

Resolution Number 6520-2023

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

- 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:

- 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
- 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
- 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 21st 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: Councilmembers Maurer, Zollman, Vice Mayor Rich and Mayor Hinton
Noes: None
Absent: Councilmember McLewis
Abstain: None

APPROVED: 
Mayor Neysa Hinton

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

APPROVED AS TO FORM: 
Larry McLaughlin
City Attorney