

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE	2	-	ETHICS
PART	2.0	-	ETHICS AND CONDUCT
SECTION	2.12	-	EX PARTE CONTACTS

(a) An “**Ex Parte Contact**” is any written or oral communication between a Board member and any Interested Person, other than an individual on the Authority’s staff acting in his or her official capacity, about a matter pending before and within the jurisdiction of the Authority, and which does not occur in a public hearing, workshop or other official proceeding, or appear in the official record of the proceeding on the matter.

(b) Ex Parte Contacts shall be avoided if possible. If an Ex Parte Contact is received by a Board member, he or she shall report it to the Authority Clerk within five (5) days of the contact, or prior to the proceeding on the matter relating to the communication. The Authority Clerk shall ensure that all of the following is a part of the record in the proceeding:

(1) If the communication is written, the writing; and

(2) If the communication is oral, a statement by the Authority Clerk or the Board member regarding the substance of the communication.

(c) During the proceeding at which evidence of an Ex Parte Contact is made part of the record, any party to the matter that was not involved in the Ex Parte Contact shall be permitted to comment on the communication on the record.

(d) Notwithstanding the foregoing, in any proceeding involving formal procurement or contracting, no oral or written communications regarding a substantive issue in the proceeding shall be permitted between an Interested Person and any Board member, a Board member’s personal advisor or the President/CEO from any time after the issuance of a Request for Bids, Request for Proposals or Request for Qualifications regarding the procurement or contracting until the Board makes a final decision on the matter or decides not to make a decision on the matter.

(e) As used in this section, “**Interested Person**” means any of the following:

(1) any applicant, protestant, respondent, petitioner, complainant, defendant, interested party who has made a formal appearance, or the agents or employees of any of them, including persons receiving consideration to represent any of them;

(2) any person with a financial interest, as described in the California Political Reform Act, in a matter at issue before the Board, or such person’s agents or employees, including persons receiving consideration to represent such a person; or

(3) a representative acting on behalf of any formally organized civic, environmental, neighborhood, business, labor, trade or similar association who intends to influence the decision of a Board member on a matter before the Board, even if that association is not a party to the matter.

[Amended by Resolution No. 2019-0015 dated February 7, 2019.]

[Amended by Resolution No. 03-007 R dated February 6, 2003.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]