



**DATE:** June 23, 2015

**CATEGORY:** Consent

**DEPT.:** City Clerk's Office

**TITLE:** **AB 1234 State-Mandated Ethics Training – Requirements and Enforcement Policy**

### **RECOMMENDATION**

That Council approve revisions to the Council Code of Conduct setting forth AB 1234 State-Mandated Ethics Training Requirements and Enforcement Policy.

### **BACKGROUND/ANALYSIS**

On October 7, 2005, the Governor signed Assembly Bill No. 1234 requiring that if a local agency provides any type of compensation, salary, or stipend to, or reimburses the expenses of, a member of its "legislative body" (as that term is defined in California Government Code Section 54952), that local agency's officials must receive training in ethics.

There are numerous training options, including training conducted by commercial organizations, nonprofits, or even an agency's own legal counsel. In addition, the Fair Political Practices Commission has created an online training program that will allow local officials to satisfy the requirements of AB 1234 on a cost-free basis.

The City Council desires to emphasize the importance of ethics in local government and therefore requires that in addition to elected offices, certain designated employees and all advisory body members, with the exception of the Youth Advisory Committee (YAC), will be required to adhere to the requirements of AB 1234.

The City has already established a very comprehensive Code of Conduct, which sets forth ethical standards of conduct for elected Councilmembers, based on the beliefs that the proper operation of democratic government requires that public officials, employees, and advisory bodies be independent, impartial, and responsible people; that government decisions and policy be made in accordance with open government laws and fair processes that respect the City's governmental structure; and that public office or service not be used for personal gain. The Code of Conduct already contains a

reference to AB 1234 under Section 3.6, so it is recommended that this section be revised to include clarification regarding the required adherence by all advisory body members (again with the exception of YAC), as well as set forth an enforcement policy.

On April 21, 2015, the Council Procedures Committee (CPC) considered potential training requirements and an enforcement policy (Attachment 1), and by unanimous vote (Committee members Kasperzak, McAlister, and Chair Showalter), the CPC recommended the following revisions be made to the Council Code of Conduct:

### **3.6 AB 1234 – Required Ethics Training**

AB 1234 requires elected or appointed officials who are compensated for their service or reimbursed for their expenses to take two hours of training in ethics principles and laws every two years. ~~Those who enter office after January 1, 2006 must receive the training within a year of starting their service. They must then receive the training every two years after that. It is the City's policy to emphasize the importance of ethics in government and therefore requires all advisory body members, with the exception of the Youth Advisory Committee, to adhere to the same requirements. The training must occur within two months of assuming office and be renewed within two months of the expiration of the current certificate.~~

[...]

#### **3.6.1 Enforcement**

- Noncompliant Council or advisory body members may not attend conferences, training (except ethics training), or Shoreline events using tickets provided through the City's ticket distribution program at the City's expense, during the period of noncompliance;
- Should noncompliance by an advisory body member continue for 30 days without substantiated extenuating circumstances such as illness, disability, family tragedy, etc., the City Clerk is directed to bring the matter to the City Council for consideration of removing the advisory body member from service on their respective body; and
- Training deadlines may be temporarily postponed for noncompliant advisory body members who are temporarily unable

to fulfill their duties, including attending scheduled meetings.  
Training must be completed within 30 days of returning to service.

Additionally, in reviewing the Code of Conduct, it was noted that with the passing of the November 4, 2014 Ballot Measure A, an additional Code revision is required and should be included with any revisions recommended for Council's consideration. The additional recommended revision is to Chapter 7, Council Financial Matters, under the Compensation section as follows:

7.1.1 Pursuant to Article V, Section 503 of the Mountain View City Charter, each Councilmember will receive a monthly salary. ~~The amount is the salary limit established by the State Legislature for members of the City Council of general law cities having a population range within which the City of Mountain View falls, as specified in California Government Code Section 36516(a).~~

**FISCAL IMPACT** – None.

**ALTERNATIVES**

1. Provide alternate enforcement recommendations; or
2. Take no action at this time.

**PUBLIC NOTICING** – Agenda posting.

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LB/7/CAM  
430-06-23-15CR-E

Attachment: 1. [CPC Staff Report Item 5.3 - CPC AB 1234 Ethics Training](#)