COUNTY OF HUMBOLDT

BOARD OF SUPERVISORS CODE OF CONDUCT AND ETHICS
RULES OF THE BOARD OF SUPERVISORS

Amended on August 22, 2023

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BOARD OF SUPERVISORS CODE OF CONDUCT AND ETHICS

A. Intent and Purpose**.** To assure public confidence in the integrity of local government and its effective and fair operation, this Code of Conduct and Ethics provides a framework for day-to-day actions and decision-making by Board members and represents a commitment to uphold a standard of integrity beyond that required by law. The citizens and businesses of Humboldt County are entitled to a fair, ethical and accountable local government which has earned the public's full confidence for integrity, and to ensure the effective functioning of democratic government, the Board of Supervisors requires that:

1. Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;

2. Public officials be independent, impartial and fair in their judgment and actions;

3. Public office be used for the public good, not for personal gain; and

4. Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility, both as between Board member and between the Board of Supervisors and other peers, staff and the public.

B. Principles and Standards. The principles and standards of ethical conduct for the County of Humboldt's Board of Supervisors are hereby established as set forth below.

1. **Act in the Public Interest**. Recognizing that stewardship of the public interest must be their primary concern, Board members will work for the common good of the people of the county 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 Board of Supervisors.

2. **Comply with the Law**. Board members shall comply with the laws of the nation, the State of California and the County of Humboldt in the performance of their public duties.

3. **Board Member Conduct**. The professional and personal conduct of Board members must be above reproach and by the law must avoid even the appearance of impropriety, which is critically important for maintaining a positive and productive image of county governance. While it is understood that Board members enjoy First Amendment rights, they should practice civility and decorum in discussions and debate, and refrain from abusive conduct, personal charges, unsubstantiated allegations, disclosure of confidential information, or verbal attacks upon the character or motives of other members of the Board of Supervisors, boards, commissions, staff or the public which has the effect of disrupting the county's business and bringing the county's government into disrepute.

4. **Respect for Process**. Board members shall perform their duties in accordance with the processes and rules of order established by the Board governing the deliberation of public policy issues, meaningful involvement of the public and implementation of policy decisions of the Board by county staff.

5. **Decisions Based on Merit**. Board members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. Board members are free to apply personal ideology to their deliberations but shall not allow personal feeling about a matter before the Board to affect their judgment.

6. **Conflict of Interest**. In order to assure their independence and impartiality in the county's best interest, Board members shall not use their official positions to influence decisions in which they have a conflict of interest of any nature. All Board members shall use their best efforts to refrain from creating even the appearance of impropriety in their actions and decisions. No Board member shall engage in any business, transaction or activity, or have a financial interest, which is in conflict with the proper discharge of official duties, which would tend to impair independence of judgment or action in the performance of official duties, which creates the appearance of such conflict, or which otherwise violates applicable county policies or state or federal law. In order to protect against conflicts of interest, or the appearance thereof, the county expects all Board members to comply with state-mandated gift reporting requirements and any related county policies. Any Board member who has questions about laws or county policies related to conflicts of interest should direct these to the County Counsel.

7. **Confidential Information**. Board members shall respect the confidentiality of information concerning the property, personnel or affairs of the county. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their political, personal, financial or other private interests.

8. **Use of Public Resources**. Board members shall not use public resources, such as county staff time, equipment, supplies or facilities, for private gain or personal purposes.

9. **Advocacy**. Board members shall represent the official policies or positions of the entire Board of Supervisors, to the best of their ability, when designated as delegates for this purpose. When presenting their individual opinions and positions while acting as a Board designated delegate, Boardmembers shall explicitly state they do not represent the opinion of the entire Board. When a matter may come before the Board in the future as a policy or project consideration or any matter in the county's jurisdiction, Board members shall utilize caution and not present their fixed position on the topic.

10. **Positive Workplace Environment.** Board members shall support the maintenance of a positive and constructive workplace environment for county

employees, private citizens and businesses dealing with the county. Board members shall recognize their role in individual dealings with county employees.

There are many rules and regulations, both federal and state, which deal with the way in which employees are treated, and untoward conduct by a Board member may expose the county to substantial risk. While a Board member is not, strictly speaking, a "superior" or "supervisor" of a county employee, courts and juries have widely viewed them as being bound to the restrictions which apply to such roles. Accordingly, Board members should always address county employees, whether in public or in private, with courtesy and respect. Any concerns which a Board member may have regarding the performance of a county employee shouldonly be raised in private with the County Administrative Officer. Negative or critical comments by Board members about a county employee in public serves to lessen public trust and respect for, and confidence in, county government. It may also constitute actionable conduct, exposing the county to financial or legal risks. Board members have no legal right or authority to act as the superior, employer or supervisor of any county employee, although the Board of Supervisors acting as a body has this authority over the County Administrative Officer, County Counsel and appointed Department Heads.

11. **Policy Role of Board members**. Board members shall respect and adhere to the Board – County Administrative Officer structure of the County of Humboldt government. In this structure, the Board of Supervisors determines the policies of the county with the advice, information and analysis provided by the public, boards and commissions and county staff. Board members shall not interfere with the administrative functions of the county or the professional and legal duties of county staff, nor shall they impair the ability of staff to implement Board-policy decisions.

C. Code and Ethics Violations.

If county officials or staff become aware of any improper behavior by a Board member, they are encouraged to formally report such behavior in writing to the County Administrative Officer and Director of Human Resources. Any such report or complaint will be reviewed by a committee consisting of the County Administrative Officer, Director of Human Resources, and County Counsel (Committee). This Committee will determine, by a two-thirds vote, if the complaint is appropriate for informal resolution or if it should be examined through an impartial third-party investigation. Should such an investigation be necessary, the Director of Human Resources is authorized to retain an investigator. Should the complainant be dissatisfied with the Committee's determination, the complainant can request, through written notification to the Committee, that the complainant wishes to appeal the determination and request the complaint to be evaluated by the Foreman of the Grand Jury. The Foreman of the Grand Jury will recommend either informal resolution or an examination through an impartial third-party investigation. The complainant will be notified in writing when the matter has been resolved and of the general actions taken in response to the complaint.

A sustained violation of this Code of Conduct and Ethics by a Board member will be

agendized for open session consideration, which will include notifying the Board member subject to the allegation(s) of the allegation(s) and providing the Board member an opportunity to present information.

Following completion of the investigation process resulting in sustained allegations against a Board member, Board action is limited to public censure, and such action shall require the affirmative vote of at least two-thirds of the Board members present and voting.

D. Relations to Other Policies.

These standards shall not be construed as an exhaustive code of conduct and ethics for members of the Board of Supervisors, and the county may supplement these standards by such additional policies and provisions as it deems appropriate, including but not limited to those set forth in Board policies, personnel rules, or employment contracts. Such other policies shall, to the extent possible, be interpreted consistently with the core values expressed herein.