

WEST BASIN BOARD MEMORANDUM

AUGUST 7, 2001 – Communication Committee
Hawkins, Treviño
McDonald, Kwan

AUGUST 27, 2001

Prepared by: Suja Lowenthal
Submitted by: Art Aguilar
Approved by: Darryl G. Miller

ACTION ITEM

SB 609 – WATER OMNIBUS ACT OF 2001 - COSTASUMMARY:

State Senator Jim Costa's *Water Omnibus Act of 2001* includes a proposal to mandate ethics training for water district board members. The ethics proposal specifically:

- Would require board members and executive officers of water districts to receive training in ethical standards of conduct prior to January 1, 2003, or not later than one year from the first day of service to the water district, and, thereafter, at least once every 2 years;
- Would require water districts to offer the training at least once annually;
- Would require the training to consist of four hours of training in ethical standards of conduct, and would require the water district to consult with the Fair Political Practices Commission and the Attorney General to determine the appropriate content for training; and
- Would authorize a water district to identify conferences, seminars, or other courses that meet these requirements.

On July 20 the bill was in the Assembly, in its second reading, was amended and re-referred to the Committee on Appropriations. It is expected that the bill will clear the Assembly and Senate floors and be signed by the Governor.

Senator Costa's efforts with SB 609 complement the District's interests to proactively advance best practices in the water industry. Joint Communications Committee members requested that this item be placed on the your Board's August 27, 2001 Board meeting agenda and unanimously recommended a support position.

FISCAL IMPACTS:

None.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

This bill was reviewed by the Joint Communications Committee August 7, 2001 and unanimously referred to the full Board by Committee members as an action item with a "support" recommendation.

WBMWD Board Memorandum

August 27, 2001 Page 2

RECOMMENDED MOTION:

That the West Basin Board of Directors takes a support position on SB 609.

LIST OF EXHIBITS:

Exhibit "A" – SB609 text

I:\direct\wbwmd\01aug014

SB 609 – Costa
Water Omnibus Act of 2001
(Ethics Component)

Under existing law, various types of water districts serve water and provide related services to the public in accordance with prescribed requirements.

This bill, *with a specified exception*, would require board members and executive officers of water districts, as defined, to ~~attend an ethics course~~ *receive training in ethical standards of conduct* prior to January 1, 2003, or not later than one year from the first day of service to the water district, as applicable, and, thereafter, at least once every 2 years. The bill would require water districts to offer the ~~ethics course~~ *training* at least once annually.

The bill would require the ~~course~~ *training* to consist of 4 hours of ~~ethics~~ *training in ethical standards of conduct*, and would require the water district to consult with the Fair Political Practices Commission and the Attorney General to determine *the appropriate course content for training*. *The bill would authorize a water district to identify conferences, seminars, or other courses that meet these requirements.* By imposing these requirements on water districts, the bill would impose a state-mandated local program.

SEC. 9. Section 541 is added to the Water Code, to read:

541. (a) (1) Subject to paragraph (2), this section applies to water districts, as that term is defined in Section 20200.

(2) This section does not apply to the Metropolitan Water District of Southern California upon the establishment of its own ethics training program.

(b) (1) Each board member, *except any board member whose term of office ends prior to January 1, 2003*, and executive officer serving a water district on January 1, 2002, shall ~~attend an ethics course~~ *receive training in ethical standards of conduct* that meets the requirements of this section prior to January 1, 2003. Each board member and executive officer who commences serving a water district after January 1, 2002, shall ~~attend an ethics course~~ *receive training in ethical standards of conduct* that meets the requirements of this section not later than one year from the first day of service to the water district. Thereafter, board members and executive officers shall ~~attend an ethics course~~ *receive training in ethical standards of conduct that meet the requirements of this section* at least once every two years.

This paragraph is subject to subdivision (h).

(2) Each board of directors shall determine the employees that qualify as executive officers for the purposes of this section.

(c) Each water district, at least once annually, shall offer to its board members and executive officers ~~an ethics course~~ *training in ethical standards of conduct* that meets the requirements of this section. *A water district may also identify conferences, seminars, or other courses that meet the requirements of this section.*

(d) For the purpose of carrying out this section, the water district shall consult with the Fair Political Practices Commission and the Attorney General to determine appropriate ~~course content~~ *content for training*.

~~(e) The ethics courses shall consist of four hours of ethics training~~

(e) The requirements of this section shall be met by receiving four hours of training in ethical standards of conduct and shall include information with regard to potential ethical abuses relating to, but not limited to, all of the following matters:

(1) The direct and indirect business relationships among board members, contractors, and vendors, and between board members and officers or employees of member public agencies.

(2) The solicitation of campaign contributions by board members, officers, or employees and the receipt of contributions from bidders, contractors, or subcontractors.

(3) The use of district funds for personal expenses.

(f) The water district shall pay the costs associated with the ethics training ~~courses~~ that its board members and executive officers are required to attend pursuant to this section.

The water district may, but is not required to, pay the costs of additional ethics training ~~courses~~ that exceed the requirements of this section.

(g) A water district may compensate board members and executive officers for the time spent in ethics training in accordance with Sections 20201 and 20202.

(h) (1) A board member or executive officer who serves more ~~than one board may use their attendance at an ethics course to meet the requirements of this section with regard to all water~~ *than one board shall only be required to meet the requirements of this section once every two years without regard to the number of water* districts with which he or she is affiliated.

(2) A board member or executive officer who meets the requirements of paragraph (1) of subdivision (b) for one water ~~district may not be required to attend additional ethics courses offered by other water districts with which he or she is affiliated for the purposes of meeting the requirements of this section.~~ *district may not be required by another water district with which he or she is affiliated to receive additional training in ethical standards of conduct.*

(i) The water district shall maintain records indicating the dates that ~~ethics courses were offered to~~ its board members and executive officers ~~, the persons in attendance~~ *received training in ethical standards of conduct*, and the agency or entity that conducted the ~~course~~ *training*, for a period of not less than five years after each course is given. These records shall be available to the public for inspection and copying.