

Policy Title: Code of Conduct
Policy Number: 4.120
Adopted: October 18, 2016

Purpose and Scope

In order to best serve the citizens of Thermalito Water and Sewer District (the "District"), the members of the Board of Directors must act individually and collectively to create a government that is responsible, fair, honest and open. Those individuals elected to the Board of Directors 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 District to serve the best interests of the District and its residents and to inspire public confidence and trust.

The purpose of this Code of Conduct is to establish policy and guidelines, reflecting expected values and behaviors for use by and applicable to the Directors of the District.

Policy

The Directors are elected officials and guardians of the public trust. They are required to be impartial and responsible in the fulfillment of their duties. The citizens of the District expect that the Directors shall adhere to the highest standard of ethics, regardless of personal consideration.

It is the policy of the Board of Directors that all of its members shall abide by federal and state law, ordinances and policies, including the Code of Ethics enacted in Resolution 01-10 and this Code of Conduct. Each member holds a fiduciary relationship to the District, requiring the utmost trust, confidence, scrupulous exercise of candor, and good faith and fair dealing. Violation of such law or policies tends to injure the good name of the District and to undermine the effectiveness of the Board of Directors as a whole.

1. Members of the Board of Directors shall conduct themselves at all times in a manner that shall reflect honorably on the Board of Directors and the District, including during Board meetings and committee hearings and through any verbal or printed communications to District staff and members of the public.
2. Members of the Board of Directors shall conduct their dealings with each other in a way that maintains public confidence in the office to which they have been elected. Members shall be open and honest and focus on issues rather than personalities. Members shall avoid aggressive, offensive or abusive conduct towards their fellow directors, District staff, and members of the public.
3. Members of the Board of Directors shall maintain the respect and dignity of their office in their dealings with other directors, other elected and appointed officials, District staff, and the public.

4. Members of the Board of Directors shall make no allegations against other Directors, other elected and appointed officials or District staff which are improper, derogatory, false or misleading or slanderous and/or libelous.
5. No Director in debate shall, directly or indirectly, by any form of words impute to another Director or to other Directors any conduct or motive unworthy or unbecoming of a Director.
6. Members of the Board of Directors 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, District employees and staff, and members of the public.
7. No member of the Board of Directors shall use his or her position or prospective position, or the power or authority of his or her 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 Director.

Procedures for Violation of This Code of Conduct

1. Board of Directors' Investigation

- a. Any member of the Board of Directors may submit to the President and Chair of the Board a written complaint concerning a violation of this Code of Conduct 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 Conduct. The complaint may, but is not required to, be cosponsored by other Directors.
- b. Upon receiving the written complaint, the President shall refer it to counsel for the District, who shall investigate the complaint by, among other things, interviewing the complainant, the Director charged with violating this Code, and any witnesses identified in the complaint or as a result of the investigation. Counsel upon completion of his or her investigation shall prepare a report setting forth his or her findings and any recommendations he or she may have and present it to the Board.
- c. The Board shall schedule a public hearing on the complaint and counsel's report at the next duly calendared Board of Director's 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 a member of the Board to serve as Chair solely for the purpose of conducting the hearing and carrying out the Code of Conduct. The hearing shall allow the Director 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 Director's meeting at which the complaint is discussed, (ii) the right to

question witnesses, and (iii) the right to call his or her 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 vote of its members that based upon the evidence a violation of this Code of Conduct has occurred, the Director in question may be admonished, sanctioned or censured 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 Director found to have violated this Code or to all members of the Board of Directors, reminding them that a particular type of behavior is in violation of the Code of Conduct, and that, if it occurs or is found to have occurred, could make a member subject to sanction or censure.
2. *Sanction:* This is the next most severe form of action. A sanction should be directed to a particular Director 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 shall be defined 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 one of its members. Censure should be used for cases in which the Board of Directors determines the violation of the Code of Conduct to be 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.

If a member of the Board of Directors is censured after a hearing of the whole, the Director in question must make a full apology as appropriate at the next Board of Directors meeting. In addition, if a Director is censured, he or she must be removed from any committees of the Board. Such removal shall not impinge on the Director's duties to represent the District. Such removal shall begin from the date of censure and continue for a one-year period.

If a Director is censured, the Chair of the Board must carry out all punitive measures as detailed in this policy, including removing the Director in question from all adjunct committees wherein the Director represents the District.

In order to protect the overriding principle of freedom of speech, the Board of Directors shall not impose censure on any of its members for the exercise of his or

her First Amendment rights, no matter how distasteful the expression was to the Board and the District. However, nothing herein shall be construed to prohibit the Board of Directors from collectively condemning and expressing their strong disapprobation of such remarks.

- b. Voting Requirements for Action to Be Taken: Admonition or sanction of a member determined to have violated this Code of Conduct shall be by a majority vote of the members of the Board. Censure shall be by a two thirds vote of the members in favor of a Resolution, that the Director in question shall be censured, which Resolution shall set forth findings upon which the violation is based and censure taken.

This Policy 4.120 replaces in its entirety former Policy 5225 which upon adoption hereof is rescinded.

This policy was approved at the August 20, 2019 Board of Directors meeting by the following vote:

Ayes: Directors Hatley, Taggart, Pulley, Latulippe and Reynolds

Nays:

Abstentions:

Absent:

By:


Trevor Hatley, President

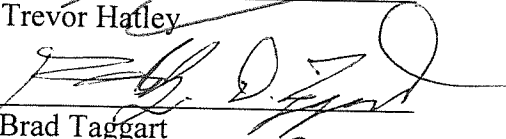
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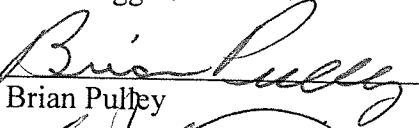

Jayme Boucher, Secretary

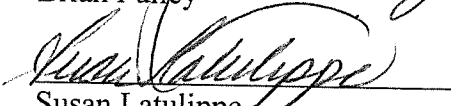
Directors Affirmation


By our signatures below, we, the duly-elected directors of Thermalito Water and Sewer District, affirm that the Board of Directors duly adopted the foregoing Policy No. 4.120 at our meeting on August 20, 2019 by the above vote.


Trevor Hatley


Brad Taggart


Brian Pulley


Susan Latulippe


Ernie Reynolds