

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18371. Local Agency Ethics Training.

(a) Core Content Topics. The topics enumerated in subdivisions (a)(1) through (a)(4) of this regulation are considered to be the core content of the ethics law component of an ethics orientation course conducted by a local agency pursuant to Government Code section 53235. The course should include instruction on each of the following topics to the extent they are relevant to the official's public duties:

(1) Laws relating to personal financial gain by public servants, including, but not limited to:

(A) Laws prohibiting bribery (Penal Code § 68).

(B) Conflicts of Interest under the Political Reform Act (Gov. Code §§ 87100, 87103).

(C) Contractual Conflicts of Interest (Gov. Code § 1090 et seq.).

(D) Conflicts of Interest and Campaign Contributions (Gov. Code § 84308).

(E) Conflicts of Interest When Leaving Office (Gov. Code §§ 87406.1, 87406.3, 87407).

(2) Laws relating to claiming perquisites of office, including, but not limited to:

(A) Limitations on the Receipt of Gifts (Gov. Code §§ 86203, 89503, 89506).

(B) Honoraria Ban (Gov. Code § 89502).

(C) Misuse of Public Funds (Pen. Code § 424; Gov. Code § 8314; *Fair Political Practices Commission v. Suitt* (1979) 90 Cal.App.3d 125; *Stanson v. Mott* (1976) 17 Cal.3d 206).

(D) Prohibitions against gifts of public funds (Cal. Const., art. XVI, § 6).

(E) Mass mailing restrictions (Gov. Code § 89001).

(F) Prohibitions against acceptance of free or discounted transportation by transportation

companies (Cal. Const., art. XII, § 7).

(3) Government transparency laws, including, but not limited to:

(A) Economic interest disclosure under the Political Reform Act (Gov. Code §§ 87200 et seq.).

(B) Brown Act (Gov. Code §§ 54950 et seq.).

(C) Public Records Act (Gov. Code §§ 6250 et seq.).

(4) Laws relating to fair processes, including, but not limited to:

(A) Common law bias prohibitions.

(B) Due process requirements.

(C) Doctrine of Incompatible Offices.

(D) Competitive bidding requirements for public contracts.

(E) Disqualification from participating in decisions affecting family members (anti-nepotism laws).

(b) Core Content Ethics Law Topics Under Political Reform Act. Of the core content topics set forth in subdivision (a) above, the topics enumerated below ((b)(1) through subdivision (b)(7)) are considered to be the core content of the "ethics laws" component that pertain to the Political Reform Act, and regarding which, the Commission will provide consultation. The course should include instruction on each of the following topics if relevant to the official's public position:

(1) Conflicts of Interest under the Political Reform Act (Gov. Code §§ 87100, 87103).

(2) Conflicts of Interest and Campaign Contributions (Gov. Code § 84308).

(3) Limitations on the Receipt of Gifts (Gov. Code §§ 86203, 89503, 89506).

(4) Honoraria Ban (Gov. Code § 89502).

(5) Conflicts of Interest When Leaving Office (Gov. Code §§ 87406.1, 87406.3, 87407).

(6) Mass Mailing Restrictions (Gov. Code § 89001).

(7) Economic Interest Disclosure Under the Political Reform Act (Gov. Code § 87200 et seq.).

(c) A person conducting an ethics orientation course shall be considered to have consulted with the Commission pursuant to Government Code section 53235(c) if the person:

(1) Has reviewed the materials specified by the Commission for core content topics covered by the Political Reform Act on the Commission's website no more than 60 days in advance of the date the training is conducted or training program is developed, and every year thereafter.

(2) Develops and presents a training that includes the core content topics covered by the Political Reform Act and sufficiently and accurately reflects the Commission's statutes and regulations. The training may be in separate segments so long as all of the required training is completed by January 1, 2007, and every two years thereafter.

(d) Nothing in this regulation shall limit the requirement of Government Code sections 53234 et seq., and 53235.2 to include in the mandated ethics training any topics which are not within the Political Reform Act, such as "general ethics principles," "local ethics policies," or those ethics laws under the purview of the Office of the Attorney General.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 53234, 53235, 53235.1 and 53235.2, Government Code

HISTORY

1. New section filed 2-21-2006; operative 2-21-2006. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil CO10924,

California Court of Appeal, Third District Court of Appeal, unpublished decision, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements)

(Register 2006, No. 8).

2. Editorial correction designating first paragraph as subsection (a) (Register 2006, No. 15).