



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

ADVISORY COUNCIL EXECUTIVE COMMITTEE

COMMITTEE MEMBERS

BRIAN ZAMORA, CHAIRPERSON
ELINOR BLAKE
FRED GLUECK
STAN HAYES

JOHN HOLTZCLAW, PH.D.
KRAIG KURUCZ
VICTOR TORREANO

WEDNESDAY
MAY 11, 2005
9:00 A.M.

ROOM 716

AGENDA

- 1. Call to Order – Roll Call**
- 2. Public Comment Period**

Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3. The public has the opportunity to speak on any agenda item. All agendas for Advisory Council Committee meetings are posted at the District, 939 Ellis Street, San Francisco, at least 72 hours before a meeting. At the beginning of the meeting, an opportunity is also provided for the public to speak on any subject within the Committee's purview. Speakers are limited to five minutes each.

- 3. Approval of Minutes of March 9, 2005**
- 4. Update of Advisory Council By-Laws**

The Committee will discuss a second draft of revisions to the Advisory Council's By-Laws.

- 5. Code of Conduct**

The Committee will discuss a first draft of a code of conduct for Advisory Council members.

- 6. Work Plan Review with Committee Chairs**

The Committee will discuss work plan progress and areas of possible joint committee work.

7. Committee Member Comments/Other Business

Committee or staff members on their own initiative, or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on their own activities, provide a reference to staff about factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda.

8. Time and Place of Next Meeting

9:00 a.m., Wednesday, July 13, 2005, 939 Ellis Street, San Francisco, CA 94109.

9. Adjournment

BZ:jc

CONTACT CLERK OF THE BOARDS - 939 ELLIS STREET SF, CA 94109

(415) 749-4965
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities notification to the Clerk's Office should be given in a timely manner so that arrangements can be made accordingly.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET, SAN FRANCISCO, CALIFORNIA 94109
(415) 771-6000

CLERK OF THE BOARDS OFFICE:
MONTHLY CALENDAR OF DISTRICT MEETINGS

APRIL 2005

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Mobile Source Committee <i>(Meets 2nd Thursday each Month)</i> - RESCHEDULED TO 4/21/05	Thursday	14	9:30 a.m.	4th Floor Conf. Room
Joint Policy Committee	Friday	15	10:00 a.m. – Noon	MetroCenter Auditorium 101 8th Street Oakland, CA 94607
Advisory Council Public Health Committee	Monday	18	1:30 p.m.	Board Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	20	9:45 a.m.	Board Room
Board of Directors Mobile Source Committee <i>(Meets 2nd Thursday each Month)</i> – RESCHEDULED TO 4/25/05	Thursday	21	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets 2nd Thursday each Month)</i>	Monday	25	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee <i>(Meets 4th Wednesday each Month)</i> - CANCELLED	Wednesday	27	9:45 a.m.	4 th Floor Conf. Room

MAY 2005

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	4	9:45 a.m.	Board Room
Board of Directors Budget & Finance Committee <i>(Meets 4th Wednesday each Month)</i>	Thursday	5	9:45 a.m.	4 th Floor Conf. Room
Advisory Council Executive Committee	Wednesday	11	9:00 a.m.	Room 716
Advisory Council Regular Meeting	Wednesday	11	10:00 a.m.	Board Room
Board of Directors Mobile Source Committee <i>(Meets 2nd Thursday each Month)</i>	Thursday	12	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Public Outreach Committee <i>(Meets 4th Monday every other month)</i>	Monday	16	9:30 a.m.	4 th Floor Conf. Room

May 2005 Calendar continued on next page

MAY 2005

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting (<i>Meets 1st & 3rd Wednesday of each Month</i>)	Wednesday	18	9:45 a.m.	Board Room
Board of Directors Executive Committee (<i>Meets 5th Wednesday of Months that have 5 Wednesdays</i>)	Friday	20	9:30	4 th Floor Conf. Room
Board of Directors Stationary Source Committee (<i>Meets 4th Monday every other Month</i>)	Monday	23	9:30 a.m.	Board Room
Board of Directors Budget & Finance Committee (<i>Meets 4th Wednesday each Month</i>)	Wednesday	25	9:45 a.m.	4 th Floor Conf. Room
Joint Policy Committee	Friday	27	10:00 a.m. – Noon	MetroCenter Auditorium 101 8 th Street Oakland, CA 94607

JUNE 2005

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting (<i>Meets 1st & 3rd Wednesday of each Month</i>)	Wednesday	1	9:45a.m.	Board Room
Advisory Council Air Quality Planning Committee	Wednesday	8	9:30 a.m.	Room 716
Board of Directors Mobile Source Committee (<i>Meets 2nd Thursday of each Month</i>)	Thursday	9	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting (<i>Meets 1st & 3rd Wednesday of each Month</i>)	Wednesday	15	9:45 a.m.	Board Room
Joint Policy Committee	Friday	17	10:00 a.m. – Noon	MetroCenter Auditorium 101 8 th Street Oakland, CA 94607
Advisory Council Public Health Committee	Monday	20	1:30 p.m.	Room 716
Board of Directors Budget & Finance Committee (<i>Meets 4th Wednesday each Month</i>)	Wednesday	22	9:45 a.m.	4 th Floor Conf. Room
Board of Directors Executive Committee (<i>Meets 5th Wednesday of Months that have 5 Wednesdays</i>)	Wednesday	29	9:30	4 th Floor Conf. Room

MR:hl
4/13/05 (8:35) a.m.
P/Library/Calendar/Moncal

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109

DRAFT MINUTES

Advisory Council Executive Committee Meeting
9:00 a.m., Wednesday, March 9, 2005

1. **Call to Order – Roll Call.** 9:10 a.m. Present: Brian Zamora, Chairperson, Fred Glueck, Stan Hayes, John Holtzclaw, Ph.D., Kraig Kurucz, Victor Torreano. Absent: Elinor Blake.
2. **Public Comment Period.** There were none.
3. **Approval of Minutes of November 10, 2004.** Mr. Kurucz moved approval of the minutes as submitted; seconded by Mr. Glueck; carried, with Mr. Hayes abstaining.
4. **Update of Advisory Council By-Laws.** The following edits were proposed by Committee members to the By-Laws in addition to those identified in the packet. Chairperson Zamora directed that they be incorporated via track changes and presented in the next agenda packet:
 - (a) re-order the months on page one to begin with January, rather than with September.
 - (b) under Article V on page two, replace “At each biennium, when the Advisory Council is reappointed pursuant to Health and Safety Code Section 40263,” with “Annually” and in the clause immediately following replace “next preceding” with “of that year”.
 - (c) in line two of Article VIII, on page two, insert “such” before “committee”
 - (d) in line one of Article XIII, on page three, insert “law establishing the Advisory Council of the” before “Bay”.
5. **Review of Advisory Council Budget.** Chairperson Zamora reviewed the FY 2005-06 Advisory Council budget and noted that the primary allocation is for the participation of six Council members in the Air & Waste Management Association Annual Exhibition & Meeting. If Council members have suggestions on alternative allocations they should inform the Chair.
6. **Discussion of Conflict-of-Interest.** Chairperson Zamora noted that at the January 2005 Retreat discussion was held regarding establishing a Code of Conduct for Advisory Council members. He indicated he had invited District Counsel Brian Bunger to today’s meeting to provide comment on legal aspects of “conflict of interest” as a starting point in this discussion.

Mr. Bunger stated that in California there are a number of laws that govern the activities of state, county and local agencies, and special districts. The Fair Political Practices Commission (FPPC) regulates financial disclosure for candidates, elected officials, appointees and government employees and requires an annual filing of a “Form 700” conflict-of-interest statement for disclosure of real estate holdings, business investments, spousal income, financial and campaign gifts and commissions from speeches. However, the District’s Advisory Council does not fall into the category of government officials or bodies required to make such disclosures.

At the state level, specific criteria govern who is required to make such disclosures. The FPPC has approved for special districts three criteria governing the disclosure requirement. Disclosure is required of members of the commission or board that make a final governmental decision (such as promulgating a regulation or issuing a permit), or that can compel or veto a governmental decision. Disclosure is also required of a board or commission that makes substantive recommendations that over an extended period of time have been regularly approved without significant amendment by another government agency or official. While the Advisory Council does make recommendations to the Board and staff, its recommendations have been variously presented and received and, therefore, it does not fit into the foregoing criteria. Consequently, Advisory Council members are not required to fill out Form 700 disclosure forms.

Mr. Glueck opined that Council members need protocols or guidance on responding to e-mails from members of the public even though they are not designated as spokespersons for the Council. Chairperson Zamora replied that the law on conflict-of-interest will be today's focus, with the Committee branching out into other aspects of Code of Conduct as the year progresses. Mr. Hayes added that the very thing that exempts the Council members from having to fill out Form 700's suggests guidelines for member conduct. Mr. Bunger agreed, noting that the law nevertheless goes only so far and requires disclosure only of those invested with authority to make a decision that has a financial impact, and the Advisory Council is not thus imbued. The Council is nevertheless entirely free, however, to adopt guidelines for the conduct of its own members that it deems appropriate, and these may derive from conflict-of-interest principles.

Mr. Torreano noted that Council members' e-mail addresses are posted on the District website. Mr. Bunger suggested that it might be preferable to list general e-mail address for the Council, rather than members' e-mail addresses. Chairperson Zamora stated that the Code of Conduct guidelines should indicate how members should refer public inquiries. Dr. Holtzclaw suggested that an appropriate caveat be placed on the Council's page on the District's website indicating that the Council is advisory to the staff and has no authority to speak on behalf of the District.

- 7. Workplan Review with Committee Chairs.** Chairperson Zamora stated that the Executive Committee will not review each Standing Committee report at each meeting, but instead will strategize and coordinate. Technical Committee Chair Hayes and Air Quality Planning Committee (AQPC) Chair Holtzclaw indicated that the joint meeting of their Committees scheduled for April 13 would be postponed. However, the Technical Committee will meet on that day to further review the Community Air Risk Evaluation (CARE) program and greenhouse gas emissions. The AQPC will meet on April 4 to receive a presentation from California Environmental Protection Agency staff on the Governor's Hydrogen Highway Blueprint.
- 8. Committee Member Comments/Other Business.** There were none.
- 9. Time and Place of Next Meeting.** 9:00 a.m., Wednesday, May 11, 2005, 939 Ellis Street, San Francisco, CA 94109.
- 10. Adjournment.** 9:51 a.m.

James N. Corazza
Deputy Clerk of the Boards

BY - LAWS
of the
ADVISORY COUNCIL
of the
BAY AREA AIR QUALITY MANAGEMENT DISTRICT

ARTICLE I

Regular meetings of the Advisory Council of the Bay Area Air Quality Management District shall be held on the SECOND Wednesday of January, March, May, July, September, November, ~~January, March, and May~~, except that the Council may, at its September meeting, establish a different date for the November meeting, in recognition of Veteran's Day~~the Thanksgiving Holiday~~.

ARTICLE II

Special meetings of the Advisory Council of the Bay Area Air Quality Management District shall be on the call of the Chairperson, or upon the request of any five (5) members.

ARTICLE III

The Chairperson or any five (5) members desiring to call a special meeting of the Advisory Council shall notify the Air Pollution Control Officer, and the Clerk of the Boards in sufficient time to permit the preparation and mailing of notices. The Clerk of the Boards shall mail notice of the meeting to the members at least ten (10) days in advance of the time of the meeting.

ARTICLE IV

There shall be the following officers of the Advisory Council:

Chairperson: Who shall preside at meetings and shall ordinarily represent the Advisory Council at the meetings of the Board of Directors and shall perform such other functions as may be directed by these By-Laws or by resolution of the Advisory Council. The Chairperson shall be an ex-officio member of all committees.

Vice Chairperson: Who shall act for the Chairperson in his absence, inability to act or at his request.

Secretary: Who shall attest ~~the Minutes of the Advisory Council,~~the resolutions and other acts of the Advisory Council, and perform such other duties as may be directed by the Advisory Council.

ARTICLE V

Officers shall be elected at the regular meeting in November and shall take office on the 1st of January. ~~At each biennium, when the Advisory Council is reappointed pursuant to Health and Safety Code Section 40263~~ Annually, the officers holding office on December 31st ~~next preceding of that year~~ shall continue to hold office until successors are elected. Any vacancy in office shall be filled by election at the next succeeding regular meeting.

ARTICLE VI

A quorum for meetings of the Advisory Council is a majority of the number of members holding appointments at the time of the meeting. A quorum for committees is a majority of the appointed members of the committee. The Chairperson of the Advisory Council shall count to make a quorum when he attends committee meetings.

ARTICLE VII

There shall be the following standing committees of the Advisory Council:

EXECUTIVE
AIR QUALITY PLANNING
PUBLIC HEALTH
TECHNICAL

The chairperson shall appoint the members of the standing committees and shall designate one member of each committee as chairperson of the committee. A committee chairperson may appoint the chairperson and members of any subcommittee.

ARTICLE VIII

When any ad hoc committee has been created by resolution or motion of the Advisory Council or any matter is referred to such committee, the Chairperson shall appoint the committee from the members of the Advisory Council and shall designate one member as chairperson of the ad hoc committee.

~~In addition, if a quorum of any Committee is not present at the time set for the meeting, the Chairperson of the Committee, or the Chairperson of the Council, may appoint any Council member who is present to be a member of the Committee for that meeting for the purposes of establishing a quorum.~~

ARTICLE IX

Whenever practicable, reports of special committees and reports of standing committees, other than routine reports, shall be in writing. A copy of the committee report shall be furnished to the Clerk of the Boards in sufficient time to permit reproduction and mailing to the members of the Advisory Council in advance of the meeting of the Advisory Council, at which time it is to be presented. The Clerk of the Boards shall furnish a copy of all reports to the Air Pollution Control Officer.

ARTICLE X

Whenever practicable, reports of the Advisory Council shall be in writing and shall be furnished to the Clerk of the Boards to permit reproduction and submission to the Board of Directors of the Bay Area Air Quality Management District and the Air Pollution Control Officer.

ARTICLE XI

These By-Laws may be amended by a vote of a majority of the members of the Advisory Council at any meeting, provided notice of such amendment has been given at the preceding Regular Meeting or in the written call for the meeting. The Clerk of the Boards shall mail such notice at least ten (10) days prior to the meeting. These By-Laws may be temporarily suspended by a unanimous vote of the members present at any meetings, a quorum being present.

ARTICLE XII

All meetings of the Council, and its Standing Committees, ~~Subcommittees, Ad-Hoc Committees or whenever three or more Council members meet on Council business~~, are to be formally noticed by an Agenda to all Councilpersons, and those requesting notice thereof.

ARTICLE XIII

Except where in conflict with the law establishing the Advisory Council of the Bay Area Air Quality Management District ~~law~~, the Administrative Code of the Bay Area Air Quality Management District or these By-Laws, the latest edition of Robert's Rules of Order shall govern the conduct of meetings of the Advisory Council.

Adopted January 12, 1994

Amended July 26, 2000

Amended May 11, 2005

Code of Conduct for Public Officials
Appendix to Recommendation No. R (2000) 10

Interpretation and application

Article 1

1. This Code applies to all public officials.
2. For the purpose of this Code "public official" means a person appointed to the Advisory Council(Council), Bay Area Air Quality Management District (District)
3. The provisions of this Code may also be applied to persons employed by private profit and not for profit organizations performing public services.
4. The provisions of this Code do not apply to publicly elected representatives, members of the government and holders of judicial office.

Article 2

1. On the coming into effect of this Code, the District Executive Officer or his designee has a duty to inform public officials about its provisions.
2. This Code shall form part of the provisions governing the appointment of public officials from the moment they certify that they have been informed about it.
3. Every public official has the duty to take all necessary action to comply with the provisions of this Code.

Article 3 – Object of the Code

The purpose of this Code is to specify the standards of integrity and conduct to be observed by public officials, to help them meet those standards and to inform the public of the conduct it is entitled to expect of public officials.

General principles

Article 4

1. The public official should carry out his or her duties in accordance with the law, and with those lawful instructions and ethical standards which relate to his or her functions.
2. The public official should act in a politically neutral manner and should not attempt to frustrate the lawful policies, decisions or actions of the Council.

Article 5

1. The public official has the duty to serve the Council loyally.

2. The public official is expected to be honest, impartial and efficient and to perform his or her duties to the best of his or her ability with skill, fairness and understanding, having regard only for the public interest and the relevant circumstances of the case.

3. The public official should be courteous both in his or her relations with the citizens he or she serves, as well as in his or her relations with his or her superiors, colleagues and District staff.

Article 6

In the performance of his or her duties, the public official should not act arbitrarily to the detriment of any person, group or body and should have due regard for the rights, duties and proper interests of all others.

Article 7

In decision making the public official should act lawfully and exercise his or her discretionary powers impartially, taking into account only relevant matters.

Article 8

1. The public official should not allow his or her private interest to conflict with his or her public position. It is his or her responsibility to avoid such conflicts of interest, whether real or perceived, potential or apparent.

2. The public official should never take undue advantage of his or her position for his or her private interest.

Article 9

The public official has a duty always to conduct himself or herself in a way that the public's confidence and trust in the integrity, impartiality and effectiveness of the public service are preserved and enhanced.

Article 10

The public official is accountable to his or her immediate hierarchical superior unless otherwise prescribed by law.

Article 11

Having due regard for the right of access to official information, the public official has a duty to treat appropriately, with all necessary confidentiality, all information and documents acquired by him or her in the course of, or as a result of, his or her appointment.

Article 12 – Reporting

1. The public official who believes he or she is being required to act in a way which is unlawful, improper or unethical, which involves maladministration, or which is otherwise inconsistent with this Code, should report the matter in accordance with the law.

2. The public official should, in accordance with the law, report to the competent authorities if he or she becomes aware of breaches of this Code by other public officials.

3. The public official who has reported any of the above in accordance with the law and believes that the response does not meet his or her concern may report the matter in writing to the relevant head

of the public service.

4. Where a matter cannot be resolved by the procedures and appeals set out in the legislation on the public service on a basis acceptable to the public official concerned, the public official should carry out the lawful instructions he or she has been given.

5. The public official should report to the competent authorities any evidence, allegation or suspicion of unlawful or criminal activity relating to the public service coming to his or her knowledge in the course of, or arising from, his or her appointment. The investigation of the reported facts shall be carried out by the competent authorities.

6. The public administration should ensure that no prejudice is caused to a public official who reports any of the above on reasonable grounds and in good faith.

Article 13 – Conflict of interest

1. Conflict of interest arises from a situation in which the public official has a private interest which is such as to influence, or appear to influence, the impartial and objective performance of his or her official duties.

2. The public official's private interest includes any advantage to himself or herself, to his or her family, close relatives, friends and persons or organizations with whom he or she has or has had business or political relations. It includes also any liability, whether financial or civil, relating thereto.

3. Since the public official is usually the only person who knows whether he or she is in that situation, the public official has a personal responsibility to:

- be alert to any actual or potential conflict of interest;
- take steps to avoid such conflict;
- disclose to the Council Chairperson any such conflict as soon as he or she becomes aware of it;
- comply with any final decision to withdraw from the situation or to divest himself or herself of the advantage causing the conflict.

4. Whenever required to do so, the public official should declare whether or not he or she has a conflict of interest.

5. Any conflict of interest declared by a candidate to the public service or to a new post in the public service should be resolved before appointment.

Article 14 – Declaration of interests

The public official who occupies a position in which his or her personal or private interests are likely to be affected by his or her official duties should, as lawfully required, declare upon appointment, at regular intervals thereafter and whenever any changes occur the nature and extent of those interests.

Article 15 – Incompatible outside interests

1. The public official should not engage in any activity or transaction or acquire any position or function, whether paid or unpaid, that is incompatible with or detracts from the proper performance of his or her duties as a public official. Where it is not clear whether an activity is compatible, he or she should seek advice from the Council Chairperson who will confer with the District Legal Council.

2. Subject to the provisions of the law, the public official should be required to notify and seek the approval of his or her public service employer to carry out certain activities, whether paid or unpaid,

or to accept certain positions or functions outside his or her public service employment.

3. The public official should comply with any lawful requirement to declare membership of, or association with, organizations that could detract from his or her position or proper performance of his or her duties as a public official.

Article 16 – Political or public activity

1. Subject to respect for fundamental and constitutional rights, the public official should take care that none of his or her political activities or involvement on political or public debates impairs the confidence of the public and his or her employers in his or her ability to perform his or her duties impartially and loyally.

2. In the exercise of his or her duties, the public official should not allow himself or herself to be used for partisan political purposes.

3. The public official should comply with any restrictions on political activity lawfully imposed on certain categories of public officials by reason of their position or the nature of their duties.

Article 17 – Protection of the public official's privacy

All necessary steps should be taken to ensure that the public official's privacy is appropriately respected; accordingly, declarations provided for in this Code are to be kept confidential unless otherwise provided for by law.

Article 18 – Gifts

1. The public official should not demand or accept gifts, favors, hospitality or any other benefit for himself or his or her family, close relatives and friends, or persons or organizations with whom he or she has or has had business or political relations which may influence or appear to influence the impartiality with which he or she carries out his or her duties or may be or appear to be a reward relating to his or her duties. This does not include conventional hospitality or minor gifts.

2. Where the public official is in doubt whether he or she can accept a gift or hospitality, he or she should seek the advice of the Council Chairperson.

Article 19 – Reaction to improper offers

If the public official is offered an undue advantage he or she should take the following steps to protect himself or herself:

- refuse the undue advantage; there is no need to accept it for use as evidence;
- try to identify the person who made the offer;
- avoid lengthy contacts, but knowing the reason for the offer could be useful in evidence;
- if the gift cannot be refused or returned to the sender, it should be preserved, but handled as little as possible;
- obtain witnesses if possible, such as colleagues working nearby;
- prepare as soon as possible a written record of the attempt, preferably in an official notebook;
- report the attempt as soon as possible to the Council Chairperson and District Legal Council;
- continue to work normally, particularly on the matter in relation to which the undue advantage was offered.

Article 20 – Susceptibility to influence by others

The public official should not allow himself or herself to be put, or appear to be put, in a position of obligation to return a favor to any person or body. Nor should his or her conduct in his or her official capacity or in his or her private life make him or her susceptible to the improper influence of others.

Article 21 – Misuse of official position

1. The public official should not offer or give any advantage in any way connected with his or her position as a public official, unless lawfully authorized to do so.
2. The public official should not seek to influence for private purposes any person or body, including other public officials, by using his or her official position or by offering them personal advantages.

Article 22 – Information held by public authorities

1. Having regard to the framework provided by domestic law for access to information held by public authorities, a public official should only disclose information in accordance with the rules and requirements applying to the authority by which he or she is appointed.
2. The public official should take appropriate steps to protect the security and confidentiality of information for which he or she is responsible or of which he or she becomes aware.
3. The public official should not seek access to information which it is inappropriate for him or her to have. The public official should not make improper use of information which he or she may acquire in the course of, or arising from, his or her appointment.
4. Equally the public official has a duty not to withhold official information that should properly be released and a duty not to provide information which he or she knows or has reasonable ground to believe is false or misleading.

Article 23 – Public and official resources

In the exercise of his or her discretionary powers, the public official should ensure that on the one hand the staff, and on the other hand the public property, facilities, services and financial resources with which he or she is entrusted are managed and used effectively, efficiently and economically. They should not be used for private purposes except when permission is lawfully given.

Article 24 – Integrity checking

1. The public official who has responsibilities for recruitment, promotion or posting should ensure that appropriate checks on the integrity of the candidate are carried out as lawfully required.
2. If the result of any such check makes him or her uncertain as to how to proceed, he or she should seek appropriate advice.

Article 25 – Supervisory accountability

1. The public official who supervises or manages other public officials should do so in accordance with the policies and purposes of the public authority for which he or she works. He or she should be answerable for acts or omissions by his or her staff which are not consistent with those policies and purposes if he or she has not taken those reasonable steps required from a person in his or her position to prevent such acts or omissions.
2. The public official who supervises or manages other public officials should take reasonable steps to prevent corruption by his or her staff in relation to his or her office. These steps may include emphasizing and enforcing rules and regulations, providing appropriate education or training, being alert to signs of financial or other difficulties of his or her staff, and providing by his or her personal

conduct an example of propriety and integrity.

Article 26 – Leaving the public service

1. The public official should not take improper advantage of his or her public office to obtain the opportunity of employment outside the public service.
2. The public official should not allow the prospect of other employment to create for him or her an actual or perceived, potential or apparent conflict of interest. He or she should immediately disclose to the Council Chairperson any concrete offer of employment that could create a conflict of interest. He or she should also disclose to the Council Chairperson his or her acceptance of any offer of employment.
3. In accordance with the law, for an appropriate period of time, the former public official should not act for any person or body in respect of any matter on which he or she acted for, or advised, the public service and which would result in a particular benefit to that person or body.
4. The former public official should not use or disclose confidential information acquired by him or her as a public official unless lawfully authorized to do so.
5. The public official should comply with any lawful rules that apply to him or her regarding the acceptance of appointments on leaving the public service.

Article 27 – Dealing with former public officials

The public official should not give preferential treatment or privileged access to the public service to former public officials.

Article 28 – Observance of this Code and sanctions

1. This Code is issued under the authority of the Executive Officer of the District. The public official has a duty to conduct himself or herself in accordance with this Code and therefore to keep himself or herself informed of its provisions and any amendments. He or she should seek advice from an appropriate source when he or she is unsure of how to proceed.
 2. Subject to Article 2, paragraph 2, the provisions of this Code form part of the terms of appointment to the Council of the public official. Breach of them may result in removal from the Council.
 3. The public official who negotiates terms of appointment should include in them a provision to the effect that this Code is to be observed and forms part of such terms.
 4. The public official who supervises or manages other public officials has the responsibility to see that they observe this Code and to take or propose appropriate disciplinary action for breaches of it.
 5. The public administration will regularly review the provisions of this Code.
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