

# VINA GROUNDWATER SUSTAINABILITY AGENCY

## CODE OF ETHICS

Adopted: December 12, 2019

### Purpose and Scope

In order to best serve the citizens of Vina Groundwater Sustainability Agency (the "Agency"), the members of the Agency's Board of Directors including alternates ("individually referred to as "Members" and collectively referred to as the "Board") must act individually and collectively to create a government that is responsible, fair, honest and open. The Members are expected to demonstrate the highest standards of personal integrity, honesty, civility, and conduct in all activities in order to enhance the effectiveness of the Agency and its Management Committee (referred to as "Agency staff") to serve the best interests of the Agency and its residents and to inspire public confidence and trust in the Agency.

The purpose of this Code of Ethics is to establish policy and guidelines reflecting expected values and behaviors for use by and applicable to the Members of the Agency.

### CONDUCT

The Members are appointed officials and guardians of the public trust. They are required to be impartial and responsible in the fulfillment of their duties. The Members shall adhere to the highest standard of ethics, regardless of personal consideration.

It is the policy of the Board of Directors of the Agency that the Members and each of them shall abide by federal and state law, ordinances and policies, including this Code of Ethics. Each Member holds a fiduciary relationship to the Agency, requiring the Member at all times in the conduct of the business and affairs of the Agency to act in the utmost good faith and fair dealing. Violation of such law or policies tends to injure the good name of the Agency and to undermine the effectiveness of the Board of Directors and its committees as a whole.

1. Members shall conduct themselves in a manner that shall reflect honorably on the Board of Directors and the Agency at all times, including during Board meetings and committee hearings and through any verbal or printed communications.
2. Members shall conduct their dealings with each other in a way that maintains public confidence in the office to which they have been elected or appointed. Members shall be open and honest and focus on issues rather than personalities. Members shall avoid aggressive, offensive or abusive conduct towards their fellow Members, Agency staff, and members of the public.
3. Members shall maintain the respect and dignity of their office in their dealings with other Members, other elected and appointed officials, Agency staff, and the public.
4. Members shall make no allegations against other Members, other elected and appointed officials or Agency staff which are improper, derogatory, false or misleading or slanderous and/or libelous.
5. No Member in debate shall, directly or indirectly, by any form of words impute to another Member or Members or Agency staff any conduct or motive unworthy or unbecoming of a Member.

6. Members shall refrain from abusive conduct, personal charges or verbal and written attacks upon the character, motives, ethics or morals of other members of the Board of Directors, other elected or appointed officials, Agency staff, and members of the public.
7. No Member shall use their position or prospective position, or the power or authority of their office or position, in any manner intended to induce or coerce any person to provide, directly or indirectly, anything of value which shall accrue to the private advantage, benefit, or economic gain, of the Member.
8. Members shall refrain from disclosing confidential information, shall maintain privileged information and otherwise avoid breaching the confidentiality of the Agency.

#### Procedures for Violation of This Code of Ethics

##### 1. Board of Directors' Investigation

- a. Any Member may submit to the Chair of the Board of Directors and the Director of the GSA a written complaint concerning a violation of this Code of Ethics setting forth in detail the particular facts giving rise to the alleged violation. The complaint should contain specific allegations of the alleged conduct in violation of the Code of Ethics. The complaint may, but is not required to, be cosponsored by other Members.
- b. Upon receiving the written complaint, the Chair shall refer it to counsel for the Agency, who shall investigate the complaint by, among other things, interviewing the complainant, the Member charged with violating this Code, and any witnesses identified in the complaint or as a result of the investigation. Counsel upon completion of their investigation shall prepare a report setting forth their findings and any recommendations they may have and present it to the Board of Directors.
- c. The Board shall schedule a public hearing on the complaint and counsel's report at the next duly calendared Board of Directors meeting following completion by counsel of the investigation report. The hearing will be chaired by the Chair of the Board. If the Board Chair is the subject of the complaint, the Board shall, by majority vote, elect another Member to serve as Chair solely for the purpose of conducting the hearing and carrying out the Code of Ethics. The hearing shall allow the Member who is the subject of the allegation (i) the opportunity to address the complaint in writing prior to or by appearing at the Board of Directors meeting at which the complaint is discussed, (ii) the right to question witnesses, and (iii) the right to call their own witnesses and introduce evidence.
- d. The public hearing will include discussion and debate on the violation in question. Upon conclusion of the hearing, if the Board determines by a majority of members eligible to vote that based upon the evidence a violation of this Code of Ethics has occurred, the Board may admonish, sanction or censor the violation by an appropriate vote as described below. The Board's determination shall be based on its review of the written record and of the information provided as part of the public hearing on the issue.

##### 2. Board of Directors' Action on the Investigation

- a. Types of Action Available:

1. *Admonition:* This is the least severe form of action. An admonition may be directed to the Member or Members found to have violated the Code of Conduct. The purpose of an admonition is to remind the Member that specific behavior violates the Code of Conduct and that it, if it occurs or is found to have occurred, could make a Member subject to sanction or censure.
2. *Sanction:* Sanction is more severe than an admonition, but less serious than censure. A sanction should be directed to a particular Member based on a particular action (or set of actions) that is determined to be in violation of the Code of Conduct but is considered by the Board of Directors to be not sufficiently serious to require censure. A sanction is distinguished from censure in that it is not a punishment.
3. *Censure:* Censure is as an official rebuke, an expression of strong disapproval, harsh criticism or condemnation. Censure is a formal statement of the Board of Directors officially reprimanding a Member or Members. Censure should be used for cases in which the Board of Directors determines the violation of the Code of Conduct to be a serious offense. Censure is a serious matter and shall not be used as a tool for harassment. Any allegation must be supported by evidence, not hearsay. Members not being censured may make a formal request to the appointing agency of the Member(s) being censured for reappointment of a new Member(s) to serve on the Board upon unanimous vote of the remaining Members.

In addition, if a Member is censured, the Board may remove the censured member from any Agency committee or committees on which they serve by a super majority of eligible voting Members subject to the limitations in section VI(g) of the Bylaws. Such removal shall begin from the date of censure and continue for a one-year period.

- b. Voting Requirements for Action to Be Taken: The Board may admonish or sanction a Member(s) determined to have violated this Code of Ethics by a majority vote of the eligible voting members of the Board. The Board may censure a Member upon a unanimous vote of all eligible voting members. Any action pursuant to this section shall be in the form of an adopted = Resolution finding a violation of the Code of Ethics supported by findings upon which the violation is based and censure taken.

### **CONFLICT OF INTEREST**

The Political Reform Act set forth in Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest codes. The Fair Political Practices Commission had adopted a regulation, being 2 CA Code of Regs. Section 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by any amendments made from time to time to the Fair Political Reform Act. Therefore, the terms of 2 CA. Code of Regs. Section 18730 and any subsequent amendment to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the following Appendix in which Members and employees and agents of the Agency are designated and their disclosure categories are set forth, constitute the Agency's Conflict of Interest Code.

Pursuant to Section 4(A) of the standard code, all Members of the Agency shall file statements of economic interest with the Agency. Upon receipt of the statements, the Agency shall make and retain a copy and forward the original of these statements to the Butte County Clerk's Office. The

Agency shall make the statements of economic interest available to inspection and reproduction pursuant to Government Code Section 81008.

**Appendix**

<u>Designated Persons</u>	<u>Disclosure Categories</u>
Members of the Board including Alternates	All
Counsel	All
Consultants	All

Disclosure Categories

1. Investments, sources of income and business positions in business entities of the type to contract with the Agency to supply materials, commodities, supplies, books, machinery, vehicles or equipment utilized by the agency.
2. Investments, sources of income and business positions in business entities, which are contractors or subcontractors, engaged in the performance of work or services of the type utilized by the Agency.
3. Investments, sources of income and business positions in entities such as banks or savings and loans.
4. Investments and business positions in, and income from, entities in which the Agency is empowered to invest its funds.
5. Interests in real property (or interest in real property used for commercial leasing purposes).

Reasons for Designations and Disclosure Responsibilities

Designations

The positions of Members of the Board including Alternates have been designated as those positions subject to the provisions of the Conflict of Interest Code in that those positions are the only positions having any substantial responsibility relative to the Agency (hereinafter referred to as the Agency) decision making process or policy.

Disclosure Responsibilities

The categories relative to the types of interest that must be disclosed are based upon the types of interest in investments and real property and/or interests that may foreseeable be affected by any decision made or participated in by the Agency.

## **MEMBERS' COMPENSATION**

### Policy – Members' Compensation

Members of the Board of Directors and their Alternates shall not be compensated by the Agency for their service.

## **ETHICS AND SEXUAL HARASSMENT TRAINING**

Pursuant to Government Code §§ 53234, et seq., Members of the Board and their Alternates, shall receive at least two hours of training in general ethics principles and ethics relevant to their public service for and on behalf of the Agency and two hours of training in prevention of sexual harassment every two years. Each new Member and Alternate who commences service with the Agency after January 1 of any calendar year shall receive the training no later than six months from the first day of their service with the Agency.