to impair independent judgment or action.

C. Disciplinary Action

The Board of Directors may exercise any and all available legal remedies if it determines that a Board Member has violated any provision of state law governing conflicts of interest or self-interested contracts including, if applicable, referring the matter to appropriate prosecutorial authorities. The Board of Directors may further exercise all available legal remedies including, but not limited to, seeking injunctive relief, to prevent any violation of this Code respecting confidentiality and privilege. And the Board may publicly censure or reprimand any Board Member who violates any provision of this Code. Ultimate responsibility for complying with the Code rests with the individual Board Members.

2. Conflicts of Interest

The following is a brief summary of relevant portions of state law affecting service on the Board of Directors:

- A. **Interests in Contracts:** Members of the District Board and other public officers may not make any contract with the District in which they have a financial interest. Such contracts are void. (Government Code 1090, et seq.)
- B. **Discounted or Free Transportation Passes:** Office holders in California are strictly prohibited from accepting free passes or discounts from transportation companies. Violation of this prohibition is punishable by forfeiture of office. (California State Constitution)
- C. **The Political Reform Act:** The Political Reform Act (Government Code 81000, et seq.) forbids a public Board Member from participating in or attempting to influence those governmental decisions or actions in which he or she has a “financial interest” which could be materially affected by the decision. The Act defines the kinds of interests, (which includes interests owned by spouses, dependent children and agents, and certain businesses and trusts) which might cause a conflict and requires public Board Members to disqualify themselves from decisions which could affect those interests.

The Fair Political Practices Commission (FPPC) enforces the Political Reform Act.

3. Statement of Economic Interest

As established in Government Code 87200, Board Members must file Statements of Economic Interest upon assumption of office, on an annual basis, and when leaving office. The proper forms are supplied by the District. Members must disclose all investments, business positions, sources of income, and interests in real property which could be materially affected by the decisions made by their commission. The completed statements are kept on file by the District and are available for public inspection. Since the law permits the Fair Political Practices Commission to impose a penalty for failure to disclose in a timely manner, elected Board Members should be certain the statements are complete and filed on time.

4. Relations with District Staff

The District staff works under the direction of the District Manager. While the Board as a whole may direct the District Manager, individual Board Members shall not provide such direction or to become involved in the administrative or operational concerns of the District departments. However, the staff will be happy to answer questions and provide whatever assistance they can when authorized to do so by the District Manager.

It is expected that a mutually respectful and professional relationship will be maintained between the staff personnel and the Board Members. In the event that a conflict does arise, the problem should be brought to the attention of the District Manager, and if it is not satisfactorily resolved, brought to the attention of the President of the Board.

5. Officers and Committees

It shall be the policy of the District Board to elect officers of the Board during the month of December depending on ranges of Board Member terms. A Board Member must have served at least one year in office to qualify for service as an Officer.

A. Board Officers: The Board shall hold annual elections at its last December meeting for President and Secretary. The terms of office for President and Secretary shall be one year, commencing on the first Board meeting of January and end on the following first Board meeting of January.

B. Swearing in Procedure for Board Members:

New Board Members shall be sworn in at the first District Board Meeting in January following the election. The swearing in shall be performed by District Legal Counsel or other as determined by the Board. At this meeting, the new Board Members shall be presented with Certificates of Election and shall sign the Oath of Office form provided by the District.

The date the Board Member is sworn in shall constitute the assuming office date of the Board Member.

The District Counsel shall attend the swearing in, as well as any other dignitary the Board decides to invite such as a County Supervisor or Judge.

C. Appointment of Officers.

The District Board shall nominate and appoint Board Officers in the month of December. At the first District Board Meeting in January the newly appointed Board Officers shall be sworn in. The date of assuming office for Board Officers shall be the date the Officer is sworn in or otherwise authorized to serve in the position.

D. Form 700 Disclosures.

Pursuant to California Government Code Section 87202, new District Board Members and Officers must file within thirty (30) days after the assuming office date, a Form 700 Assuming Office Statement reporting any investments, interests in real property, and business positions held on the date the Board Member assumed office. In addition, income received during the 12 months prior to the assuming office date is reportable.

Each year, existing District Board Members must file an annual statement reporting any investments, interests in real property, business positions held, and income received during the period covered by the statement. Generally, the period covered by the statement is January 1 through December 31 of the previous year. The District Board Member shall file the annual statement by April 1, in compliance with the San Mateo County deadline.

When leaving office, District Board Members must file a leaving office statement for the period of January 1 of the current year through the date the Board Member stopped performing the duties of the position.

E. District Statement of Facts.

Pursuant to California Government Code Section 53051, the District must maintain a statement of the following facts (hereinafter referred to as "Statement of Facts"):

- The full, legal name of the District.
- The official mailing address of the District Board.
- The name and residence or business address of each District Board Member.
- The name, title, and residence or business address of the president and secretary of the District Board.

Within 10 days after any installation of new officers, or swearing in of board members, or any other changes to the Statement of Facts, the District's Office Manager shall file with the Secretary of State and with the San Mateo County Clerk an amended Statement of Facts, on the Statement of Facts form prescribed by the Secretary of State.

F. President Duties: The President shall serve as the presiding officer and chair all meetings of the Board, shall collaborate with the District Manager to establish the agenda for regular and special meeting, shall sign all documents on behalf of the Board and District that may be required, and shall have the same right and responsibilities as other Directors to participate in and vote at board meetings. The President shall appoint a Board Member to serve as Treasurer, and shall have the authority to establish and specify the duties and responsibilities of all advisory

committees, and appoint Directors who will serve thereon for the upcoming year provided, however, that the Board, by majority vote, may modify such committees or appointments. All committees appointed by the President shall serve in an advisory capacity only, and shall report directly to the Board of Directors.

G. Secretary Duties: The Secretary shall countersign all documents on behalf of the Board and District that may be required, and shall serve as the President pro tem in case of the absence or inability of the President to act. In case of the absence or inability of the Secretary to act on behalf of the District, or in event that the Secretary is serving as President pro tem, the Board shall choose a Secretary pro tem to act on his or her behalf.

H. Treasurer Duties: The Treasurer shall be appointed by the President, and shall participate in discussions regarding District investments and audits. The Treasurer shall be bonded and, in event of the unavailability of the President or Secretary, may sign official documents on behalf of the District. The Treasurer may provide reports on financial matters in regular or special Board meetings.

6. Orientation for New Members

Shortly after election, a general orientation will be provided by the District Manager and staff. This orientation is intended to acquaint newly elected Board Members with the District goals, the responsibilities of the appointment, and current issues before the body and meeting schedules.

7. Resignation

If a Board member resigns from office before the end of his or her term, the member should write a letter announcing the resignation and specifying the effective date thereof, and deliver it to the District Manager, who will forward copies to the District Board.

8. Benefits/Insurance/Immunity

Board Members are covered by Workers' Compensation and, in the event of an accident while serving in an official capacity, the member will be required to file an accident report. Members are also covered under the District's general liability insurance policy for actions taken in the course and scope of their duties. The Tort Claims Act also limits individual liability and in most situations immunizes Board Members from legal liability for actions taken in exercising discretion, or in exercising duties of their positions.

9. Travel and Expense Reimbursement

A. PURPOSE. The purpose of this policy is to provide guidance to Board Members and other District officials on the use and expenditure of District resources and to establish a written policy for reimbursement of necessary expenses by Board Members. This section shall also apply to Regular District employees for the purposes of Travel and Expense Reimbursement.

B. In addition:

1. This policy satisfies the requirements of Government Code sections 53232.2 and 53233.3.
2. This policy supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources.
3. This policy also supplements the definition of necessary and reasonable expenses for purposes of federal and state income tax laws.
4. This policy also applies to any charges made to a District credit card, cash advances or other line of credit.

C. AUTHORIZED EXPENSES. District funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized District business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses:

1. Communicating with representatives of local, regional, state and national government on District business or adopted policy positions;
2. Attending educational seminars designed to improve officials' skill and information levels;
3. Participating in regional, state and national organizations whose activities affect the District's interests;
4. Recognizing service to the District (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost);
5. Attending District events; and
6. All other expenditures require prior approval by the Board of Directors.

D. Examples of personal expenses that the District will not reimburse include, but are not limited to:

1. The personal portion of any trip;
2. Political or charitable contributions or events;
3. Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children- or pet-related expenses;
4. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf-related expenses), or other cultural events; and
5. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and

E. Any questions regarding the propriety of a particular type of expense should be resolved before the expense is incurred.

F. To conserve District resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the District will be limited to the costs that fall within the guidelines,

unless special circumstances are shown and a majority of the Board of Directors approves reimbursement of the expense in advance of the event or occasion resulting in the expense.

- G.** Whenever possible, registration and travel arrangements shall be coordinated through the District Manager's Office.
- H. Transportation.** The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Government and group rates must be used when available. Automobile mileage is reimbursed at Government Services Administration rates presently in effect (see <http://www.gsa.gov/>). Bridge and road tolls are reimbursable.
- I. Lodging.** Lodging expenses will be reimbursed or paid for when travel on official District business reasonably requires an overnight stay.
1. **Conferences/Meetings.** If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, then comparable lodging may be used, subject to subsection 2, below.
 2. **Other Lodging.** Travelers must request government rates, when available. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the Government Services Administration per diem rate for lodging for that area listed on the website <http://www.gsa.gov/> shall be considered reasonable and hence reimbursable.
- J. Meals.** Each meal expenditure must comply with the limits and reporting requirements of local, state and federal laws. Meal expenses will be reimbursed at the Government Services Administration per diem rates for reimbursement of meals and comply with IRS Publication 463, or any successor publication.
- K. Telephone/Fax/Cellular.** Officials will be reimbursed for actual telephone and fax expenses incurred on District business. Telephone bills should identify which calls were made on District business. For cellular calls when the official has a particular number of minutes included in the official's plan, the official can identify the percentage of calls made on public business.
- L. Other.** Baggage handling fees of up to \$1 per bag and gratuities of up to 15 percent will be reimbursed. Expenses for which District officials receive reimbursement from another agency are not reimbursable.
- M. Expense Report Content and Submission Deadline.** All cash advance expenditures and expense reimbursement requests must be submitted on an expense report form provided by the District, which must document that the expense in question meets the requirements of this policy, with copies of receipts documenting each expense. Such forms and supporting documentation are public records subject to disclosure under the Public Records Act. Expense reports should be submitted within 30 days of an expense being incurred.

N. Audits of Expense Reports. All expenses are subject to verification that they comply with this policy.

O. Reports to Board. At the following Board meeting, a report shall be presented on meetings attended at District expense. If multiple officials attended, a joint report may be made.

P. Compliance with Laws. District officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act.

Q. Violation of this Policy. Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:

1. Loss of reimbursement privileges;
2. A demand for restitution to the District;
3. The District's reporting the expenses as income to the official to state and federal tax authorities;
4. Civil penalties of up to \$1,000 per day and three times the value of the resources used; and
5. Prosecution for misuse of public resources.

10. Authority of Board Members

Individual members of the Board are not authorized to expend public funds, enter into agreements or contracts, employ staff, sign documents on behalf of the District, or bind the District in any way. This authority can only be granted by motion or resolution of the District Board.