

RODEO-HERCULES FIRE PROTECTION DISTRICT



Code of Ethics and Conduct for
Elected and Appointed Officials

PURPOSE:

The citizens and businesses of Rodeo and Hercules are entitled to have fair, ethical and accountable local government. To this end, the public should have full confidence that their elected and appointed officials recognize that stewardship of the public interest must be their primary concern, Members will work for the common good of the people of Rodeo and Hercules and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Rodeo - Hercules Board of Directors, and committees.

The Rodeo - Hercules Fire Protection District Board of Directors adopts this Code of Ethics and Conduct to assure that all elected and appointed officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of Rodeo - Hercules Fire Protection District.

PRINCIPLES:

Comply with both the letter and spirit of the laws and policies affecting the operations of government;
 Are independent, impartial and fair in their judgment and actions;
 Use their public office for the public good, not for personal gain; and
 Conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility.

Therefore, members of the Rodeo - Hercules Fire Protection District Board of Directors, their appointed Committees shall conduct themselves in accordance with the following ethical standards.

IMPLEMENTATION:

As an expression of the standards of conduct for Members expected by the District, the Rodeo – Hercules Fire Protection District Ethics Policy is intended to be self-enforcing. It therefore becomes most effective when Members are thoroughly familiar with it, and embrace its provisions. For this reason, this Ethics Policy shall be included in the regular orientations for candidates for Board of Director, application packets to commissions, boards, and committees, and given to newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the Rodeo – Hercules Fire Protection District Ethics Policy. In addition, the Ethics Policy shall be periodically reviewed and updated by the Board of Directors upon its own recommendation and recommendations from commissions, boards, committees, and the citizens of Rodeo and Hercules.

COMPLIANCE:

The Rodeo – Hercules Fire Protection District Ethics Policy expresses standards of ethical conduct expected for members of the District Board, commissions, boards, and committees. Members themselves have the primary responsibility to assure that ethical standards are understood and met, so that the public can continue to have full confidence in the integrity of government. In the event of violation of this Ethics Policy by a member of a commission, board, or committee, where removal by the District Legal Council is permitted without cause, the District Legal Council may remove that person from office. A violation of this Ethics Policy shall not be a basis for challenging the validity of any Council, commission, board, or committee decision.

Sanctions are alternatives to any other remedy that might otherwise be available to remedy conduct that violates this code or state or federal law. In order to protect and preserve good government, any individual including the Fire Chief and the District Legal Counsel after complying with Rule 3-600(B) of the State Bar Rules of Professional Conduct, who knows or reasonably believes a member acts or intends or refuses to act in a manner that is or may be a violation of law reasonably imputable to the organization, or in a manner which is likely to

result in substantial injury to the organization, may report the violation to the appropriate governmental authorities.

CONDUCT GUIDELINES:

The Conduct Guidelines are designed to describe the manner in which Board Members should treat one another, District staff, constituents, and others they come into contact with while representing the Rodeo - Hercules Fire Protection District Board of Directors.

Comply with the Law.

Members shall comply with the laws of the nation, the State of California, and the Rules and Procedures of the Rodeo – Hercules Fire Protection District Board of Directors in the performance of their public duties. These laws include, but are not limited to: the United States and California Constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government. Members shall also comply with all applicable District policies and procedures.

Conduct of Members

The professional and personal conduct of Members must be above reproach. Members should take steps to avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, commissions, boards and committees, the staff or public.

Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the District for commissions, boards, and committees governing the deliberation of public policy issues, in order to allow meaningful involvement of the public, and implementation of policy decisions.

Conduct of Public Meetings

Members shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus their attentions on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or interfering with the orderly conduct of meetings.

Decisions Based on Merit

Members shall base their decision on the merits and substance of the matter at hand, rather than on unrelated considerations.

Communication

For adjudicative matters pending before the body, members shall refrain from receiving information outside of an open public meeting or the agenda materials, except on advice of the Districts Legal Council. Members shall publicly share substantive information that is relevant to a matter under consideration by the Board or it's committees, which they may have received from sources outside of the public decision making process.

Conflict of interest

In order to assure their independence and impartiality on behalf of the common good, Members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. In accordance with the law, Members shall disclose investments, interests in real property, sources of income and gifts; and should abstain from participating in deliberations and decision making where conflicts may exist.

When participating as a Member does not implicate the specific statutory criteria for conflict of interest, however, participation does not "look" or "feel" right, that Member has probably encountered the appearance of impropriety. For the public to have faith and confidence that government authority will be implemented in an even-handed and ethical manner, Members may, for the good of the community, need to step aside to avoid the appearance of a conflict of interest, even though no technical conflict exists. Members are further subject to the Conflict of Interest Policy of the Fair Political Practices Commission or other appropriate state agency.

Gifts and Favors

Members shall not use their public office to take any special advantage of services or opportunities for personal gain that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefit which might compromise their independence of judgment or action or give the appearance of being compromised

Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel or affairs of the District to the extent confidentiality is required by the Brown Act. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance theirr personal, financial or other private interests.

Use of Public Resources

Members shall not use public resources not available to the public in general, such as District staff time, equipment, supplies or facilities, for private gain or personal purposes.

Representations of Private Interests

In keeping with their role as stewards of the public interest, Members of the Board shall not appear on behalf of the private interests of third parties before the Board of Directors or any commission, board, committee, or proceeding of the District, nor shall members of commissions, boards, and committees appear before the Board of Directors on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

BEHAVIOR AND CONDUCT:

The Rodeo – Hercules Fire Protection District’s Board of Directors Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the District Board, and Committees. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of the Board. Although all members of the District Board of Directors share the responsibility to maintain the Code of Ethics. The Boards Chair and the Districts Fire Chief have the additional responsibility to intervene when actions of members of the Board or Committees appear to be in violation of the Code of Ethics and that conduct are brought to their attention.

Board Members:

Board Members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the District Board of Directors. Serious infractions of the Code of Ethics could lead to other sanctions as deemed appropriate by the Contra Costa County District Attorney.

Individual Board Members should point out to the offending Board Members perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the District Legal Counsel in private.

Disclosure of Corruption:

All members shall take an oath upon assuming office, pledging to uphold the constitution and the State and the Federal government. As part of this oath, members commit to disclosing to the appropriate authorities and/or to the Board of Directors any behavior or activity that may qualify as corruption, abuse, fraud, bribery or other violation of the law.

Conduct with the Public and fellow Board Members in Public Meetings:

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

Be welcoming to speakers and treat them with care and gentleness.

While questions of clarification may be asked, the official's primary role during public testimony is to listen.

Be fair and equitable in allocating public hearing time to individual speakers.

The chair will determine and announce limits on speakers at the start of the public hearing process.

Board Members are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue.

Practice active listening:

It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Members shall try to be conscious of facial expressions, and avoid those that could be interpreted as "smirking," disbelief, anger or boredom.

Maintain an open mind:

Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.

Ask for clarification, but avoid debate and argument with the public:

Only the chair – not individual members – can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing

Practice civility and decorum in discussions and debate:

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.

Avoid personal comments that could offend other members:

If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.

Demonstrate effective problem-solving approaches:

Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

Honor the role of the chair in maintaining order:

It is the responsibility of the chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

When attending a public meeting, be careful to only express personal opinions:

Board members may attend any meetings which are always open to any member of the public. However, they should be sensitive to the way their participation is interpreted. Any public comments by a Board member should be clearly made as individual opinion and not a representation of the feelings of the entire Board of Directors.

Members shall represent the official policies or positions of the Board, commission, or committee to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Members shall explicitly state they do not represent the Rodeo – Hercules Board of Directors, nor shall they allow the inference that they do. When representing the District on federal, state, or regional bodies, Members shall advocate policies which are in the best interest of the District over their own personal interests.

CITIZEN COMMITTEES

The Board of Directors may establish Committees as a means of gathering more community input. Citizens who serve on Committees become more involved in government and serve as advisors to the District Board of Directors. They are a valuable resource to the District's leadership and should be treated with appreciation and respect.

Limit contact with Committee members to questions of clarification:

It is inappropriate for a Board member to contact a Committee member to lobby on behalf of an individual. It is acceptable for Board members to contact Committee members in order to clarify a position taken by the Board.

Respect that Committees serve the community, not individual Board members:

The District Board of Directors appoints individuals to serve on Committees and it is the responsibility of Committees to follow policy established by the District. But Committee members do not report to individual Board members, nor should Board members feel they have the power or right to threaten Committee members with removal if they disagree about an issue.

Appointment and re-appointment to a Committee should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Committee appointment should not be used as a political "reward."

Because of the value of the independent advice of commissions, boards, and committees to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.

District Board Members Conduct with District Staff:

Governance of a District relies on the cooperative efforts of its elected officials, who set policy, and who advise District staff, and who implement, and administer the Board's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

Treat all staff as professionals:

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

Do not disrupt District staff from their jobs:

Board Members should not disrupt District staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend District staff meetings unless requested by staff – even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, may intimidate staff, and hampers staff's ability to do their job objectively.

Never publicly criticize an individual employee:

Board Members should never express concerns about the performance of a District employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the Fire Chief through private correspondence or conversation

Do not get involved in administrative functions:

Board Members acting in their individual capacity must not attempt to influence District staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of District licenses and permits.

Do not solicit political support from staff:

Board Members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from District staff. District staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

No Attorney-Client Relationship:

Members shall not seek to establish an attorney-client relationship with the Districts Legal Counsel, including his or her staff and attorneys contracted to work on behalf of the District. The Districts Legal Counsel represents the District and not individual members. Members who consult with the Districts Legal Counsel cannot enjoy or establish an attorney-client relationship with the attorney.

Be respectful of diverse opinions:

A primary role of Committees is to represent many points of view in the community and to provide the Board with advice based on a full spectrum of concerns and perspectives. Board members may have a closer working relationship with some individuals serving on Committees, but must be fair and respectful of all citizens serving on Committees.

Keep political support away from public forums:

Committee members may offer political support to a Board member, but not in a public forum while conducting official duties. Conversely, Board members may support Committee members who are running for office, but not in an official forum in their capacity as a District as a Board member.

Committee Members:

Counseling, verbal reprimands and written warnings may be administered by the Board of Directors, to Committee members failing to comply with District policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the Board shall be distributed in memo format to the committee chair of the respective committee, the District Clerk, the District Legal Counsel, and the Fire Chief.

The Board of Directors may impose sanctions on Committee members whose conduct does not comply with the District's policies, up to and including removal from office. Any form of discipline imposed by the Board shall be determined by a majority vote of at least a quorum of the Board at a noticed public meeting and such action shall be preceded by a Report to the Board with supporting documentation.

When deemed warranted, a majority of the Board may call for an investigation of Board, or committee member conduct. Also, should the Fire Chief or District Legal Counsel believe an investigation is warranted; they shall

confer with the Board of Directors and in some cases ask the Contra Costa County District Attorney to investigate the allegation and report the findings.

RESOLUTION NO. 2019-01

RESOLUTION OF THE RODEO-HERCULES FIRE PROTECTION DISTRICT ADOPTING A CODE OF ETHICS AND CONDUCT FOR ELECTED AND APPOINTED OFFICIALS TO ASSURE PUBLIC CONFIDENCE IN THE INTEGRITY OF LOCAL GOVERNMENT AND ITS EFFECTIVE AND FAIR OPERATION

WHEREAS, the citizens and businesses within the jurisdiction of the Rodeo-Hercules Fire Protection District are entitled to fair, ethical and accountable government which earns the public's confidence; and

WHEREAS, the effective functioning of democratic government therefore requires that elected and appointed officials of the Fire District's commissions, boards, and committees, including ad hoc committees, comply with both the letter and spirit of the laws affecting the operations of government; and

WHEREAS, elected and appointed officials of the Fire District's board and committees, including ad hoc committees, must show that they are independent, impartial and fair in their judgment and actions; and

WHEREAS, public deliberations and processes must be conducted openly, except when closed session is permissible under State law, and must be conducted in an atmosphere of respect and civility; and

WHEREAS, all public resources are held in trust for the people, and must be used for the public good, not for personal gain; and

WHEREAS, nothing in this Resolution is intended to limit or otherwise infringe on the First Amendment rights of free speech or association of public officials and appointed members of the Fire District's Board of Directors and its appointed committees, including ad hoc committees, or to conflict with any other federal, state or local laws.

NOW, THEREFORE, in furtherance of the above-mentioned goals and values, the Rodeo – Hercules Fire Protection District Board of Directors hereby resolves to adopt the Code of Ethics and Conduct for Elected and Appointed Officials, attached hereto and made a part hereof, which shall apply to all Fire District Officials, including the elected Board Members and those appointed by the Board of Directors to committees, including ad hoc committees (collectively "Members"), to assure public confidence in the integrity of local government and its effective and fair operation.

///

///

///

IF ANY PART OF THE RESOLUTION OR ANY ATTACHMENTS TO IT are for any reason determined to be invalid or unconstitutional, such determination shall not affect the validity of the remaining portions of this Resolution or its attachments, and the Board hereby declares that it would have adopted this Resolution, and each section, sub-section, sentence, clause, and phrase hereof, irrespective of any one or more sections, sub-sections, sentences, clauses or phrases being declared invalid or unconstitutional. The foregoing Resolution was duly and regularly adopted at a regular meeting of the Rodeo – Hercules Fire Protection District Board of Directors held on the 9th day of January 2019, by the following vote of the Board:

AYES: 4 (Covington, Gabriel, Hill, Thorpe)

NOES: 0

ABSENT: 1 (Prather)

ABSTAIN: 0



Andrew Gabriel, Chairman of the Board
Rodeo – Hercules Fire Protection District