

Understanding Public Service Ethics Laws & Principles: AB 1234 Training

Planning Commissioners Academy

Wednesday March 29, 2023, 10:00 am



HOUSEKEEPING

You **MUST** be signed in

You must be present for the full two-hour training

You will receive your certificate at the end of the training

We also have certificates for attorneys for MCLE credit

Contact Taylor Buck (tbuck@ca-ilg.org) with questions or concerns

ILG IS NONPROFIT, NONPARTISAN & HERE TO HELP

- ILG is the nonprofit training and education affiliate of three statewide local government associations
- Together with our affiliates, we serve over 2,500 local agencies – cities, counties and special districts
- We provide practical and easy-to-use resources so local agencies can effectively implement policies on the ground



**California Special
Districts Association**
Districts Stronger Together

OUR PROGRAMS AND SERVICES

Program Areas

Leadership & Governance

Civics Education & Workforce

Public Engagement

Sustainable & Resilient Communities



Services

Education & Training

Technical Assistance

Capacity Building

Convening

Our mission is to help local government leaders **navigate complexity, increase capacity & build trust** in their communities

AB 1234 - Ethics

Presentation for the League of **California Cities**
Planning Commissioner's Academy
in Compliance with AB 1234
March 29, 2023

Matthew T. Summers,
City Attorney, Barstow, Calabasas, and Ojai
Colantuono, Highsmith & Whatley, PC

Colantuono, Highsmith & Whatley, PC

Northern California

420 Sierra College Dr., Suite 140
Grass Valley, CA 95945-5091
(530) 432-7357

333 University Ave., Suite 200
Sacramento, CA 95825
Phone: (916) 400-0370

670 West Napa Street
Sonoma, CA 95476
(707) 986-8091

Southern California

790 E. Colorado Blvd., Suite 850
Pasadena, CA 91101-2109
(213) 542-5700

440 Stevens Avenue, Suite 200
Solana Beach, CA 92075
(858) 682-3665

COLANTUONO
HIGHSMITH
WHATLEY, PC

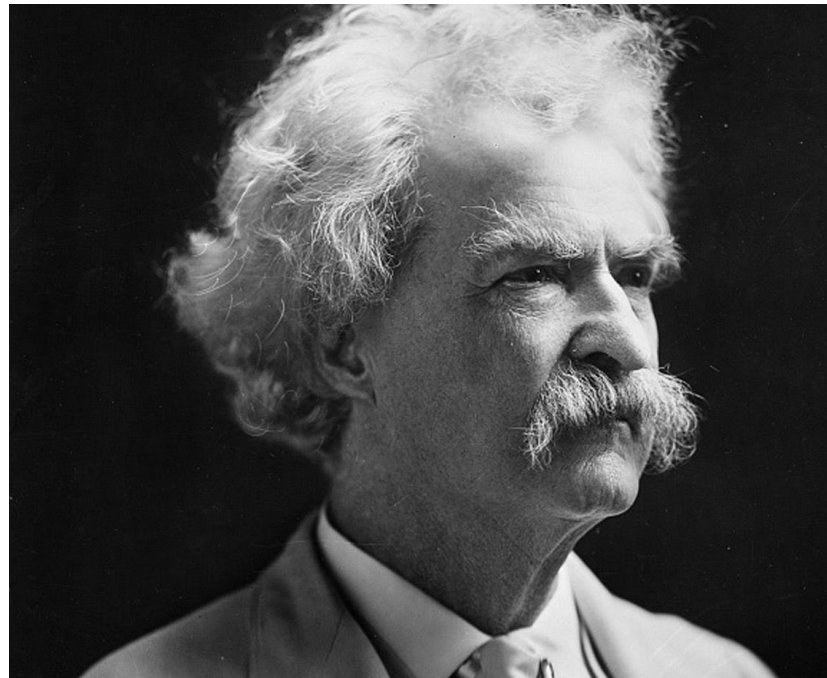
Welcome

- Conflicts of Interest
- Political Reform Act
- Constitutional Issues
- Competitive Bidding Requirements
- Transparency Laws
- Fair Decision Making and Processes
- Levine Act – Campaign Contributions Recusals

Conflict of Interest

“Always do right – this will gratify some and astonish the rest.”

- Mark Twain



Conflict of Interest Outline

1. Government Code § 1090
2. Political Reform Act
3. Common Law Bias / Due Process Requirements
4. Nepotism
5. Incompatible Offices
6. Government Code § 1126

- [A Notorious Conflict of Interest](#)



Government Code § 1090

Public officials “shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members.”



Government Code § 1090

- Absolute prohibition against a public official having a financial interests in contracts made by public official or the official's board and entity



Prohibition applicable, despite:

- Objectively fair and reasonable contracts
- Contracts let to lowest bidder
- Official abstains from participation

Government Code § 1090

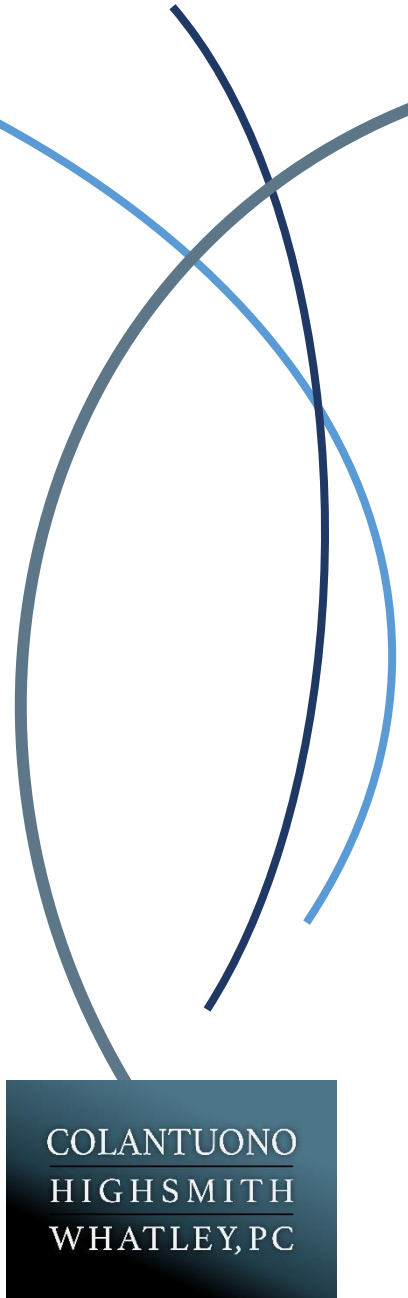
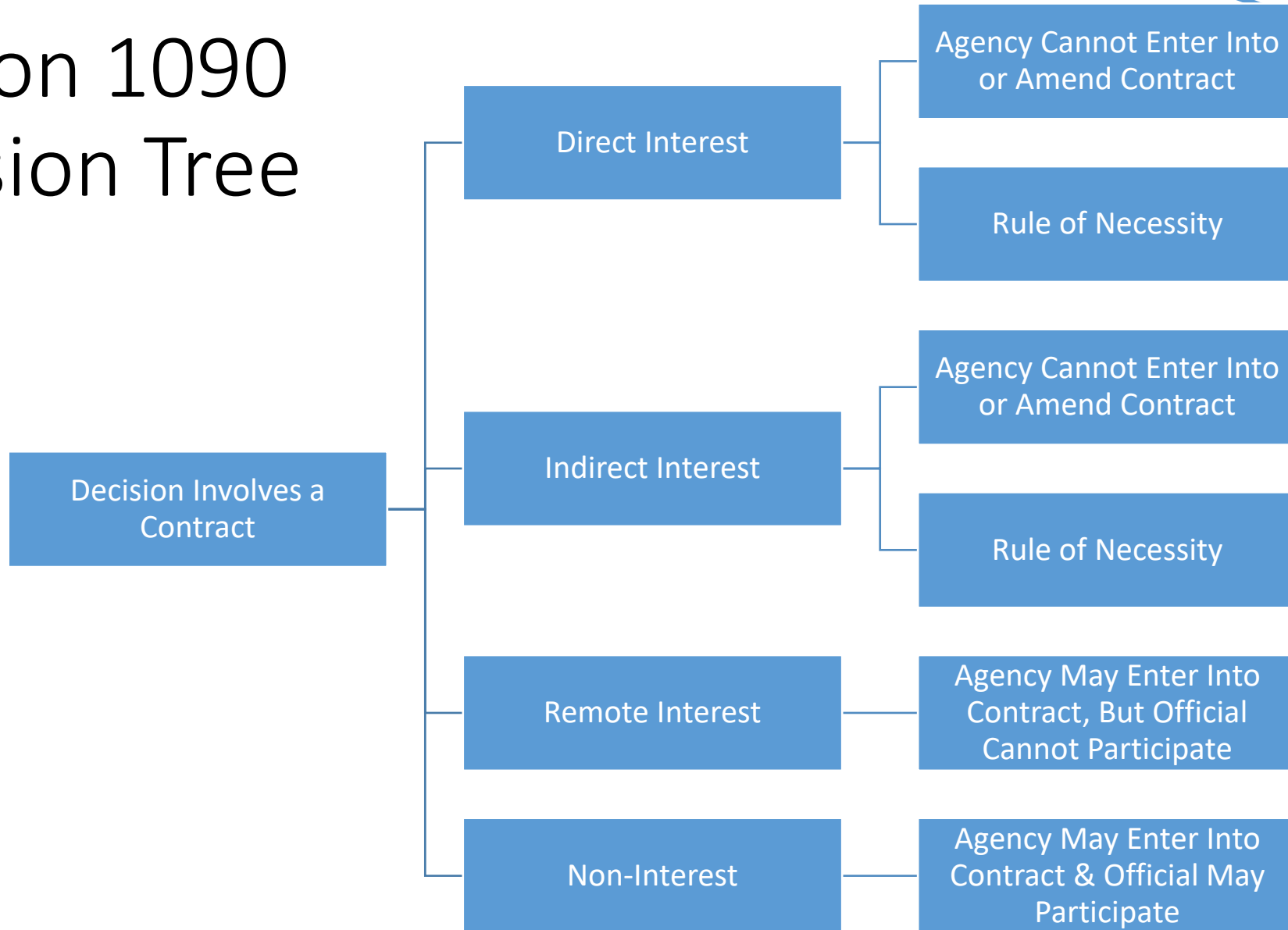
What Constitutes “Making a Contract”?

- Voting to approve
- Designing specifications
- Preliminary discussions
- Negotiating
- Actual signing of contract
- For consultants: Entering into contracts on matters where previously provided design or other services
 - *People v. Superior Court (Sahlolbei)* (2017) Cal.5th 230

Gov't Code § 1090 Exceptions

- The Remote Interest Exception
 - Disqualifies official, but board may act
- The Non-interest Exception
 - The financial interest “doesn’t count” and is ignored
- The Rule of Necessity
 - Non-statutory rule applicable only in very limited circumstances

Section 1090 Decision Tree



Government Code § 1090

Harsh Consequences

- Contract is void and unenforceable
- Agency may keep benefit of the contract
- Official must disgorge any monies
- Violation is a **felony**
 - Fine,
 - Imprisonment,
 - Lifetime ban from public office

Political Reform Act v. Common Law

- The Political Reform Act – Public Officials are disqualified from participating in governmental decisions in which they have financial interest
- Common Law – prohibits officials acting in their own interests at the expense of the public's interest
- Perceptions vs. requirements

Conflict of Interest under PRA: Basic Rule

“A **public official** ... has a prohibited conflict of interest and **may not make, participate in making, or in any way use or attempt to use his or her official position to influence** a governmental decision when he or she knows or has reason to know he or she has a disqualifying financial interest. A public official has a **disqualifying financial interest** if the decision will have a **reasonably foreseeable material financial effect**, distinguishable from the effect on the public generally, directly on the public official, or his or her immediate family, or on any financial interest.”

- Cal. Code Regs, tit. 2, § 18700 (emphases added)

Does the Political Reform Act Apply?

Public Official

Governmental Decision

Financial Interest

“Public Official” Defined

- Persons who are members, officers, employees, or consultants of a public agency – includes Commissioners
- Consultants who serve in a staff capacity by contract, or make decisions on behalf of the public agency

Who is a “Public Official”?



87200 Filers –inc. Planning Commissioners



Designated Public Servants



Consultants who serve in a staff capacity by contract, or make decisions on behalf of the public agency

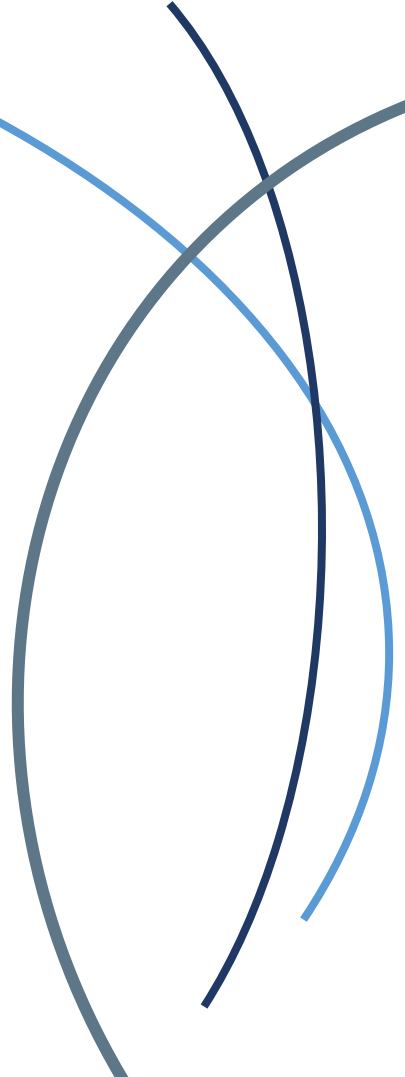
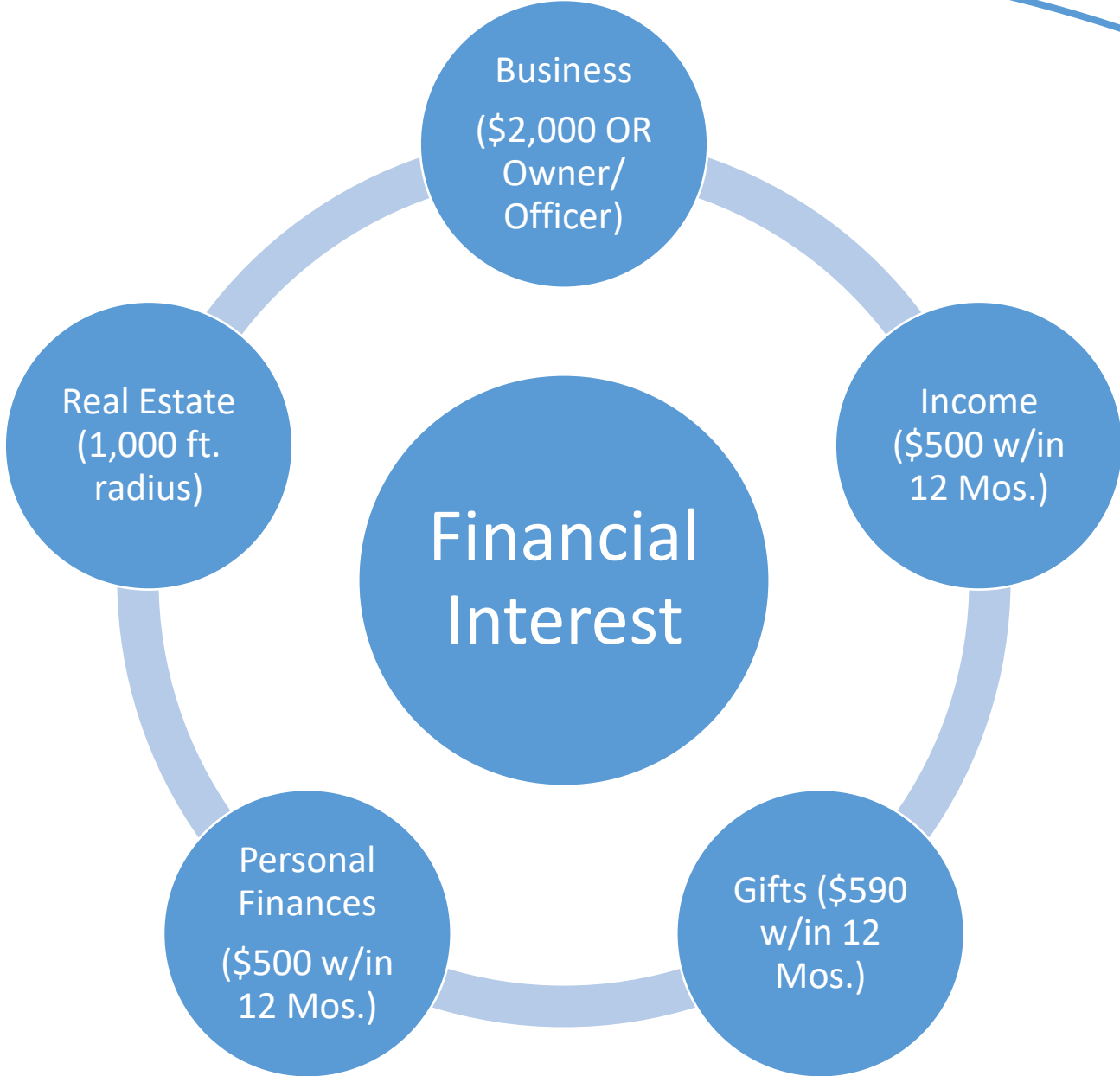
Making or Attempting to Influence a Governmental Decision

- Very broad and includes:
 - Voting
 - Discussing
 - Lobbying
- Applies to any use of your government position to affect any governmental decision.

“Financial Interests” Defined

- Personal finances and finances of immediate family member (spouse/partner/dependent child)
- Business entity with investment of \$2,000 or more
- Real property valued at \$2,000 or more
 - Leases too, but under a special rule
- Source of income of \$500 or more in past 12 months
- Business entity as director, officer, partner, trustee, employee, or management position
- A donor, intermediary, agent for a gift or gifts over \$590 in past 12 months

What is a “Financial Interest”?



“Reasonably Foreseeable”: Determining Disqualifying Conflict of Interest

- Explicitly Involved: Named party or subject of governmental decision, e.g., license, permit, entitlement, or contract
- Not Explicitly Involved: Realistic possibility and more than hypothetical or theoretical
- “Whether the public official has the type of financial interest that would cause a similarly situated person to weigh the advantages and disadvantages of the governmental decision on his or her financial interest in formulating the position”

4-Step Test: Is the Interest Disqualifying?

Is there a reasonably foreseeable effect on the financial interest?

Is the effect material?

Is the effect indistinguishable from the effect on the public generally?

Is there an exception that applies?

“Material”: Determining Disqualifying Conflict of Interest

- Depends on the type of financial interest involved in the governmental decision
- Generally: Means “important enough to matter”
 - “A reasonably prudent person” would conclude the decision would change the value of the business or entity
 - “One penny rule” no longer applies
- Public official may not participate in governmental decision affecting real property within 500 feet of his or her real property **without written clearance from FPCC**

“Indistinguishable from Public Generally”: Determining Disqualifying Conflict of Interest

- Effect of governmental decision on public official’s financial interest is not unique compared to effect on a significant segment of the public
- “Significant segment” includes:
 - 25% of businesses or entities in the jurisdiction
 - 25% of all real property in the jurisdiction
 - 25% of all individual’s in the jurisdiction
- And no disproportionate effect on public official’s financial interest
- Exception: Assessments, taxes, fees, rates, charges that apply equally to public official’s financial interest or entire jurisdiction

What To Do If There Is a Conflict

- **Publicly identify** each financial interest on the record after agenda item announced and before discussion and voting begins
- **Recuse yourself** from participation in discussion and refrain from attempting to influence
- **Abstain** from voting
- **Leave the room** while the item is discussed (unless on consent calendar or another exception applies)

Conflict of Interest

How to Obtain Advice

- City Attorney
- Own attorney
- 1-866-ASK-FPPC
- FPPC Advice Letters



Violations & Fines of the PRA

- Criminal
- Civil
- The Court of Public Opinion



Nepotism

- No specific state laws concerning nepotism.
- May be affected by “income” interest under Political Reform Act or definition of “family” under Political Reform Act.
- Local agency may draft anti-nepotism policy.
- Federal funding requirements.

Incompatible Offices



“One cannot serve two masters.”

Incompatible Offices

- Exists if any significant clash of duties exists between the offices, if the dual holdings would be improper because of public policy, or if one officer exercises supervisory, auditory or removal power over the other.
- Examples: water district director and city council position; school board member and city council member
- Offices are incompatible when one:
 - Audits, overrules, or removes members of the other
 - Possibility of a significant clash of duties or loyalties
 - Public policy considerations make it improper
- Does not apply to an employment position
- Forfeit the first office upon acceding to the second

Government Code § 1126

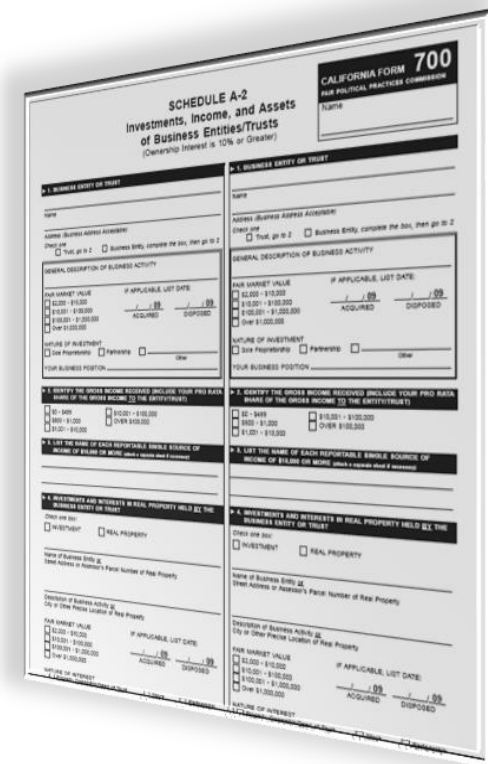
- “[A] local agency officer or employee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed.”
- Agency must provide policy.

Other Political Reform Act Issues

- Statements of Economic Interest (Form 700s)
- Gifts
- Travel Payments
- Honoraria
- Mass Mailing

Statement of Economic Interest

- All local agencies adopt conflict of interest codes.
- Typical City conflict of interest codes require Commissioners file the Form 700 each year by April 1.
- Requires disclosure of personal financial interests to:
 - Alert official to a personal, financial interest that might be affected
 - Inform the public about potential conflicts of interest



Gift Restrictions

- “What you get free costs too much.”
 - Jean Anouilh



Gift Restrictions

- No local elected office holder, candidate for local elected office, or designated employee of a local agency may accept any gift or gifts from a **single source** aggregating in excess of \$590 (1/1/23 – 12/31/24)
- Gifts aggregating \$50 or more in the reporting period must be disclosed on a Form 700

Gift Restrictions

Is it a gift?

- A “payment made by any person of any thing of value when the official does not provide full consideration for the value of the benefit received.”
- Rebates
- Gifts to Family (unless no business before official in 12 months prior or foreseeable future + established)

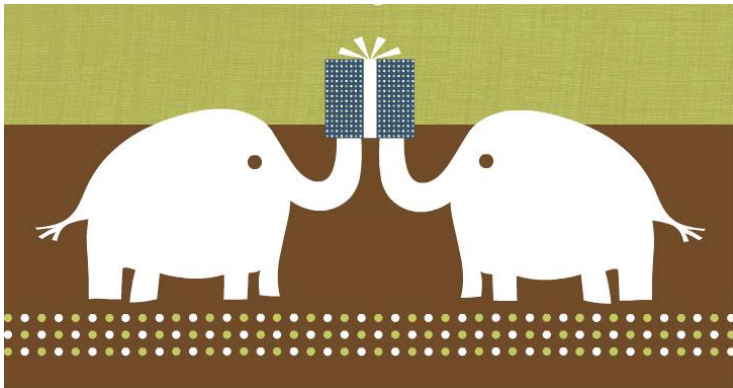


Exceptions to Gift Restrictions



When is a gift not a gift?

- Informational material (electronic media ok).
- Home hospitality.
- Gifts from family (expanded to include more distant relations and former family)
- Reciprocal gifts (between friends during special occasions; \$590; not lobbyists)



Exceptions to Gift Restrictions

- Ceremonial Role (2 tickets to entertainment event)
- Gambling, Prizes, Raffles (must report as income; not because of official status)
- Gifts for Attending Wedding
- Bereavement Gifts (typically provided)
- Acts of Neighborliness (free ordinary services polite people provide without charge)
- Dating (unless lobbyist or matter pending before agency)
- Gifts of Human Compassion (Charity from within social circle to offset medical or living expenses when in need)

Exceptions to Gift Restrictions

- Gifts from Close Friends (“long term, close personal friendship, unrelated to the official’s position with the agency”)
- Catch all Exemption: If it is clear that the gift is not from a lobbyist or someone who was attempting to influence the official’s official position, then the gift is exempt.

Gifts of Travel

- Not Reportable, unlimited
 - Ride-sharing, training paid for by government, government travel, bona fide business travel for official's private business (not speeches), certain campaign travel.
- Reportable, unlimited
 - USA governmental travel; Presentation at conference, paid by charity or foreign government; Travel directly related to official business paid directly to agency
- Reportable and limited

Gift Restriction Summary



Gifts aggregating \$50 or more in the reporting period must be disclosed on a Form 700



Gifts aggregating \$590 or more in the reporting period from a single source are a conflict of interest



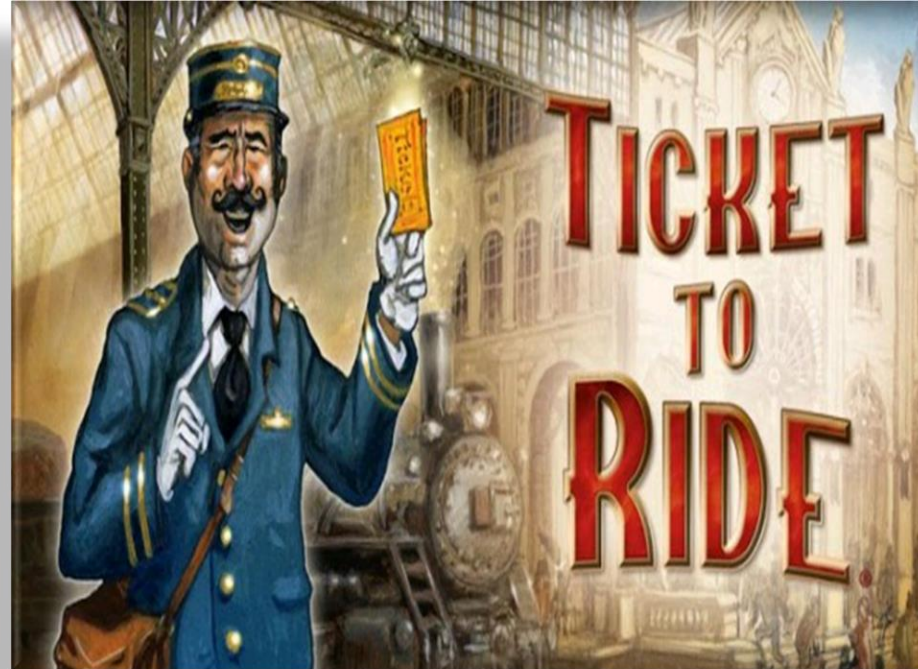
Return to donor within 30 days



Donate to a charity, but can't claim as a tax deduction

Travel Payments: Article XII, § 7

A transportation company may not grant free passes or discounts to anyone holding an office in this State; acceptance of a pass or discount by a public officer, other than a Public Utilities Commissioner, shall work a forfeiture of that office.



Honorariums



- No local elected office holder, candidate for local elected office, or designated employee, including Commissioners, may accept any honorarium.
- “Honorarium” means a payment for a speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering.
- Exceptions exist – e.g. teaching.

Mass Mailing Restrictions

Items prepared or mailed at state or local public expense may not:

- Feature an elected officer affiliated with the agency; or
- Include the name, photograph, or other reference to an elected officer if the item is prepared in coordination with the elected officer.

Applies if 200 pieces or more by physical mail



Exceptions to Mass Mailing Rule



Press Releases



Inter/Intra-Agency
Communications



Payment/ Collection
of Funds



Letterhead/Roster
Listing



Essential Program
Mailings



Legal Notices



Directories



Meeting Notices

Other Restrictions

- Gifts of Public Funds
- Extra Compensation
- Bribery
- Embezzlement
- Due Process

Gifts of Public Funds

All expenditures of public funds must be for a public purpose.

- Cal. Const., Art. XVI, Section 6



- Does the expenditure serve the public interest?

Misuse of Public Resources

- **Rule:** No use of public funds or resources for personal, non-public purposes, including campaigns.
- **“Public Resources”**
 - staff time,
 - office equipment,
 - supplies,
 - excludes incidental, or
 - minimal uses.



Misuse of Public Resources

- **Penalties:** disqualification from office, jail, civil penalties up to \$1,000 / day plus 3x the value of the unlawful use.
- **Tip:** Ensure that expense or use is consistent with adopted agency policy or practice.

Extra Compensation

- Extra compensation paid to employees after services have already been rendered is generally prohibited.
 - Cal. Const. art. XI, § 10(a)
- **Exception:** When retroactive compensation is paid to employees pursuant to terms of newly negotiated MOU covering the period for which retroactive compensation is being paid



Bribery

- Penal Code § 68:
 - “Every officer...who asks, receives, or agrees to receive, any bribe, upon any agreement or understanding that his or her vote, opinion, or action upon any matter then pending, or that may be brought before him or her in his or her official capacity” is guilty of bribery
 - Penalties: prison, fine, loss of office, barred from office for life



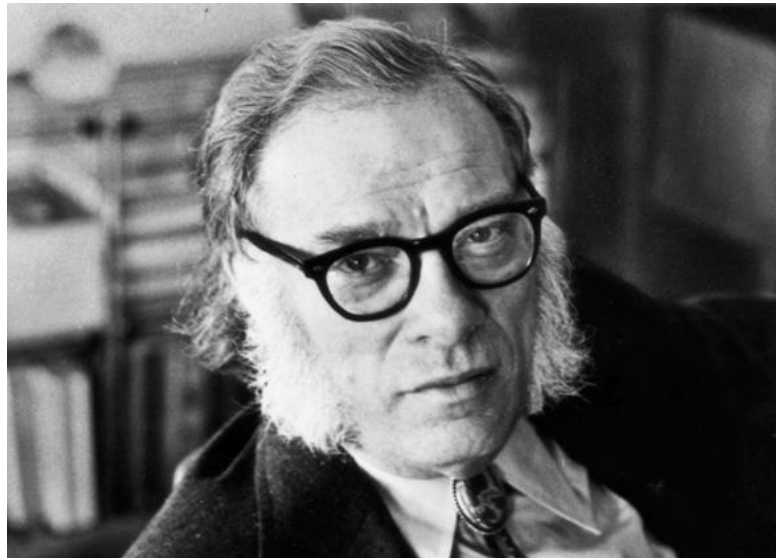
Embezzlement

- Penal Code § 424 & Gov't Code § 8314:
 - Personal use, private loan, refusal to turn over public money
 - Campaign or electoral use of public property
- Penalties: prison, loss of office, barred from office for life
- “Incidental and minimal use” is not a violation

Common Law Bias/Due Process

“Never let your sense of morals get in the way of doing what is right.”

- Isaac Asimov



Due Process

- Constitutional guarantee that citizens may not be deprived of:
 - Life
 - Liberty (good reputation, incarceration)
 - Property (civil service job, real or personal property)
- Without “due process.”

Due Process

Requires:

- Notice of the intended action;
- Opportunity to prepare;
- Opportunity to be heard; and
- Fair and impartial hearing.

Common Law Bias/Due Process

- “A public officer is impliedly bound to exercise the powers conferred on him with disinterested skill, zeal, and diligence and primarily for the benefit of the public.”
Clark v. City of Hermosa (1996) 48 Cal. App. 4th 1152, 1170
- Due process in an administrative hearing demands an appearance of fairness and the absence of even a *probability* of outside influence on the adjudication.
- Does not preclude holding opinions; just participation by someone with a closed mind as to a quasi-judicial decision.

Competitive Bidding Process

Public Contract Code

§§ 20160-
20175.2

Formal Bidding

- Notice Inviting Bids/RFP
- Submission of sealed bids
- Public opening of bids
- Award contract to lowest responsible & responsive bidder
- May also reject all bids and readvertise

Uniform Public Construction Cost Accounting Act

Public Contract
Code § 22000-
22045

- Allows Informal Bidding:
 - PO/Force account up to \$60,000
 - Informal Bidding up to \$200,000
 - Formal Bidding over \$200,000
- Requires City Council resolution & informal bidding ordinance
- If not – any public project over \$5,000 requires formal bidding

The Brown Act

“Government ought to be all outside and no inside.”

- Woodrow Wilson



Purpose of the Brown Act

“All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as provided in this chapter.”



Legislative Body

- City Council, Board of Supervisors, District Board
- Any committee created by formal action of the City Council, BOS, or Board (ordinance, resolution, minute action)
e.g. Planning Commission
- Any committee created by a committee
- Standing Committees
- Not ad hoc committees

What is a Meeting?

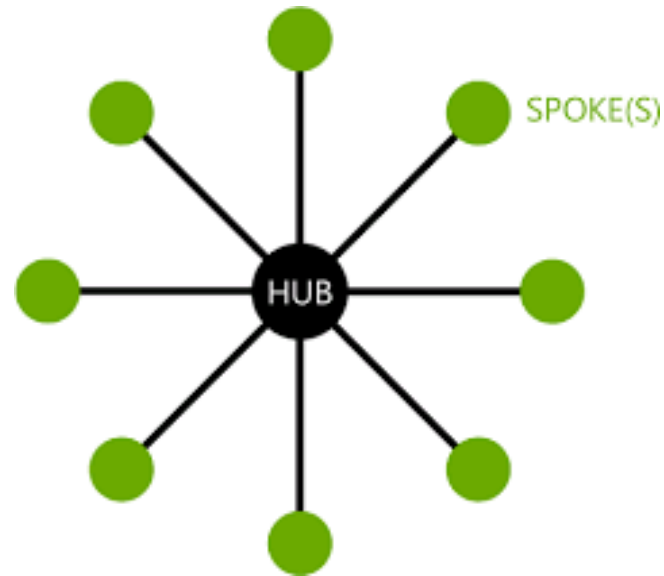
“Any congregation of a majority of the members of a legislative body at the same time and place, to **hear, discuss, or deliberate** upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains.”

What is a Meeting?

Any use of a **series of communications** of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

Serial Meetings

- Daisy Chain
- Hub and Spoke
- Serial Briefings
- Email
- Text messages



Exceptions to the Meeting Definition

- Individual Contacts
- Conferences
- Community Meetings
- Meetings of another Legislative Body
- Social or Ceremonial Occasions

Teleconferencing – “Old, Pre-Pandemic Rules”

- Audio or video or both connecting locations
 - The notice and agenda identify the remote location
 - The remote location is posted and accessible to the public
 - All votes are by roll call
 - All locations comply with the Brown Act, including allowing public participation
 - A quorum participates from within the jurisdiction
- ** Emergency and new rules add new options **

Remote Meetings – New Rules

- AB 2449 (effective Jan. 1, 2023) amends the Brown Act to authorize Council Members or Commissioners to teleconference when they can demonstrate “just cause” or “emergency circumstance”
- Key – under AB 2449, City still needs a quorum of Council Members or Commissioners in-person
- Specific notice and timing requirements exist

Just Cause

- Must disclose reason for “Just Cause” to City Council
- Request for teleconferencing must be made at earliest opportunity
- Max twice per calendar year
- “Just Cause” means:
 - Childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely;
 - A contagious illness that prevents a Councilmember from attending in person;
 - A need related to a physical or mental disability; or
 - Travel while on official business of the City or another state or local agency.

Emergency Circumstances

- “Emergency Circumstances” means a physical or family medical emergency that prevents a Council Member from attending in person
- Must disclose reason to City Council. May be general.
 - Must be under 20 words. Do not have to disclose any medical diagnosis or personal medical information
- Should be done at earliest opportunity. If not possible, can be done at the beginning of a meeting

Remote Meetings per AB 2449

- Council Members using teleconferencing technology must disclose whether any individual over 18 years or older is in same room.
- Cannot call in by phone. Must use audio AND visual technology.
- Council Members may not use a combination of “just cause” and “emergency circumstances” to participate remotely for more than three months or 20 percent of the regular meetings of the calendar year.

Agendas and Public Comment

- Agenda must be posted in advance with brief description of each item of business
- Limited to agendized items unless special circumstances justify addition to agenda
- Every agenda must allow comment on items on the agenda prior to action
- Regular meetings must allow comment on items not on the agenda but within agency's jurisdiction ("Public comment")

Agendas and Public Comment

- “Briefly respond” to comments or questions or to report on individual activities
- Agendize for subsequent discussion
- Special circumstances
 - Emergencies (floods, fires, strikes)
 - Subsequent need (2/3 vote)



Closed Sessions



- Limited topics, typically limited to Council and necessary staff
- Specified agenda format and “reporting out” requirements
- Do not go into closed session without legal assistance
- Do not disclose closed session confidences

Working with the Public

- Public right to photograph and record (audio/video)
- Reasonable time, place, and manner restrictions permitted



Enforcement

- Court of Public Opinion
- Written notice and opportunity to cure
- Civil Action
- Criminal Action



Conclusion

- **Complicated details, but simple general rule**
 - Do the public's business in public
 - Give the public notice and an opportunity to participate
- **When in doubt, ask for help**

California Public Records Act

“A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy; or, perhaps, both.”

- Pres. James Madison



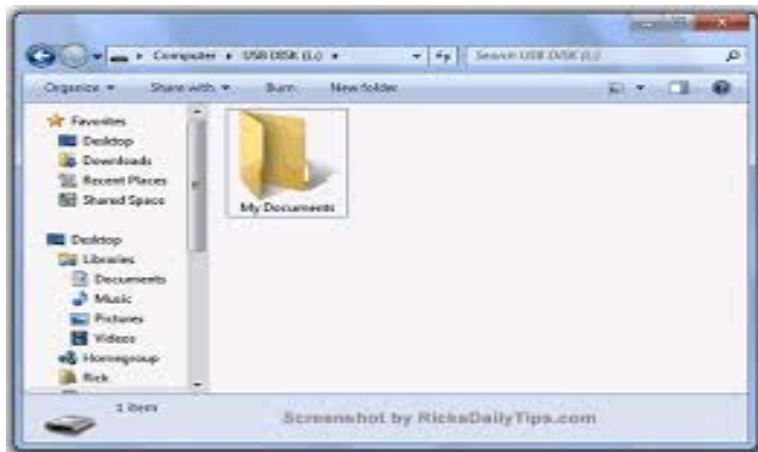
California Public Records Act

Purpose:

“In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.”

California Public Records Act

- “Any writing
- containing information relating to the conduct of the public’s business
- prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”



- Employment contracts specifically included
- Includes emails, even if on personal email account, if concerning City/public business

Public Records Requests

An agency must:

- Make records available for inspection during business hours
- Redact confidential portions so balance can be made available
- Provide copies “promptly” at cost if “reasonably identifiable”
- Respond within 10 days of request unless “unusual circumstances” justify up to 14 more days

Exemptions from Duty to Disclose

- “Preliminary drafts, notes or memoranda ... not retained ... in the ordinary course of business, provided that the public interest in withholding those records clearly outweighs the public interest in disclosure.”
- Pending litigation
- “personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy”
- Documents of agency contractors that are not by contract owned by the agency

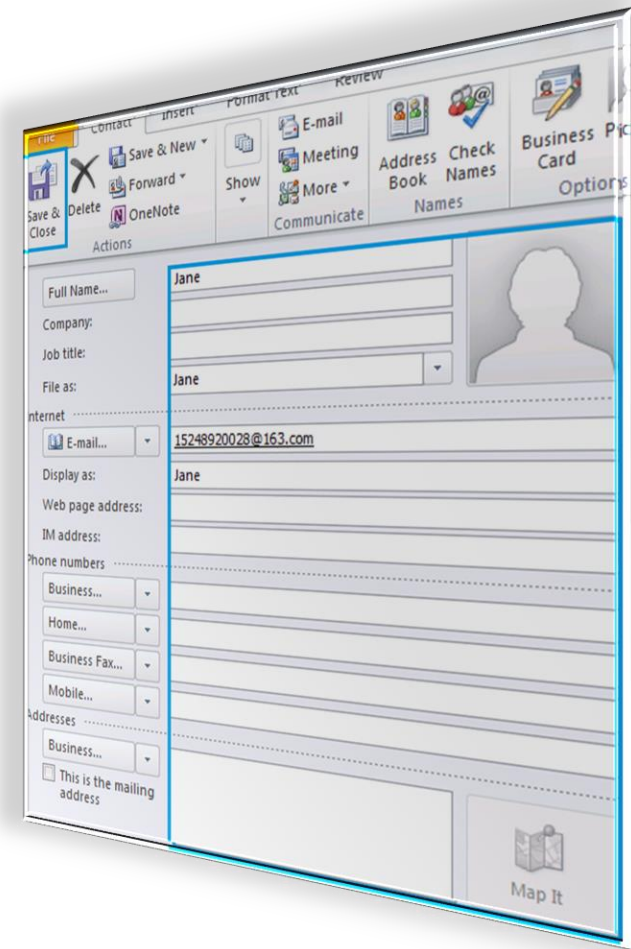
More Exemptions from Duty to Disclose

- Real estate appraisals
- Taxpayer data received in confidence
- Records protected by legal privilege (attorney client, work product, etc.)
- Security assessments
- General balancing exception:
 - “Public interest served by not disclosing the record clearly outweighs the public interest served by disclosure.”



Public Officials' Home Address and Phone Number

“No state or local agency shall post the home address or telephone number of any elected or appointed official on the Internet without first obtaining the written permission of that individual”



COLANTUONO
HIGHSMITH
WHATLEY, PC

Duty to Assist Requestor

The agency will:

- Assist requester to identify records responsive to request
- Describe the medium and location in which records exist
- Provide suggestions to overcome “any practical basis for denying access.”
- Or provide index of records (if an Index exists can provide and let requester identify the records they want)

Electronic Records

The agency:

- Must make electronic records available in electronic format
 - In any format used by the agency
 - In any format in which agency holds it
- May recover only direct cost of duplication
- Requester pays hardware and software costs for unusual formats
- No duty to compromise computer system security



Remedies

- Requesters can sue to challenge denial
- Burden is on the agency to justify withholding records
- Agency has no right of appeal; review is by discretionary writ
- Agency pays legal fees on loss
- Agency wins fees only if suit is “clearly frivolous”

Retention and Destruction

- The City has a records retention policy.
- Records must be:
 - Preserved for period specified by policy
 - Destroyed only after approval by designated persons, including the City Clerk and City Attorney

Recommendations

- Consciously create records
- Copy staff on all items provided to entire legislative body
- Segregate exempt from non-exempt records
- Segregate personal from public
- Be careful with email

SB 1439 (Levine Act)

- Levine Act is a subset of the Political Reform Act
- Applies to state and appointed local officials
- SB 1439 extends the Levine Act to local elected officials effective January 1, 2023
- FPPC Opinion No. O-22-002 –
Levine Act Not Retroactive to 2022 campaign donations

SB 1439 – Levine Act

- **Pre-decision:** Cannot make, participate in, or influence a proceeding involving a pending license, permit, or other entitlement for use if the officer willfully or knowingly received a campaign contribution of more than \$250 within the preceding 12 months from any party, participant or their agent involved in the proceeding.
- **Pending Proceeding:** Cannot accept, solicit, or direct a campaign contribution of more than \$250 from any party, participant, or their agent while a proceeding for a license, permit or other entitlement is pending
- **Post-decision:** Cannot accept, solicit, or direct a campaign contribution of more than \$250 from any party, participant, or their agent involved in the decision for 12 months after decision

Pre-Decision

- If campaign contribution of over \$250 received within 12 months preceding a decision
- Then disclose conflict and recuse



Pending Proceeding

- If campaign contribution of over \$250 received within 12 months before a decision is rendered
- Then officer may return within 30 days of the date officer knows, or should have known, about the conflict



Post-Decision

- If campaign contribution of over \$250 received within 12 months after a decision is rendered
 - Then officer may return the contribution within 14 days
 - Officer must not have knowingly or willfully accepted, solicited, or directed the prohibited contribution
 - Controlled committees must record cured violations
-



Broad Application

- Party: person who files an application for, or is the subject of, a proceeding
- Participant: person who supports or opposes a particular decision and who has a financial interest in a proceeding
- Proceedings include:
 - Business, professional, trade permits & licenses,
 - Land use permits, licenses, and other entitlements for use*,
 - Contracts*, and
 - Franchises

Recommendations



Include a disclosure requirement in development applications;



Note parties', participants' and agents' duty to disclose campaign contributions on agendas;



Add disclosure requirements to City's contracts;



Compile a list of campaign contributors who contributed more than \$250.

Next Steps for City Officials

- Compile a list of campaign contributors who contributed more than \$250 after January 1, 2023.
- Confirm whether any of those contributors have projects or contracts pending before the City:
 - If confirmed, the Councilmember must disclose and recuse if the intention is to keep the contribution.
 - If confirmed, the Councilmember must return the amount of the contribution exceeding \$250 within 30 days of discovering the conflict, if the intention is to participate in the decision regarding the project or contract.
- Before accepting contributions over \$250, confirm that the City Council/other body did not take an action in which the contributor was a “party” or “participant” within past year.

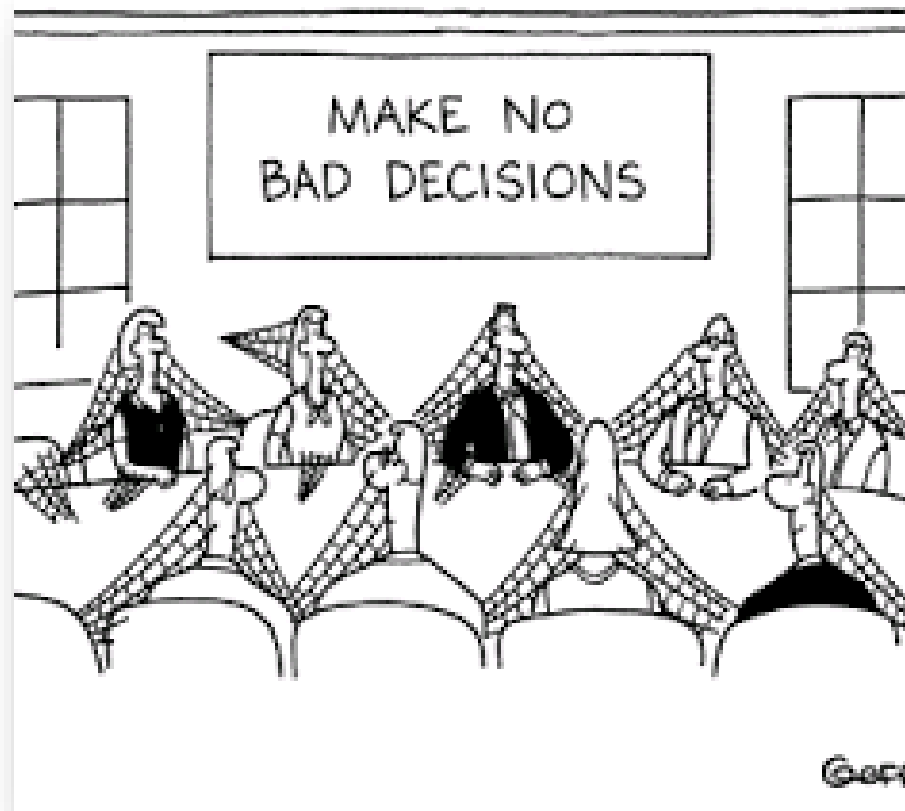
Council, Commission, and Staff

- City Council sets policy, approves budget, and appoints City Manager
- Commissions recommend policies to City Council
 - Planning Commission and other Commissions may have authority delegated from Council to act
- Responsibility of City Staff and Staff Liaisons is to carry out City policies and schedule special meetings

Ethical Decision-Making

“Whenever two good people argue over principles, they are both right.”

- Marie Ebner von Eschenbach



General Thoughts on Ethical Decision-Making

- Is the action legal?
- Does it meet your own sense of right and wrong?
- Is it good public policy?
- Is it consistent with the agency's or the community's values?
- Does it comply with the Golden Rule?



General Thoughts on Ethical Decision-Making

- Invite ethics into the room
- There is often more than one “right” answer and it is okay to disagree about what is right or wrong
- Consider adopting a local ethics or standards of conduct policy
- The Institute for Local Government has good resource materials at www.ca-ilg.org

Conclusion

“Management is doing things right; leadership is doing the right things.”

- Peter Drucker



Questions and Answers

