

**RESOLUTION NO. 22-01**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BORREGO SPRINGS WATERMASTER ADOPTING A CODE OF CONDUCT TO GOVERN WATERMASTER ACTIVITIES REQUIRED TO MANAGE AND SUSTAIN BORREGO WATER RESOURCES**

**WHEREAS**, this Board has been discussing its initial activities necessary to sustain Borrego Water resources based on its initial experiences, this Board thinks it is prudent to establish a Code of Conduct which will optimize the results of its efforts to maintain and sustain the groundwater resources of the Borrego Springs Subbasin.

**NOW THEREFORE, THE BOARD OF DIRECTORS OF BORREGO SPRINGS WATERMASTER HEREBY RESOLVES AS FOLLOWS:**

Section 1. The Code of Conduct attached hereto as Exhibit A is adopted and approved.

Section 2. The Board secretary will attest to the adoption of this Resolution.

**PASSED AND ADOPTED** this 8th day of September, 2022, by the following vote:

AYES: Duncan, Smith, Bilyk, Jorgensen, Bennett

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_



\_\_\_\_\_  
David Duncan, Chairperson  
Board of Directors

ATTEST:



\_\_\_\_\_  
Shannon Smith  
Secretary of the Board of Directors

**EXHIBIT A**  
**CODE OF CONDUCT**

**PURPOSE:**

The purpose of this Watermaster Board policy is to assure the continuing considerate and thoughtful civil discourse through which respectful dialogue will occur on water issues in the best interest of the Borrego Springs Subbasin. The policies of this Board with respect to that goal are as stated below.

**POLICY:**

**1. Board Members' Conduct with One Another**

Watermaster Board Members are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Notwithstanding this diversity, all have chosen to serve on this Board in order to manage water resources in accordance with provisions of the governing Judgment. Even in the face of adversity and differences of opinion, this common goal is acknowledged and remains as the primary goal.

**1(a). In Public Meetings**

Civility and decorum in discussions and debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy. While Watermaster Board Members have a right to state their opinions, they should refrain from personal, slanderous, threatening, abusive, or other disparaging comments concerning the character or motives of other Board Members, staff or the public. Shouting or physical actions that could be construed as threatening will be eliminated.

Role of Watermaster Board Chairperson in maintaining order

It is the responsibility of the Chairperson to keep the comments of members on track during public meetings. Members should honor efforts by focusing discussion on current agenda items. If there is disagreement about the agenda or the Chairperson's actions, those objections should be voiced politely and with reason, following procedures outlined in the Watermaster Rules and Regulations.

**1(b). In Private Encounters**

Respectful behavior in private

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

### Insecurity of written notes, voicemail messages, and e-mail

Technology allows words written or said without much forethought to be distributed wide and far. Written notes, voicemail messages and e-mail should be treated as potentially “public” communication.

### Private conversations with a public presence

Board Members should be aware that their actions, mannerisms, and language are monitored by people around them that they may not know.

## **2. Elected and Appointed Officials’ Conduct with Watermaster Staff**

Governance relies on the cooperative efforts of Board Members who set policy and staff who implement and administer that policy. Every effort should be made to show mutual respect for the contributions made by the Board and the staff.

### Staff as professionals

The general expectation for all is clear and honest communication respecting the abilities, experience, and dignity of each individual. Contrary behavior towards staff is not acceptable.

### Public criticism of staff members

Watermaster Board Members should refrain from expressing concerns about individual staff conduct or performance in public, to the staff member directly, or to the staff member’s direct manager. Such comments should be shared with the Executive Director, or the Chairperson of the Board, if more appropriate.

### Involvement in administrative functions

Individual Board Members should not attempt to influence staff on the processing of private applications, approval on monitoring equipment, or any other administrative functions or operations of the Watermaster that fall within the purview of the staff.

### Requests for information and work from staff

On those occasions when a Board Member asks for information or research that might consume a great deal of staff time with significant costs, the Executive Director will first give the Board Member a brief summary reply on the issue and let the Board know that any further information would likely take significant amounts of time, resources, and funding and will need to be brought to the Board as a whole. If it is reasonably clear that a request from a Board Member will require five (5) hours or more of staff work, the request must be subject to full Board approval.

It is further agreed that if information is requested by one Board Member, the request and response will be shared with all Board Members simultaneously.

### **3. Elected and Appointed Officials' Conduct with the Public**

#### **3(a). In Public Meetings**

Making the public feel welcome is an important part of the regulatory process. Every effort should be made to be fair and impartial in listening to public testimony. While questions of clarification may be asked, the Board Member's primary role during public testimony is to actively listen.

#### **Maintain an open mind**

Members of the public deserve an opportunity to influence the thinking of the Members or the Board. If a Board Member states an opinion prior to the close of debate or a public hearing that early act may generate doubt on the Boards' ability to obtain a fair review of the issue.

#### **3(b). In Unofficial Settings**

Members will frequently be asked to explain a Watermaster Board action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of Board policy and to refer to staff for further information. It is inappropriate to overtly or implicitly promise Board action, or to promise staff will do something specific. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other members, their opinions and actions. Unofficial settings include Internet and social media platforms (i.e., Facebook, Twitter, blogs, etc.)

### **4. Enforcement**

The Code of Conduct expresses standards of conduct expected for members of the Watermaster Board. Members themselves understand that only they may assure that those standards are understood and met, so that the public will continue to have full confidence in the integrity of water management for the Borrego Springs community. Members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Board.

### **5. Conflict With Judgment or Rules and Regulations**

Should any provision herein be inconsistent with the Judgment governing the management of the Borrego Subbasin or this Watermaster's Rules and Regulations, the Judgment or Rules and Regulations shall govern.