

SECTION NO. 0.14 – CODE OF ETHICS

All members of the Board of Port Commissioners (individually referred to as "Commissioner(s)," collectively referred to as the "Board") and all employees of the San Diego Unified Port District (District) must comply with the following Code of Ethics.

(a) Definitions:

1. "Board" – The Board of Port Commissioners of the San Diego Unified Port District.
2. "Board of Ethics" – an advisory committee to the Board, consisting of at least three (3) members, and is subject to the Ralph M. Brown Act, that advises the Board on ethics complaints involving Commissioners.
3. "Capacity as an Attorney" – An attorney representing a client, within an attorney-client relationship, regarding a legal issue.
4. "Code" – The District's Code of Ethics (Section 0.14 of the District Code.)
5. "Commissioner" – A member of the Board of Port Commissioners.
6. "Compensation" – The receipt of any monetary or non-monetary payment, except a stipend paid to a board member of a public non- profit corporation. Compensation includes, but is not limited to, salary, wages, fees, and any discount or economic opportunity not made available in the regular course of business to members of the public

7. “Confidential Information” – Information that is not subject to disclosure under the California Public Records Act, or is properly the subject of discussion in Closed Session pursuant to the Ralph M. Brown Act.
8. “Direct Communication” – Talking to a person, either by telephone or in person, or corresponding with a person, either in writing, by electronic transmission, or by facsimile machine. Direct Communication does not include solely responding to questions from any District Official, or appearing as a speaker at, or providing written statements which become part of the record of a public hearing, or a direct response to an enforcement proceeding with the District.
9. “District” – San Diego Unified Port District
10. “District Employee” – Any employee of the District.
11. “District Official” or. (Official) – Commissioner(s) and/or District Employees.
12. “District Premises” – District Administration building and parking lot, any other building and accompanying land and/or parking lots occupied by District Officials.
13. “Gift” – Same meaning as “gift” in the Political Reform Act. (Government Code Section 82028)

14. “Influence the District” – The same meaning as in the Political Reform Act.
15. “Legal Issue” – A legal question which is at the foundation of a case involving or potentially involving the District, which, if not settled, requires a decision by a court.
16. “Lobbying” – Direct Communication with a District Official for the purpose of Influencing the District on behalf of any other person.
17. “Lobbyist” – Any individual who receives two thousand dollars (\$2,000) or more in economic consideration in a calendar month, other than reimbursement for reasonable travel expenses, or whose principal duties as an employee are, to communicate directly or through that individual’s agents with any commissioner, district official, or district employee for the purpose of influencing district action; provided, however, an individual is not a lobbyist by reason of performing the activities described in Section 86300 of the Government Code, or if they are an employee or appointed or elected official of another federal, State or local government agency.
18. “Personally and Substantially Participated” – The same meaning as that provided in the Political Reform Act.
19. “Political Reform Act”- California Government Code Sections 81000 – 91000 and the California Fair Political Practices

Commission Regulations and Advice Letters that interpret these sections.

20. “Public Agency” – The United States or any of its agencies, the State of California; any political subdivision of the State, including counties and districts; or any public corporation, agency, or commission.

21. Any term not defined in this code shall be defined as provided in the Political Reform Act.

(b) Misuse of Office

District Officials may not make, participate in making, or in any way attempt to use their official position to influence a District decision in which the Official has a conflict of interest, as defined in the Political Reform Act, or has a conflict of interest as defined by Government Code Section 1090.

(c) Misuse of District Resources

District Officials may not use or permit use of District time, personnel, supplies, equipment, identification cards/badges, or facilities for personal use, as defined in Government Code Section 8314, or for unapproved, non-District activities or except as provided for by administrative regulation or procedure.

(d) Gifts

District Officials may not request Gifts from any person or entity that the District Official knows or should know is doing business with the District or intends to do business with the District or has done business with the District during the previous Twelve (12) months. District Officials who are required to file a Statement of Economic Interest under the Political Reform Act, may not accept any Gifts from any person or entity that the District Official knows or should know is doing business with the District or intends to do business with the District or has done business with the District during the previous twelve (12) months that is prohibited from receipt under the Political Reform Act.

(e) Gratuities

District Officials may not accept anything of value from anyone, other than the District, or its officers or employees received, for performance of District Official's duties. However, the exceptions to the impermissible receipt of “gifts” under the Political Reform Act apply to this subsection.

(f) Political Activities

1. Unlawful use of influence

- a) No one who holds, or who is seeking election or appointment to, any office or employment in a state or local agency shall, directly or indirectly, use, promise, threaten or

attempt to use, any office, authority, or influence, whether then possessed or merely anticipated, to confer upon or secure for any individual person, or to aid or obstruct any individual person in securing, or to prevent any individual person from securing, any position, nomination, confirmation, promotion, or change in compensation or position, within the State or local agency, upon consideration or condition that the vote or political influence or action of such person or another shall be given or used in behalf of, or withheld from, any candidate, officer, or party, or upon any other corrupt condition or consideration. This prohibition shall apply to urging or discouraging the individual employee's action. (Government Code Section 3204)

- b) No one who holds, or who is seeking election or appointment to, any office shall, directly or indirectly, offer to arrange for any increase in compensation or salary for an employee in exchange for, or a promise of, a contribution or loan to any committee controlled directly or indirectly by the person who holds, or who is seeking election or appointment to, an office. (Government Code Section 3205.5)

2. Solicitation of Political Contributions

District Officials shall not, directly or indirectly, solicit a political contribution from a District Officials, or from a person on an employment list of the District. This does not prohibit a District Official from requesting political contributions from District Officials if the solicitation is part of a solicitation made to a significant segment of the public which may include District Officials. (Government Code Section 3205)

3. Political activity during working hours; on District Premises; or while in uniform.

a) District Officials are prohibited from engaging in political activity during working hours and are prohibited from engaging in political activity on District premises. (Government Code Section 3207)

b) No District Official shall participate in political activities of any kind while in uniform. (Government Code Section 3206)

(g) Confidential Information

District Officials may not disclose Confidential Information or use it for any non-District purpose, even after you leave District service. Disclosure to a law enforcement agency of confidential government information concerning conduct that may involve fraud, corruption, criminal activity or a violation of this Code is not prohibited.

(h) Representation

While a District Official, you may not communicate for pay with the District on behalf of a private person or entity, nor may you represent a private person or entity in a matter that is before the District, except that a District Official may represent himself or herself on a matter except as provided under California conflict of interest laws.

(i) Post District Employment

1. This section does not apply to former District Officials employed by Public Agencies, or a former District Official representing himself or herself, in his or her individual capacity.
2. Former District Officials, for a period of One (1) year immediately following termination of service with the District, shall not represent any other person, for compensation, by appearing before or directly communicating with the District in an attempt to influence the District's decisions in an administrative or legislative action, whether quasi-legislative or quasi-judicial, or any action involving a permit, license, contract, or transaction involving the sale or purchase of property or goods. The term "administrative or legislative action" is as defined in the Political Reform Act and includes any pending application for discretionary funding or discretionary entitlements before the District, relating to that particular project, on behalf of any person.

3. Former District Officials shall not, for Compensation, knowingly counsel or assist any person in connection with an appearance or communication in which the former District Official is prohibited from engaging pursuant to subsection (2), above, for a One (1) year period immediately following termination of service with the District.

(j) Prohibited Outside Positions

A District Official may not be a paid attorney, agent, broker, officer, director, trustee or consultant (other than as a full-time employee) for anyone that a District Official knows or should know is doing business or seeking to do business with the District or that a District Official knows or should know has or is seeking a license, permit, grant, or benefit from or is entering into a contract with the District.

(k) Ethics Officer

The Port Attorney's office shall designate an Ethics Officer for the District. This person shall serve as the point person for all questions concerning this Code and the Political Reform Act.

(l) Review of Filings and Advice by the Ethics Officer

The District's Ethics Officer will be available to assist District Officials with their filing prior to the deadline. The District's Ethics Officer also will provide assistance on any ethical question concerning a District Official's role at the District.

District Officials should feel comfortable seeking assistance and asking questions about their particular situation. After District Officials file their Statement of Economic Interests, Form 700, the District's Ethics Officer will review the Statement and contact the District Official if there are any corrections needed.

If the District's Ethics Officer believes that a District Official has a potential conflict of interest, the District's Ethics Officer will advise the person as soon as possible about the potential conflict. It is the District Official's responsibility to make such a determination, and penalties for failure to do so are applied to the District Official.

(m) Notice of a Conflict of Interest

District Officials must comply with the following provisions on disclosure and disqualification:

1. As soon as a District Official faces a conflict of interest under the Political Reform Act or this Code, the District Official must immediately disqualify himself or herself from dealing with the matter.
2. Whenever a District Official is required to disqualify himself or herself under this section, the District Official must:
 - a) Promptly inform his or her supervisor, if any, about the District Official's disqualification;
 - b) Promptly file with the District's Ethics Officer a signed

statement disclosing the nature and extent of the conflict of interest; and

c) Immediately stop participating further in the matter.

3. If the District Official is a Commissioner, the Commissioner must also set forth the disqualification on the official record of the Board and follow the Political Reform Act regarding conflict of interest.
4. No one shall retaliate against a District Official or take any adverse personnel action against a District Official for complying with this section.

(n) Training Sessions

Each year, prior to the annual filing of the Statements of Economic Interest, the District's Ethics Officer will hold a training session on how to file and the current state of the law. District Officials are encouraged to attend, particularly if the District Official is new to the District.

(o) Lobbying Provisions

Any person who is paid to Lobby the District shall register as a District Lobbyist with the District Clerk's office within ten (10) days of qualifying as a Lobbyist. This section is not applicable to a Public Agency official, or an individual acting on his or her own behalf, or on behalf of a business entity which is wholly-owned or controlled by such individual, or to attorneys who are acting in their Capacity as an Attorney while representing a client regarding a Legal Issue involving the District.

The registration statement shall include the name, address and phone number of the person who is registering, along with the name, address and phone number of each person who is employing the person to be their Lobbyist.

Each Lobbyist shall file quarterly reports listing Compensation received for Lobbying the District for each employer, the items lobbied, and a list of Gifts provided to Commissioners or District Employees on a form prepared by the District.

The District shall make the registry publicly available on its website.

Once a person no longer qualifies as a Lobbyist, the person may terminate his or her registration by filing a notice of termination with the District Clerk.

All of these statements shall be filed under penalty of perjury.

(p) Inducement of Others

District Officials may not cause, try to cause, or help another Commissioner or District Employee to do anything that would violate any provision of this Code.

(q) Enforcement

In addition to the penalties set forth in the Political Reform Act, which include criminal, civil and administrative remedies set forth in Government Code Section 91000 et seq., anyone who violates the provisions of the Code may be subject to the following criminal or civil penalties:

1. Criminal Penalties

Any person who knowingly or willfully violates any provision of this Code is guilty of a misdemeanor. In addition to other penalties provided by law, a fine of up to the greater of Ten Thousand Dollars (\$10,000.00) or Three (3) times the amount the person failed to report properly or unlawfully contributed, expended, gave or received may be imposed upon conviction for each violation.

Prosecution for violation of this Code must be commenced within four (4) years after the date on which the violation occurred.

2. Civil Penalties

Any person who violates any provision of this Code, shall be liable in a civil action brought by the Board or the District Attorney or the appropriate City Attorney, for an amount up to Five Thousand Dollars (\$5,000.00) per violation.

No civil action alleging a violation of this Code may be filed against a person pursuant to this section if the criminal prosecutor is maintaining a criminal action against that person pursuant to Section 91000 or this Code. No civil action alleging a violation of any provisions of this Code shall be filed more than four (4) years after the date the violation occurred.

3. Other Penalties

Additional penalties that may be imposed on Commissioners shall include, but are not limited to, removal as Chair, removal as Chair of a committee, removal from a committee, loss of travel privileges, censure, or any other appropriate remedy imposed by a majority of the other *Board* members. Any action taken shall be promptly transmitted to the Commissioner's appointing authority.

Penalties that may be imposed on District Employees shall include, but are not limited to, dismissal, suspension without pay, loss of travel privileges, or a letter in the personnel file.

(r) Board of Ethics

Upon a vote of the majority of the Board, the Board may form the Board of Ethics and request advice and recommendations from the Board of Ethics when contemplating penalties against a Commissioner.

(Enacted June 4, 2002 – Ordinance No. 2184)

(Amended August 20, 2002 – Ordinance No. 2195)

(Amended November 18, 2003 – Ordinance No. 2275)

(Amended August 12, 2025 – Ordinance No. 3171)