



1



Disclaimers

- CACEO is a statewide organization serving the needs of a diverse group. Some information may not apply to your agency at this time but will still serve you well during your career.
- The instructor is not an attorney and the information provided is not intended to serve as legal counsel. Review any actions with your organization's legal counsel before proceeding.
- Your agency policy is the authority under which you should act. Any information provided which is in conflict with your agency policy should be reviewed with your supervision and management.

2



Violating public trust



MIKE FRICKLER
BROWARD COUNTY PROSECUTOR



JULIA VALIGHEN
CITY CLERK, FORT LAUDERDALE



INSPECTOR GENERAL
BROWARD COUNTY PROSECUTOR



DAVID CONKLIN
BROWARD COUNTY PROSECUTOR

3



Fair Political Practices Commission

• Mission

- To promote the integrity of state and local government in California through fair, impartial interpretation and enforcement of political campaign, lobbying and conflict of interest laws.

4



Training

- Cities, counties and special districts in California are required by law ([AB 1234, Chapter 700, Stats. of 2005](#)) to provide ethics training to their local officials.
- The law also provides that if an entity develops criteria for the ethics training required by AB 1234, the Fair Political Practices Commission and the Attorney General must be consulted regarding any proposed course content.

5



Training

- Several training options are available to your agency, including training conducted by commercial organizations, nonprofits, or an agency's own legal counsel. In addition, an online training program has been established that allows local officials to satisfy the requirements of AB 1234 on a cost-free basis. The course can be accessed via the link below. When the training is finished, *you must print* the Certification of Completion provided at the end.
- <http://www.fppc.ca.gov/learn/public-officials-and-employees-rules-ethics-training.html>

6



Conflicts of Interest

- Under the Act, a public official has a disqualifying conflict of interest in a governmental decision if it is foreseeable that the decision will have a financial impact on his or her personal finances or other financial interests. In such cases, there is a risk of biased decision-making that could sacrifice the public's interest in favor of the official's private financial interests. To avoid actual bias or the appearance of possible improprieties, the public official is prohibited from participating in the decision.

7



Application

- How might enforcement develop a conflict?
- What action on your part can avoid a conflict?

8



Disqualifying Financial Interests

- There are five types of interests that may result in disqualification:
 - Business Entity.** A business entity in which the official has an investment of \$2,000 or more in which he or she is a director, officer, partner, trustee, employee, or manager.
 - Real Property.** Real property in which the official has an interest of \$2,000 or more including leaseholds. (However, month-to-month leases are not considered real property interests.)

9



- **Income.** An individual or an entity from whom the official has received income or promised income aggregating to \$500 or more in the previous 12 months, including the official's community property interest in the income of his or her spouse or registered domestic partner.
- **Gifts.** An individual or an entity from whom the official has received gifts aggregating to \$500 or more in the previous 12 months.
- **Personal Finances.** The official's personal finances including his or her expenses, income, assets, or liabilities, as well as those of his or her immediate family.

10



Exceptions

- Not all conflicts of interest prevent a public official from lawfully taking part in the government decision. There are two limited exceptions to the conflict of interest rules:
 - **The Public Generally Exception.** A public official is not disqualified from a decision if the effect on the official's interests is indistinguishable from the effect on the public.
 - **Legally Required to Participate.** In certain rare circumstances, a public official may be randomly selected to take part in a decision if a quorum cannot be reached because too many officials are disqualified under the Act.
- Exceptions must be considered with care. A public official should contact agency counsel or the FPPC to determine if an exception applies.

11



How it applies to you:

- Form 700
 - Position designated for disclosure by Council or Board resolution
 - <https://www.fppc.ca.gov/Form700.html>

12