


Agenda Report Reviewed by:  
City Manager: 

CITY OF SEBASTOPOL  
CITY COUNCIL  
AGENDA ITEM

**Meeting Date:** March 21, 2023  
**To:** Honorable Mayor and City Councilmembers  
**From:** City Administration  
**Subject:** Resolution for AB 1234 Reporting Requirements Adopting Implementation of Measures for Non-Compliance with AB 1234 Ethics Training

**Recommendation:** It is recommended that the Council adopt the Resolution for AB 1234 Reporting Requirements Adopting Implementation of Measures for Non-Compliance with AB 1234 Ethics Training. This policy will formalize an Ethics policy for those required per Government Code, City’s Conflict of Interest Code, as well as Require City’s Committees that are not listed in the City’s Conflict of Interest Code to Take Ethics Training; and approve that language be included in all Commission, Board, and Committee applications "A person holding a position on a Commission, Board or Committee must obtain formal AB 1234 Ethics Training within 30 days of appointment and bi-annually thereafter" so that applicants are aware of the requirement during the application process

**Funding:** Currently Budgeted: \_\_\_\_\_ Yes \_\_\_\_\_ No XX N/A  
Net General Fund Cost: None

Account Code/Costs authorized in City Approved Budget (if applicable) AK (verified by Administrative Services Department)

**INTRODUCTION:**

This item is to request that the City Council consider staff's recommendation to adopt Resolution for AB 1234 Reporting Requirements Adopting Implementation of Measures for Non-Compliance with AB 1234 Ethics Training. This policy will formalize an Ethics policy for those required per Government Code, City’s Conflict of Interest Code, as well as Require City’s Committees that are not listed in the City’s Conflict of Interest Code to Take Ethics Training; and approve that language be included in all Commission, Board, and Committee applications "A person holding a position on a Commission, Board or Committee must obtain formal AB 1234 Ethics Training within 30 days of appointment and bi-annually thereafter" so that applicants are aware of the requirement during the application process.

**BACKGROUND**

Assembly Bill 1234 was passed by the State Assembly and State Senate in August of 2005, signed by the Governor in October 2005 and codified, in part, at Government Code Section 53234 and provides that if a local agency reimburses members of a legislative body for actual and necessary expenses incurred in the performance of official duties, then all legislative officials of that local agency must receive training in general ethics principles and ethics laws relevant to public service every two years.

Government Code Section 54952 ( a) defines " legislative body" as the governing body of a local agency or any other local body created by state or federal statute and subsection b) further defines " legislative body" as a commission, committee, board, or other body of a local agency, whether permanent or temporary, decision making or advisory, created by charter, ordinance, resolution or formal action of a legislative body.

Government Code Section 53234 ( c)(2) requires any employee designated by a local agency legislative body to receive the training.

Options for receiving ethics training include attending City workshops when offered, attendance as League of CA Cities/CAL Cities trainings or conferences, other agencies that provide ethics training in compliance with AB 1234, or completing an on-line, cost-free training program offered by the City's Joint Powers Agency (REMIF/CIRA) Target Solutions administer by the City of Sebastopol or the Fair Political Practices Commission web site website. At the end of the training, the Commission, Board or Committee Member must provide the City Clerk Administrator with the original signed (wet signature) certification of completion and obtain and keep in his or her records a copy. Training is required to be no less than two hours to satisfy the training requirements.

**DISCUSSION:**

The goal of AB 1234 training is to alert local officials to the extensive array of laws that apply to public service, as well as the unique ethical obligations public servants have. Another consideration for requiring this training for those members other than those designated in Government Code or City's Conflict of Interest Code is whether the nature of such officials' duties are such that the official would benefit from such training and the agency would benefit from having this official be trained (in terms of reducing the likelihood of missteps). This training provides the opportunity to learn public integrity laws and best practices to promote positive public perceptions.

As noted above, Ethics training must be refreshed every two years. The law, however, is silent on enforcement and does not contain a penalty for non-compliance. In the past, City staff has sent out notices for Ethics Training, as well as reminder notices and at times has taken members up to six months from notice to submission of certificate indicating personnel have completed the Ethics Training Course. This policy is not create a public and transparent policy for requirement to take Ethics Training.

For transparency to our community as well as best practices to promote positive public perceptions that all decisions or recommendations are made with transparency, fair process and merit based decision making, it is recommended that the Council consider implementing the measures identified in the report below in an effort to stress the importance of ethics training and timely completion of the training. It is proposed that the Ethics policy be required for not only the legislative bodies and positions as listed by code, but advisory bodies as well.

A complete list is as follows:

Required by Government Code:

- City Council
- Planning Commisison
- City Manager
- City Attorney
- City Treasurer (Finance Director/Administrative Services Director)

Required by City's Conflict of Interest Code:

- Building Official
- City Clerk/Assistant City Manager
- City Engineer
- Engineering Manager
- Fire Chief
- Planning Director
- Police Chief
- Public Works Superintendent
- Traffic Engineer
- Design Review Board

- City Consultants as listed

City staff is proposing in addition to those listed above, that Ethics training be required for Public Arts Committee and Climate Action Committee, and any future City Board or Committee established by the City Council or future amendments to the Conflict-of-Interest Code.

As the City has gone to online reporting, the City would be utilizing our Joint Powers Agency (JPA) Insurance Risk Management Vendor, Target Solutions, for submission of notices, reminders and filing of Certificates of Completion.

Although with additional members added, it would create additional staff time; however staff believes it will create greater transparency and trust in for decisions or recommendations for decision-making processes and that the community would see that decisions or recommendations would be made in an ethical behavior which generally means the conduct of public business in a manner that will preserve or restore the public's trust in government.

Local agencies can use a variety of techniques to encourage compliance including circulating a list of complying and non-complying officials within the Agency, creating a financial penalty, making compliance a condition of service, posting completed certificates on the City's website, or removal from the legislative body.

City staff has researched other cities and very few (as of the writing of this report only three have responded with established policies) have written policies. City staff has proposed measures below for consideration of Council created and appointments made to various Commission, Boards and Committees:

Proposed Measures for Non-Compliance:

1. Council make compliance a condition of service to serve on a Commission, Board or Committee. All current members of a Commission, Board or Committee shall be notified of Ethics Training requirements. All current members shall be given 30 days to complete Ethics training.
2. Failure to comply within the deadline for filing the report will result in notification to the City Council, Department Director and Board, Committee or Commission member;
3. At the end of each Calendar Year, city staff will present to the City Council a list of members in compliance/not in compliance with Ethics Training.

City staff is not recommending any actions for non-compliance at this time (such as suspension or removal or financial penalties) such as other agencies have done as indicated above). However, if the Council requests staff review such enforcement measures, that should be requested as a separate agenda item for a future meeting. Staff is not recommending enforcement actions at this time.

City staff understands these are volunteer positions and the City values the dedication of time, commitment and experience of the members of the Commissions, Boards and Committees. The policy is intended to promote positive public perceptions that all decisions or recommendations made by all members of our Commission, Boards and Committees are made with transparency, fair process and merit based decision making.

In addition, staff recommends that the following language be included in all Commission, Board, and Committee applications so that applicants are aware of the requirement during the application process, "A person holding a position on a Commission, Board or Committee must obtain formal AB 1234 Ethics Training within 30 days of appointment and bi-annually thereafter".

**CITY COUNCIL AND/OR GENERAL PLAN GOALS:**

Goal 5: Provide Open and Responsive Municipal Government Leadership

5.3.3. Encourage and increase public awareness of City Policies, decisions, programs and all public processes and meetings, by investigating effective methods of communication and obtaining feedback from the community.

Goal 6: Maintain a highly qualified Staff that works to provide services to serve and protect the residents, visitors and business of this community.

Action CHW 5c: Practice an open-door policy in City programs, and actively engage and encourage participation from all individuals regardless of ethnicity, race, religion, class, disability, sexual orientation, and gender.

**ENVIRONMENTAL REVIEW**

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

**PUBLIC COMMENT:**

As of the writing of this staff report, the City has not received any public comment. However, if staff receives public comment from interested parties following the publication and distribution of this staff report such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of the consent calendar.

**PUBLIC NOTICE:**

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to the scheduled meeting date.

**FISCAL IMPACT:**

There is no fiscal impact with adoption of the Resolution tonight. It is proposed that Target Solutions be the preferred training vendor for Ethics Training. In the case that a Commission, Board or Committee member utilizes the FPPC website or obtains a certificate from a qualified trainer/conference, an original signed certificate shall be presented to city staff for filing.

However, it is estimated that it will take approximately two to four hours originally to input information into Target Solutions; send out notices and reminders; and approximately one hour per month to run the report for those not meeting compliance, send out reminders and update the system.

**RECOMMENDATION:**

That the City Council Approve and Adopt the Resolution for AB 1234 Reporting Requirements Adopting Implementation of Measures for Non-Compliance with AB 1234 Ethics Training. This policy will formalize an Ethics policy for those required per Government Code, City's Conflict of Interest Code, as well as Require City's Committees that are not listed in the City's Conflict of Interest Code to Take Ethics Training; and approve that language be included in all Commission, Board, and Committee applications "A person holding a position on a Commission, Board or Committee must obtain formal AB 1234 Ethics Training within 30 days of appointment and bi-annually thereafter" so that applicants are aware of the requirement during the application process.

**ATTACHMENTS:**

Resolution

Resolution Number XXXX-2023

A Resolution of the City Council for AB 1234 Reporting Requirements Adopting Implementation of Measures for Non-Compliance with AB 1234 Ethics Training.

POLICY TITLE: ADVISORY BODY MEMBERS' ETHICS TRAINING REQUIREMENT

This policy formalizes an Ethics policy for those required per Government Code, City's Conflict of Interest Code, as well as Require City's Committees that are not listed in the City's Conflict of Interest Code to Take Ethics Training;

Required by Government Code:

- City Council
- Planning Commisison
- City Manager
- City Attorney
- City Treasurer (Finance Director/Administrative Services Director)

Required by City's Conflict of Interest Code:

- Building Official
- City Clerk/Assistant City Manager
- City Engineer
- Engineering Manager
- Fire Chief
- Planning Director
- Police Chief
- Public Works Superintendent
- Traffic Engineer
- Design Review Board
- City Consultants as listed

In addition to those listed above, Ethics training is required for Public Arts Committee and Climate Action Committee, and any future City Board or Committee established by the City Council or future amendments to the City's Conflict of Interest Code.

1. Assembly Bill 1234 was passed by the State Assembly and State Senate in August of 2005, signed by the Governor in October 2005 and codified, in part, at Government Code Section 53234 and provides that if a local agency reimburses members of a legislative body for actual and necessary expenses incurred in the performance of official duties, then all legislative officials of that local agency must receive training in general ethics principles and ethics laws relevant to public service every two years; and
2. Government Code Section 54952 ( a) defines " legislative body" as the governing body of a local agency or any other local body created by state or federal statute and subsection b) further defines " legislative body" as a commission, committee, board, or other body of a local agency, whether permanent or temporary, decision making or advisory, created by charter, ordinance, resolution or formal action of a legislative body; and
3. Government Code Section 53234 ( c)(2) requires any employee designated by a local agency legislative body to receive the training; and
4. Options for receiving ethics training include attending City workshops when offered, attendance as League of CA Cities/CAL Cities trainings or conferences, other agencies that provide ethics training in compliance with AB 1234, or completing an on-line, cost-free training program offered by the City's Joint Powers Agency (REMIF/CIRA) Target Solutions administer by the City of Sebastopol or the Fair Political

Practices Commission web site website. At the end of the training, the Commission, Board or Committee Member must provide the City Clerk or the Administrative Services Department with the original signed (wet signature) certification of completion and obtain and keep in his or her records a copy. Training is required to be no less than two hours to satisfy the training requirements; and

- 5. Members shall complete required ethics training at the intervals prescribed by Government Code. The City Clerk Administrator in collaboration with Administrative Services Department shall notify members when they are scheduled to complete the required ethics training.

Measures for Non-Compliance:

- 6. Council make compliance a condition of service to serve on a Commission, Board or Committee. All current members of a Commission, Board or Committee shall be notified of Ethics Training requirements. All current members shall be given 30 days to complete Ethics training; and
- 7. Failure to comply within the deadline for filing the report will result in notification to the City Council, Department Director and Board, Committee or Commission member; and
- 8. At the end of each Calendar Year, city staff will present to the City Council a list of members in compliance/not in compliance with Ethics Training.

In addition, the following language shall be included in all Commission, Board, and Committee applications so that applicants are aware of the requirement during the application process, "A person holding a position on a Commission, Board or Committee must obtain formal AB 1234 Ethics Training within 30 days of appointment and bi-annually thereafter".

The City Clerk in collaboration with Administrative Services Department will submit notifications to current members of a Commission, Board or Committee who shall be notified of Ethics Training requirements. All current members shall be given 30 days to complete Ethics training.

City Clerk is directed to amend the City Application for Commission, Boards, and Committees to include language that "A person holding a position on a Commission, Board or Committee must obtain formal AB 1234 Ethics Training within 30 days of appointment and bi-annually thereafter".

PASSED AND ADOPTED, by the CITY COUNCIL of THE CITY OF SEBASTOPOL, COUNTY OF SONOMA, of STATE OF CALIFORNIA on this 21<sup>st</sup> day of March 2023.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the City of Sebastopol City Council by the following vote:

**VOTE:**

Ayes:

Noes:

Absent:

Abstain:

APPROVE: Mayor Neysa Hinton

ATTEST: Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: Larry McLaughlin, City Attorney