

**OTAY WATER DISTRICT
BOARD OF DIRECTORS POLICY**

Subject	Policy Number	Date Adopted	Date Revised
ETHICS POLICY	40	11/27/01	

PURPOSE

To establish an Ethics Policy to define guidelines and specific prohibitions to which elected officials of the Board of Directors of the Otay Water District must conform in pursuit of their assigned duties and responsibilities to foster public respect, confidence and trust.

POLICY

1. Declaration of Policy

The respected operations of democratic government emphasize that elected officials be independent, impartial and responsible to the people. It requires that they conduct themselves in a manner above reproach. It also imposes an obligation of personal integrity that will foster public respect, confidence and trust.

This Ethics Policy provides the following general guidelines and specific prohibitions to which elected Otay Water District Officials must conform in pursuit of their assigned duties and responsibilities.

2. Disclosure of Closed Session Matter

No member of the Otay Water District Board shall disclose to any person, other than members of the Board, General Manager, or other District staff designated by the General Manager to handle such matters of confidential District business, the content or substance of any information presented or discussed during a closed session meeting unless the District first authorizes such disclosure by the affirmative vote of three members.

3. Disclosure of Confidential Communications

Except when disclosure is mandated by State or Federal law, no member of the District Board shall disclose confidential or privileged communications to any person other than members of the Board, General Manager, or other District staff designated by the General Manager to handle such matters, unless the Board of Directors first authorizes such disclosure by the affirmative vote of three members of the Board of Directors.

4. Conduct During Negotiations/Litigation

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The Board of Directors is authorized to provide direction to specifically identified negotiators in a legally constituted closed session on matters involving pending litigation, real estate negotiations and labor negotiations. If the Board of Directors, in closed session, provides such direction to its negotiators, all contact with the negotiating party or party's representative shall be limited to and made by those individuals designated to handle the negotiations. During a pending labor negotiation, no member of the District Board shall have any contact or discussion with the negotiating party or the party's representative regarding the subject matter of the pending negotiation. In addition, during litigation or real estate negotiations, no member of the District Board (unless they have been designated as a negotiator) shall have any contact or discussion with litigating or negotiating party or the party's representative regarding the subject matter of the pending litigation or real estate negotiations.

Nothing in this section shall prohibit Board members from receiving written communications provided they are made available to all Board members, the General Manager, or the District's designated negotiators on an equal basis.

5. Ex Parte Communications

The purpose of this provision is to guarantee that all interested parties to any matter before the Board have equal opportunity to express and represent their interests. Ex parte communications are those communications members of the Board have with representatives of only one side of a matter outside the presence of other interested parties. A communication concerning only the status of a pending matter shall not be regarded as an ex parte communication.

Any written or oral ex parte communication received by a member of the Board in matters where all interested parties are entitled to an equal opportunity for a hearing, shall be made a part of the record by the recipient.

6. Violations and Penalties

Any violation of this Ethics Policy by a member of the Board shall constitute official misconduct if determined by an affirmative vote of three members of the Board in an open and

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public meeting. In addition to any criminal or civil penalties provided by the Federal, State or other local law, any violation of the Ethics Policy shall constitute a cause for censure by the Board of Directors adoption of a Resolution of Censure.