

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 2 - ETHICS
PART 2.0 - ETHICS AND CONDUCT
SECTION 2.16 - ENFORCEMENT

(a) In addition to the criminal, civil and administrative penalties provided in California statutes, including the California Political Reform Act, the Authority shall enforce this Ethics Code to achieve its intended purposes.

(b) Except for Board Members and employees appointed by the Board, potential violations of this Ethics Code by Authority employees shall be investigated promptly and impartially by the Authority's Ethics Officer or referred to departments for investigation.

1) Upon completion of the investigation, the President/CEO or their designee shall take appropriate action.

(c) Allegations related to potential violations of this Ethics Code by individual Board members shall be sent to the Authority's Ethics Officer.

1) The Ethics Officer will promptly notify the General Counsel and the Board Chair of the allegation. If the allegation concerns the Board Chair, the Vice Chair should be contacted.

2) The Ethics Officer shall conduct a preliminary review of the allegation. The preliminary review will be conducted in a manner designed to minimize any intrusion into Board Member's personal or non-Authority affairs.

3) The preliminary review will be designed to determine if a full investigation is warranted. For example, criteria in the preliminary review will determine if:

A. The allegation(s) are plausible and not frivolous,

B. The alleged conduct, if substantiated, would constitute a breach of the Ethics Code, the Board Member's duties or responsibilities, or otherwise be cause for sanctions, and

C. The allegations(s) concerns conduct by the Board Member in their official capacity.

4) Upon completion of the preliminary review, results will be shared with the General Counsel and the Board Chair/Vice Chair.

A) If the Ethics Officer, General Counsel, and Board Chair/Vice Chair determine a full investigation is not warranted, no further action will be taken regarding this allegation, and that decision will be communicated to the Audit Committee and Board respectfully at or before their next regularly scheduled meetings.

B) If the Ethics Officer, General Counsel, or Board Chair/Vice Chair believe a full investigation is warranted, the allegation and results of the preliminary review will be forwarded to the full Board. The Board shall then take the following action:

i) Form an appropriate ad hoc committee, which may or may not include members of the Board, not including the Board member or members to be investigated for allegedly violating this Ethics Code, or retain an outside independent party;

ii) The appropriate ad hoc committee, or outside independent party, shall investigate the alleged ethical violation, make public findings and if a violation is found, recommend penalties;

iii) The full Board, less the Board member (s) subject to the investigation, if any, shall determine the appropriate penalty if a violation of this Ethics Code is found to have occurred; and

iv) Penalties for violating this Ethics Code may include censure, fine, providing restitution and recommending that the person be removed from office, all to the extent permitted and authorized by law.

(5) Actions to enforce violations of this Ethics Code shall be commenced promptly but in no event more than four years after the date on which the full Board, less any Board Member(s) subject to the investigation, found that a violation occurred.

(d) Allegations related to potential violations of this Ethics Code by employees appointed by the Board (i.e., President/CEO, General Counsel, Chief Auditor) shall be sent to the Authority's Ethics Officer.

1) The Ethics Officer will promptly notify the Board Chair and the General Counsel, if appropriate, of the allegation.

2) If the allegation concerns the Chief Auditor, or if the Ethics Officer determines there is a conflict of interest that would prevent the Ethics Officer from rendering a fair and impartial determination, the Ethics Officer may appoint the General Counsel or an outside independent party to act as the interim Ethics Officer.

3) The Ethics Officer then shall conduct a preliminary review of the allegation. The preliminary review will be conducted in a manner designed to minimize any intrusion into the President/CEO, General Counsel, or Chief Auditor's personal or non-Authority affairs. The preliminary review will be designed to determine if full investigation is warranted. For example, the preliminary review will determine if:

- A. The allegation(s) are plausible and not frivolous,
 - B. The alleged conduct, if substantiated, would constitute a breach of the Ethics Code, the employee's duties or responsibilities, or otherwise be cause for sanctions, and
 - C. The allegation(s) concerns conduct by the employee in their official capacity.
- 4) Upon completion of the preliminary review, results will be shared with the General Counsel, if appropriate, and the Board Chair.

A. If the Ethics Officer, General Counsel, and Board Chair determine a full investigation is not warranted, no further action will be taken regarding this allegation, and that decision will be communicated to the Audit Committee and Board respectfully at or before their next regularly scheduled meetings.

B. If the Ethics Officer, General Counsel, or Board Chair believe a full investigation is warranted, the allegation and results of the preliminary review will be forwarded to the full Board. The Board shall then take the following action:

- i. Form an appropriate ad hoc committee, which may or may not include members of the Board, or retain an outside independent party;
- ii. The appropriate ad hoc committee, or outside independent party, shall investigate the alleged ethical violation, make public findings and if a violation is found, recommend penalties;
- iii. The full Board shall determine the appropriate penalty if a violation of this Ethics Code is found to have occurred; and
- iv. Penalties for violating this Ethics Code may include censure, fine, providing restitution and recommending that the person be removed from office, all to the extent permitted and authorized by law.

5) Actions to enforce violations of this Ethics Code shall be commenced promptly but in no event more than four years from the date on which the Board found that a violation occurred.

(e) Any meeting of the Board pertaining to an alleged violation by a Board Member, the President/CEO, General Counsel, or Chief Auditor shall comply with the Brown Act.

[Amended by Resolution No. 2022-0112 dated December 1, 2022.]

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

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