

**BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN,  
STATE OF CALIFORNIA**

**R-15- 117**

**RESOLUTION ESTABLISHING THE SAN JOAQUIN COUNTY  
BOARD OF SUPERVISORS  
CODE OF ETHICS**

**IT IS HEREBY RESOLVED AND ORDERED that the Board of Supervisors adopts the Code of Ethics to read as follows:**

**Article I**

**GENERAL PROVISIONS**

Attitudes, words and actions should demonstrate, support and reflect the following qualities and characteristics for the well-being of our county. The five core values and expressions that reflect these are as follows:

**1. Integrity/Honesty**

- a. I am honest with my fellow elected officials, staff, the public and others even when it involves speaking hard or unwelcome truths.
- b. I do not promise what I know to be unrealistic.
- c. I am prepared to make unpopular decisions when the public's best interests require it.
- d. I credit others' contributions to improving the county's interests.
- e. I do not knowingly use false or inaccurate information to support my position or views.
- f. I safeguard the ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial and social relationships or any transactions that may compromise - or give the appearance of compromising - my objectivity, independence and honesty or integrity.
- g. I hold my office staff to these same standards. To this end, my office staff is employed by San Joaquin County and is not employed as a political consultant or sub-contractor, or vendor of service to San Joaquin County.

**2. Responsibility/Protecting the Public's Interests**

- a. I do not accept gifts, services or other special considerations because of my public position.
- b. I excuse myself from participating in decisions when my or my immediate family's financial interests may be affected by the county's actions.
- c. I do not give special treatment or consideration to any person or group beyond that available to any other individual.

- d. I refrain from disclosing confidential information concerning litigation, personnel, property or other affairs of the county without proper legal authority, and from using such information to advance my financial or other personal interests.

### 3. Fairness/Accountability

- a. I promote meaningful public involvement in the county's decision-making processes.
- b. I treat all persons, claims and transactions in a fair and equitable manner and make decisions based on the merits of the issue.
- c. If I receive substantive information that is relevant to a matter under consideration from sources outside the public decision-making process, I publicly share it with my fellow board members and staff.
- d. I avoid ex parte discussions on matters which are coming before the Board in its quasi-judicial capacity and will publicly announce at the beginning of the hearing if I have been unable to avoid such discussions.
- e. I work to contribute to a strong organization that exemplifies open communication and accountability.
- f. I take responsibility for my actions, and those consultants, volunteers and employees under my supervision, even when it is uncomfortable to do so.
- g. I will not make false charges or misleading statements for political advantage and I will hold those consultants, volunteers and employees under my supervision to these same standards.

### 4. Respect for Fellow Elected or Appointed Officials, Staff and the Public

- a. I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the county.
- b. I work toward consensus building and gain value from various opinions.
- c. I respect the difference between the role of officeholder and staff and understand each has a distinctly defined role in the county's operations.
- d. I involve staff in meetings with individuals, those with business before the agency, officials from other agencies and elected officials to utilize appropriate staff support and keep staff informed.
- e. I conduct myself in a courteous and respectful manner at all times during the performance of my official county duties.
- f. I work to improve the quality of life in San Joaquin County and promote the best interests of all its residents.

### 5. Proper and Efficient Use of Public Resources

- a. I do not use public resources, such as county staff time, equipment, supplies or facilities, for private gain or personal purposes.
- b. I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the agency, especially its financial stability.
- c. I demonstrate concern for the proper use of agency assets (such as personnel, time, property, equipment and funds) and follow established county procedures.

- d. I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the county and its residents.
- e. I strive to make decisions that will maintain the quality of life for San Joaquin County residents for future generations, including but not limited to, public health and safety, and building and maintaining county assets commensurate with the needs of county residents.

## **Article II**

### **DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION**

The San Joaquin County Board of Supervisors recognizes the importance of maintaining the confidentiality of information acquired as part of a Board member's official duties. Confidential/privileged information shall be released only to the extent authorized by law.

1. Pertaining to disclosure of closed session information:
  - a. A Board member shall not disclose confidential information acquired during a closed session to a person not entitled to receive such information, unless a majority of the Board has authorized its disclosure.
  - b. Confidential information means a communication made in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session.
  - c. The Board shall comply with Government Code §54963(e) and shall not take any action set forth in Government Code §549563(c) against any person for disclosing confidential information, when the person is:
    - (i) Making a confidential inquiry or complaint to the district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a Board action that has been the subject of deliberation during a closed session.
    - (ii) Expressing an opinion concerning the propriety or legality of a Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.
    - (iii) Disclosing information that is not confidential.
2. Pertaining to other disclosures of confidential information:
  - a. A Board member shall not disclose, for pecuniary gain, confidential information acquired in the course of his/her official duties.
  - b. Confidential information includes information that is not a public record subject to disclosure, or information that may have a material financial effect on the Board member.

- c. Disclosures excepted from this prohibition are those made in closed session when there is a need for such disclosure and to law enforcement officials or to the San Joaquin County Auditor-Controller when reporting on improper governmental activities.

### **Article III**

#### **ELECTRONIC COMMUNICATIONS**

The Board of Supervisors recognizes that electronic communication among Board members and between Board members, County staff and members of the public is an efficient and convenient way to communicate and expedite the exchange of information and to help keep the community informed about the goals, programs and achievements of San Joaquin County and its employees. Board members shall exercise caution so as to ensure that electronic communications are not used as a means for the Board to deliberate outside of an agenda Board meeting.

1. A majority of the Board shall not, outside of an authorized meeting, use a series of electronic communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)
2. Examples of permissible electronic communications concerning County business include, but are not limited to, dissemination of Board meeting agendas and agenda packets, reports or activities from the County Administrator, County Counsel, Clerk of the Board or other County staff, and reminders regarding meeting times, dates, and places.
3. Board members shall make every effort to ensure that their electronic communications conform to the Board's Code of Ethics and the same standards and protocols established for other forms of communication. A Board member may respond, as appropriate, to an electronic communication received from a member of the community and should make clear that his/her response does not necessarily reflect the views of the Board as a whole. Any complaint or request for information should be forwarded to the County Administrator or County Counsel. In the alternative, said complaint or request for information should be forwarded to County staff, with a copy provided to the County Administrator and/or County Counsel.
4. In order to minimize the risk of improper disclosure, Board members shall avoid reference to confidential information and information acquired during closed session.
5. Board members may use electronic communications to discuss matters other than County business with each other, regardless of the number of members participating in the discussion.
6. Like other writings concerning County business, a Board member's electronic communication may be subject to disclosure under the California Public Records Act.
7. As all communications during a public Board meeting are subject to the California Public Records Act, Board members will not use electronic communication devices during Board meetings to communicate either internally or externally.

8. Board members are encouraged to refrain from using personal electronic devices (i.e. non-county instant / text messaging, or non-county computing or telecommunication devices, including home phones, private cell phones and privately-owned computers / tablets) to conduct County business.
9. Board members shall refrain from using County-owned electronic devices for political activities.

#### **Article IV**

#### **PUBLIC STATEMENTS**

The San Joaquin County Board of Supervisors recognizes the responsibility of individual Board members in their role as community leaders to participate in public discourse on matters of civic or community interest, including those involving the County, and their right to freely express their personal views. However, to ensure communication of a consistent, unified message regarding County issues, Board members are expected to respect the authority of the Board and to abide by established protocols.

1. When speaking for the County, the Board encourages its spokesperson to exercise restraint and tact and to communicate the message in a manner that promotes public confidence in the Board's leadership.
2. The Board and County spokespersons shall not disclose confidential information or information received in closed session except when authorized by a majority of the Board.
3. When speaking to community groups, members of the public or the media, individual Board members should recognize that their statements may be perceived as reflecting the views and positions of the Board. Board members have a responsibility to identify personal viewpoints as such and not as the viewpoint of the Board.

#### **Article V**

#### **CODE OF ETHICS VIOLATION**

The Board of Supervisors recognizes that any compromise – or even the appearance of compromise – of the Board's Code of Ethics may undermine the public's trust in their local, elected officials and their County government. Therefore:

1. If County staff becomes aware of any improper behavior by any Board member, they are encouraged to report the behavior to their immediate Supervisor, Department Head, County Administrator or County Counsel.
2. If a Board member, Department Head, County Administrator or County Counsel becomes aware of any improper behavior by any Board member, it will be immediately shared with the County Administrator and all Board members.

3. If a Board member violates the Board Code of Ethics the Board shall take immediate action, including a public discussion at the next possible Board meeting and/or move to censure the Board member found to be in violation.
4. The San Joaquin County Board of Supervisors recognizes the responsibility of individual Board members.

PASSED AND ADOPTED this 4th day of August 2015, by the following vote of the Board of Supervisors, to wit:

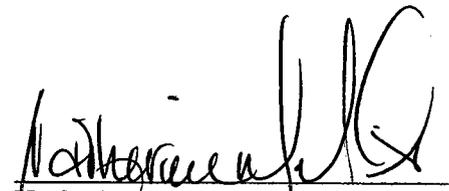
AYES: **Winn, Bestolarides, Miller**

NOES: **Elliott, Villapudua**

ABSENT: **None**

ABSTAIN: **None**

ATTEST: MIMI DUZENSKI  
Clerk of the Board Supervisors  
of the County of San Joaquin,  
State of California

  
KATHERINE M. MILLER  
Chair of the Board of Supervisors  
County of San Joaquin,  
State of California

By   
Deputy Clerk

