

# POLICY MANUAL

Date Adopted: December 10, 1980

Classification: BOARD OF DIRECTORS

Date Last Amended: March 14, 1983; May 14, 2008

Subject: Ex Parte Contacts Lobbying of  
Directors

Approved By:

*Bob Van Wyk*

## PURPOSE:

It is the purpose of this Policy to provide the Board of Directors with guidelines and recommendations as to individual contacts by members of the public. (Note that the Policy does not contain an exception for contacts by a Director's appointing authority).

## POLICY:

Matters coming before the Board of Directors and proposed responses:

1. Matters of general public interest that contain no apparent potential for a claim against the District (e.g., discussions about the District's Clean Water Public Information Program)
2. Matters subject to legislative action by the Board without a public hearing (i.e., matters of general public interest that are being considered by the Board of Directors without a public hearing; e.g., the use of PVC pipe vs. concrete pipe).
3. Matters subject to legislative action by the Board of Directors that are the subject of a public hearing (i.e., matters of general public interest that will be decided following a public hearing before the Board of Directors; e.g., the adoption of a drainage fee schedule).
5. Situations that have the potential for a claim against the District (e.g., flooding of private property), but are not known to the District.

## **Response:**

**It is within the Director's individual discretion whether or not to participate in such discussions. The Director shall remain non-committal about the District's response to the query, and shall advise the General Manager of the contact. The General Manager shall inquire into the subject of the communication and advise the Director and/or the entire Board, as appropriate.**

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4. Matters subject to adjudicative action by the Board of Directors where the Board will receive evidence and make a decision affecting an individual's rights (e.g., an appeal of a development requirement).
6. Situations that have the potential for a claim against the District (e.g., flooding of private property), and are known to the District.
7. Situations where a claim has been filed against the District.
8. Situations where a lawsuit has been filed against the District.

**Response:**

**The individual Director shall decline to participate in the discussion, shall advise the caller to contact the General Manager, and advise the General Manager of the contact. The General Manager shall make inquiry, and advise the Director and the Board of Directors.**

All documents received by a Director from persons other than the District's staff shall be forwarded to the General Manager, who shall include it in the District's records regarding the subject matter of the correspondence. If it pertains to a matter that is set for a public hearing on the agenda of a meeting of the Board of Directors or a committee thereof, it shall be included within the District's materials for that meeting and thus made available to Directors and members of the public.