



# Santa Clara Valley Water District

File No.: 22-1476

Agenda Date: 1/10/2023

Item No.: 4.2.

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## BOARD AGENDA MEMORANDUM

### SUBJECT:

Consider the December 5, 2022, Board Policy and Planning Committee Recommendation to Add a Task to the Committee's 2023 Work Plan to Perform an Identified Process to Incorporate a Board Code of Conduct into the Board Governance Policies.

### RECOMMENDATION:

- A. Consider recommendations resulting from the December 5, 2022, Board Policy and Planning Committee meeting to add a task to the Committee's 2023 Work Plan to perform an identified process to incorporate a Board Code of Conduct into the Board Governance Policies;
- B. Approve recommended update to the Board Policy and Planning Committee's 2023 Work Plan; and/or
- C. Provide feedback and recommendations to staff as necessary.

### SUMMARY:

In response to previous requests from Directors and the public during Board and Committee meetings (see public comment references below), the Board Policy and Planning Committee (Committee), at their December 5, 2022, meeting discussed the need for a Board Code of Conduct in the Board Governance Policies and identified a proposed process that could be used to create such a policy. Below is the proposed process to aid in developing a new Board Code of Conduct policy.

#### Proposed Process

##### A. Data Collection

1. Collect relevant information from existing Board Governance Policies that could fit appropriately in a new Board Code of Conduct Governance Policy.
2. Collect relevant information from other agencies that already have Code of Conduct procedures/policies for elected officials. (See Attachment 1 for samples.)
3. Collect comments already received from the public on previous code of conduct-related agenda items.
4. Request independent third-party interviews of individual directors to identify information that they feel would be necessary to include in a Board Code of Conduct Governance Policy. (Funds will need to be allocated for this work).

##### B. Data Compiling and Board Check In

1. Compile data listed in the data collection steps above, analyze, and compile it into an

organized and categorized list.

2. Present the synthesized list to the Board for review to ensure Committee's process is covering all possible Board Code of Conduct areas and meeting the Board's expectations.
3. Request the Board approve resources for an external third party to collect data and synthesize for Committee review.

**C. Review Data and Board Input**

1. Committee review compiled information and input received from the Board and develop a proposed new Board Code of Conduct Governance Policy.
2. Propose a new Board Code of Conduct Governance Policy to the Board for review and approval.

Public Input

The full Board received the attached (Attachment 2) applicable public comment from the Sierra Club (Handout 4.2-A, November 8, 2022, Board meeting), and the Board Policy and Planning Committee received comments from Trish Mulvey (Handout 4.2-C, April 5, 2022, Committee meeting, and Handout 4.2-A, November 7, 2022, Committee Meeting)

This item allows the Board to consider the Committee's request to add an item to their 2023 Work Plan to perform a process, as outlined, to incorporate a Board Code of Conduct into the Board Governance Policies and to provide input on the proposed process.

**ENVIRONMENTAL JUSTICE IMPACT:**

There are no Environmental Justice impacts associated with this item.

**FINANCIAL IMPACT:**

If approved, funds will be required for an outside consultant to perform Director interviews, collect information, analyze data, and prepare a document for Committee and Board consideration. Funds are available in the Clerk of the Board Fiscal Year 2023 budget to cover these services.

**CEQA:**

The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

Attachment 1: Sample Codes of Conduct  
Attachment 2: Prior Public Comments

**UNCLASSIFIED MANAGER:**

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