



Biennial Ethics Training

Presented by: Roman J. Muñoz

Natomas Unified School District
February 8, 2025

Roman J. Muñoz

Partner



Sacramento Office
rmunoz@lozanosmith.com
916.329.7433

Overview

Roman J. Muñoz is a Partner in Lozano Smith's Sacramento office. His areas of practice include labor and employment, litigation and governance.

Experience

He regularly advises governing boards and public agencies on a variety of legal matters, including labor relations, employee discipline and dismissal, employment litigation, contract administration, employee benefits, reductions in force, grievance arbitration, unfair labor practice proceedings, and board policies.

Prior to practicing as a public agency attorney, Mr. Muñoz worked in the California State Legislature and served as a non-commissioned officer in the United States Army.

Presenter Experience

Mr. Muñoz is a highly sought-after speaker who has presented on behalf of several leading statewide associations, including the California School Boards Association (CSBA), Association of California School Administrators (ACSA), and the California Association of School Business Officials (CASBO). His topics have ranged from negotiations and employee leaves to the Brown Act and the California Voting Rights Act.

Professional Affiliations

Mr. Muñoz serves as a founding member of the Plaza Youth Advantage Program, a program that provides mentors for at-risk youth living in East Los Angeles. He is also a member of the California Council of School Attorneys (President, 2007), the California Bar Association, and the Sacramento Bar Association.

Education

Mr. Muñoz earned his J.D. from the University of the Pacific, McGeorge School of Law. He received a B.A. from California State University, Fresno. Mr. Muñoz successfully completed the Program on Negotiation at Harvard University.

Practices

Governance
Labor and Employment
Litigation

Education

J.D., University of the Pacific, McGeorge School of Law
Harvard University (Program on Negotiation)
B.A. California State University, Fresno

Admissions

California

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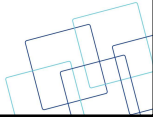
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Biennial Ethics Training

Presented by Roman J. Muñoz

NATOMAS UNIFIED SCHOOL DISTRICT

FEBRUARY 8, 2025





Why Are We Here?

Required Biennial Ethics Training
(AB 2158; Government Code § 53235)

Encourage Doing the Best Job for the
Public Interest

Learn How to Spot Issues Before They
Become a Problem

Stay Out of the Headlines

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Four Required Topics

Laws relating to **Personal Financial Gain** (bribery,
conflict of interest, campaign contributions).

Laws relating to **Personal Advantages and Perks of
Office** (gift and travel payment restrictions, restrictions
on personal and political use of public resources, gifts
of public funds).

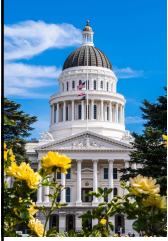
Government Transparency Laws (financial disclosure,
Brown Act).

Laws relating to **Fair Processes** (including due process
requirements, incompatible offices, common law bias,
disqualifications from participating in certain
decisions).

(Government Code § 53234, et seq.)

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Initial Considerations: Ethics versus Ethics Laws



- **Ethics Laws** set minimum standard for official conduct; establish required conduct (what is legally required) and trigger penalties when violated.
- **Ethics** goes further, what we “should” do, not just what is legally required. Acting with ethical considerations often goes beyond the law’s minimum requirements.
- Universal ethical values: Fairness, loyalty, compassion, trustworthiness, responsibility and respect (Institute for Global Ethics, research indicating universal values)

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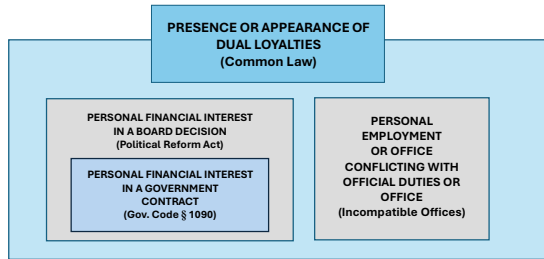
10 Rules of Public Service

1. Approach your job as a service to the public.
2. Promise only good, fair, and honest service.
3. Pay for your own lunch.
4. Buy your own tickets to events.
5. Accept gifts from friends and family. Return gifts from others.
6. Ask the District to pay for your business travel expenses.
7. Do personal business outside of workplace.
8. Be open and transparent.
9. Be honest and fair in all your dealings.
10. Always do the right thing even when no one is watching.

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Personal Financial Gain

Conceptual Diagram: Conflicts of Interest



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Personal Financial Gain

Donor of a Gift

- \$630 or more, provided to, received by, or promised to the official within the 12 months prior to the decision being made.



(Gov. Code, § 87103, subd. (e).)

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FPPC Hypothetical

Sulemma is a local realtor who also serves on the county board of supervisors. A client of Sulemma's comes before the board of supervisors seeking a permit to operate the client's business. Sulemma sold property for the client in the last year, which earned her a \$20,000 commission.

Can Sulemma vote on the permit?

(Gov. Code, § 87103, subd. (c).)

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Personal Advantages and Perks of Office

Gift of Public Funds - Rule of Law

“[t]he Legislature shall have no power to... make any gift or authorize the making of any gift, or any public money or thing of value to any individual, municipal or other corporation whatever.”

- California Constitution Article XVI Section 6

Personal Advantages and Perks

Two Kinds of Perk Rules



1. Perks that others offer you (i.e., gifts).



2. Perks that you give yourself (i.e., use of public resources)

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Government Transparency and Fair Processes

Hypotheticals

At a board meeting discussing a controversial topic, 45 citizens send in written public comment expecting it to be read at the meeting. The board president decides that this will take too much time at the meeting and selects those they believe best support their position and reads those in an effort to "save time." Is this ethical?

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What Does The Brown Act Require?

- Actions & deliberations taken openly & in public
- Meetings are public, unless closed session is allowed
- Meeting agendas and packets must be available
- Agenda posted on district website

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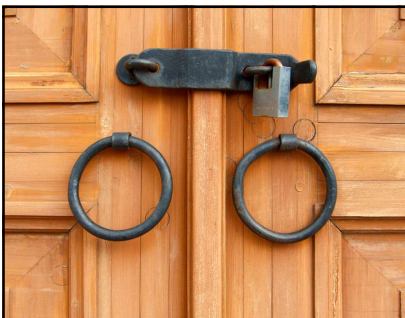
Governmental Transparency and Fair Processes

Brown Act & Social Media (AB 992) – Board Member Use of Social Media

PERMITTED	PROHIBITED
<ul style="list-style-type: none">Individual Board member may engage in conversations or communications on a social media platform to:<ul style="list-style-type: none">(1) Answer questions from the public;(2) Provide information to the public; or(3) Solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body.	<ul style="list-style-type: none">(1) A majority of the legislative body using social media to discuss among themselves agency business of a specific nature that is within the subject matter jurisdiction of the agency; and(2) Any member of the legislative body responding directly to any communication from another member on an internet-based social media platform regarding a matter within their subject-matter jurisdiction.

(Gov. Code § 54952.2)

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Closed Sessions

Closed sessions are permitted for certain matters where it is necessary to conduct business in private.

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Public Record Act Basics



Access to agency records is a fundamental right.

All records are open to inspection absent a statutory exemption.

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City of San Jose Case—Personal Devices and CPRA



“Here, we hold that when a city employee uses as personal account to communicate about the conduct of public business, the writings may be subject to disclosure under the California Public Records Act.”

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Ethics vs. Ethics Laws

Ethics Laws

- Set minimum standards for public officials’ conduct.
- Establish required conduct – what officials must do.
- Trigger penalties when violated, many of which are severe.

Ethics

- Ethics is what we ought to do – not just what we have to do.
- Just because a course of action is legal, does not mean it is ethical.
- A person who acts with ethical considerations in mind will often go well beyond the law’s minimum requirements.

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Additional Resources



- Institute for Local Government
 - www.ca-ilg.org
- California Fair Political Practices Commission
 - www.fppc.ca.gov
- California Attorney General
 - www.oag.ca.gov/publications

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Questions?



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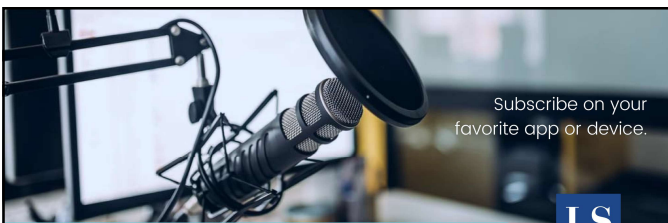
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Four Required Topics

Laws relating to **Personal Financial Gain** (bribery, conflict of interest, campaign contributions).

Laws relating to **Personal Advantages and Perks of Office** (gift and travel payment restrictions, restrictions on personal and political use of public resources, gifts of public funds).

Government Transparency Laws (financial disclosure, Brown Act).

Laws relating to **Fair Processes** (including due process requirements, incompatible offices, common law bias, disqualifications from participating in certain decisions).

(Government Code § 53234, et seq.)



Personal Financial Gain

Personal Financial Gain

California Political Reform Act of 1974

- “Public officials, whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them.”



(Gov. Code, § 81001, subd. (b).)

Personal Financial Gain



The Fair Political Practices Commission

- Administers and enforces the Political Reform Act.
- Consultants are available to provide telephone or written advice.
- Only written advice will provide immunity from civil or criminal prosecution.
- Advice applies only to future conduct, not past conduct.



(Gov. Code, §§ 91013.5, 91013.7)

Personal Financial Gain

General Rule

A public official at any level of state or local government shall not make, participate in making, or in any way attempt to use the public official's official position to influence a governmental decision in which the official knows or has reason to know the official has a financial interest. (Gov. Code, § 87100.)



Personal Financial Gain

Defining Financial Interest:

A public official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, their immediate family, or on any of the following:

- Business entity
- Real property
- Any source of income
- Gifts
- Personal finances



(Gov. Code, § 87103.)

Personal Financial Gain

Types of Financial Interests



Personal Financial Gain

Business Entities

- Direct/indirect investment - \$2,000 or more.
- Any entity where official is a director, officer, partner, trustee, employee, or holds any position of management.



(Gov. Code, § 87103, subds. (a), (d).)

Personal Financial Gain



(Gov. Code, § 87103, subd. (b).)

Real Property

- Direct/indirect investment, ownership, lease, options to purchase - \$2,000 or more.
- Presumption of disqualification if property interest within 500 feet of the subject of the decision.
- Commercial property: apply business entity standards.
- Additional catchall rule: reasonable prudent person, using due care and consideration under the circumstances, would believe that it is reasonably foreseeable the decision would influence the market value of the official's property.

Personal Financial Gain

Source of Income

- Including spouse's income - \$500 or more, 12 months prior to decision made.
- Provided, promised to, or received by the official.
- Exception for gifts or loans by a commercial lender made in the regular course of business on terms available to the public without regard to official status.
- Look to income from the sale of goods and services, including a salary; income from the sale of personal or real property.
- Nexus test: "... the official receives or is promised the income to achieve a goal or purpose which would be achieved, defeated, aided, or hindered by the decision."
- Exception for income of individual customers from retail sales of a business entities.



(Gov. Code, § 87103, subd. (c).)

Personal Financial Gain

Foreseeability of Financial Effect

- A financial effect on a financial interest is presumed to be reasonably foreseeable if the financial interest is explicitly involved in the decision.
- An official's financial interest is "explicitly involved" in a decision if the interest is a "named party in, or the subject of," the decision, and an interest is the "subject of a proceeding" if the decision involves the issuance, renewal, denial, or revocation of any license, permit, other entitlement to, or contract with, the interest.
- If the financial interest is not explicitly involved in a decision, the financial effect of the decision is reasonably foreseeable if the effect can be recognized as a realistic possibility and more than hypothetical or theoretical.



Personal Financial Gain

Materiality Standards

- The standard used depends on the type of financial interest:
 - Business entity – apply 2 C.C.R. 18702.1
 - Real property – apply 2 C.C.R. 18702.2
 - Source of income – apply 2 C.C.R. 18702.3
 - Source of gifts – apply 2 C.C.R. 18702.4
 - Public official's personal finances, or those of a member of immediate family – apply 2 C.C.R. 18702.5



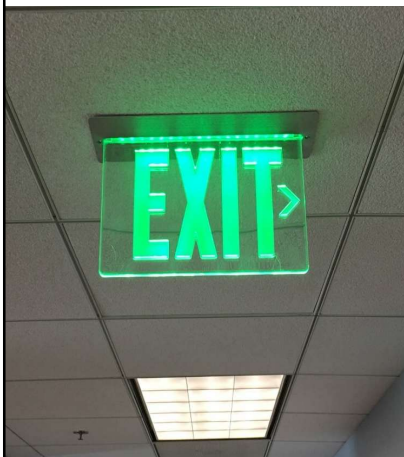
Personal Financial Gain – Real Property

FPPC Enforcement Decisions

- Board member for Municipal Water District and Valley-Wide Recreation and Park District fined \$16,000 for failing to fully disclose interests in real property on his 2015, 2016, and 2017 Annual Statements of Economic Interest under both districts.
- Trustee of a Board fined \$23,500 for failure to timely disclose sources of income and interests in real property on his Assuming Office, 2015 Annual and 2016 Annual Statements of Economic Interests. As a member of the Board, Trustee made governmental decisions in which he had a financial interest.



Personal Financial Gain



If You Are Disqualified:

1. Do not participate.
2. Do not discuss or influence (staff or colleagues).
3. Identify precise nature of conflict at meeting.
4. Leave room (unless matter on consent).





Personal Financial Gain

Okay to speak as a member of the public if official has a personal interest in the agenda item and wishes to speak as a member of the general public.

(Cal. Code Regs., tit. 2, § 18707, subd. (a)(3)(B).)

Personal Financial Gain Penalties



- Invalidate decision
- Misdemeanor (possible loss of office)



- Fines (\$5,000 to \$10,000 per violation)
- Attorney's fees (yours and others)



- Embarrassment (personal/political)



FPPC Examples of Penalties

A school board member voted on 15 governmental decisions approving payment of public funds to the travel agency she owns. This resulted in a \$29,000 fine to the official.

A city council member voted to extend a license to a company that was a source of income to his spouse. This resulted in a \$2,000 fine.

A planning commissioner that owned an architectural firm in town participated in decisions benefiting his firm. This resulted in a \$24,000 fine.

A county supervisor took a developer-paid trip to a North Carolina golf course and later voted on the developer's proposal involving a course in the supervisor's county. This resulted in a \$1,500 fine.



Personal Financial Gain



Bribery

- Public officials may not solicit, receive, or agree to receive a benefit in exchange for their official actions.
- The notion of receiving a “benefit” under bribery laws goes beyond receiving cash that goes in your pocket.
- May include campaign contributions, jobs, gifts, and special considerations not available to others.



(Pen. Code, §§ 67, 67.5, 68, 165)

Personal Financial Gain - Bribery

Bribery Penalties

- Penalties are severe.
- Potential to lose office and be forever disqualified from seeking office
- Prison time
- Fines (including attorneys' fees)



Conflicts of Interest in Contracts

Government Code § 1090 is aimed at preventing a public official from having a financial interest in a contract made in his or her official capacity.



Personal Financial Gain

Special Rules for Contractual Conflicts of Interest

- Public officers may not be financially interested in any contract made by them in their official capacity, or by any board of which they are a member.
- Prohibits participating in the development, negotiations, or execution of the contract.
- Applies to both oral and written contracts.
- A legislative body cannot enter into a contract if a member has a financial interest in the contract.
- Abstention does no good for board members in some circumstances. Do not assume abstaining will work.



(Gov. Code, § 1090 et seq.)

Personal Financial Gain

Special Rules for Contractual Conflicts of Interest

- Limited exceptions.
- Harsh penalties and remedies.
 - Contract is void and unenforceable.
 - Criminal, civil, and administrative sanctions.
- With conviction, public official is forever banned from holding any office.
- Talk with legal counsel early to enable the complex analysis required to determine whether you will need to step aside from participating in a decision.



FPPC Case Study

- A city council member owned land which he sold to a private developer who ultimately transferred it to the city. The sale was part of a multiple party transaction designed to enable the developer to satisfy the city's requirement that the developer provide a park and permanent open space as a condition of the development.
- A group of taxpayers in the community sued, arguing that the council member was in essence on both sides of this transaction.
- The court agreed. It concluded that the transaction violated the prohibition against public officials being on both sides of the contract.
- The court ordered the council member to refund the money he received for the land to the city plus interest.
- The city got to keep the property, meaning that the council member basically ended up giving the property to the city for free.

Personal Financial Gain

Special Rules for Campaign Contributions

- Applies to elected school board members and appointed members of boards.
- May not receive campaign contributions in excess of \$250 from a donor with a pending matter for 12 months after the decision.
- Must disqualify and disclose if received campaign contributions in excess of \$250 within 12 months preceding the decision.



(Gov. Code, § 84308.)

Hypotheticals

Big Yellow Bus Company wants to break into our area and sell school transportation services to local districts. To that end, they donate \$5,000 to your campaign for re-election with the expectation that you will vigorously promote their business in your district. Is this ethical?



Personal Financial Gain



Best Practices:

Avoid temptation to look at public service as an opportunity for financial gain.

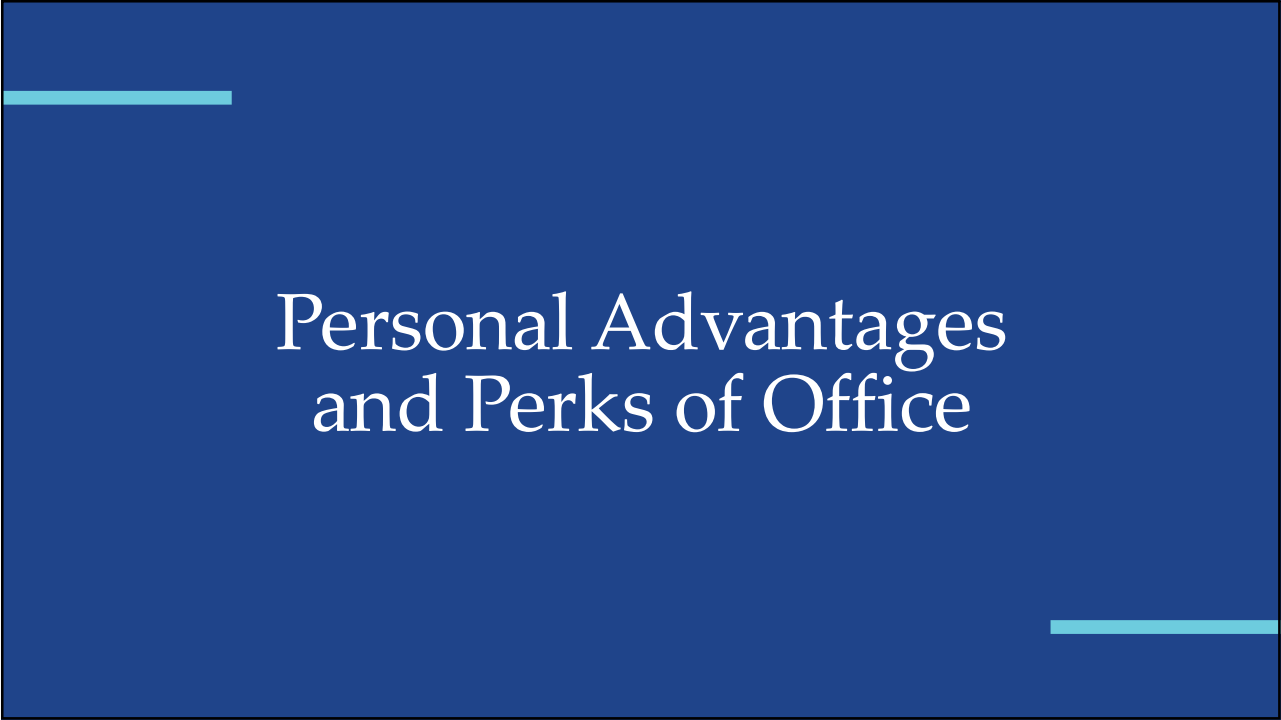
Look at every decision and ask yourself whether it involves some kind of financial interest for you or your family.





Personal Financial Gain

- Personal Advantages and Perks of Office
- Government Transparency
- Fair Processes
- General Ethics and Principles Beyond the Law



Personal Advantages and Perks of Office

Is this a Gift of Public Funds?



- **More Certainty**
 - Is the expenditure authorized by statute?
 - Is the expenditure in board policy or resolution?
- **Less Certainty**
 - Did the governing board use its discretion for goodwill?
 - What if the expenditure benefits a private recipient?



Gift of Public Funds – Start Here

Are these public funds being used to serve a legitimate public purpose that has tangible benefit to the District or its students and is connected to the District's educational mission?



Personal Financial Gain

Gifts from Others to Officials

- Public officials need to be aware of receiving gifts.
- Gifts do not always have bows, and can include meals, tickets to sporting or other entertainment events, trips, and travel expenses.
- The rules are many and complex.
- Elected officials and executive heads of public agencies, as well as those with significant decision-making authority; be aware of gifts from all sources.
- For others; be aware of gifts from sources that do business with the District.



(Gov. Code, §§ 86203, 89503, 89506.)

Personal Advantages and Perks

Disqualification: In 2023-2024, disqualifying interest of \$590 or more in prior 12 months.

Reporting: Form 700 filers report \$50 and up single source calendar year – cumulative.

Prohibition: Form 700 filers limited to \$630 single source per calendar year.

- Some exceptions.

Personal Advantages and Perks

Honoraria Ban (Gift Filers)

- Honoraria is compensation to speak at conferences, write articles, or attend meetings.
- Such communications are part of the public official's service.
- Consequences/Penalties.
- Up to \$5,000 per violation.



(Gov. Code, §§ 89502, 89506; Cal. Code Regs., tit. 2, §§ 18932.4, 18950.3)

Personal Advantages and Perks

Gifts from Others to District

- Must be used for official District business.
- Agency Head must control who uses the gift.
 - The individual who has the ultimate authority for the agency or the individual the agency authorizes to determine how the agency uses the payment.
- Complete FPPC Form 801.



(Cal. Code Regs., tit. 2, § 18944)

Personal Advantages and Perks

Gift Policy

- Employees cannot receive gifts from anyone that does business with or seeks to do business with the District.
- Some exceptions, such as holiday gift baskets shared by an entire office.

Tickets & Passes

- Gift rules apply to event tickets and passes, even if provided to the District and passed through to the official.
- Includes admission to events the District operates.



Personal Advantages and Perks

Tickets and Passes, cont.

- **Form 802:** For either exception, within 45 days of distribution, District must complete and post a Form 802 describing the person or organization receiving the ticket(s), the event, the face value, and a description of the public purpose or that the ticket was provided as income to the official.
 - **Exception:** Admission for ceremonial role. (Cal. Code Regs., tit. 2, §§ 18942, 18942.3)
 - **Exception:** Attendance at nonprofit organization fundraising event. (Cal. Code Regs., tit. 2, § 18946.4)

Personal Advantages and Perks

Tickets and Passes, cont.

- **Exception:** Tickets to the District may be provided to officials without being a reportable gift if the official treats the ticket as income for tax purposes.
- **Exception:** Tickets from outside sources passed through the District may also be provided to an official without being reportable under the following circumstances:
 - The ticket is not earmarked by the original source for use by the official who uses the ticket.
 - The District determines in its sole discretion who uses the ticket.

Personal Advantages and Perks

Tickets and Passes, cont.

- The distribution is pursuant to an adopted policy identifying the public purpose to be accomplished by distribution of the tickets or passes.
- The official receives the same benefit as all members of the public with the same class of ticket.
- There is a prohibition on further transfer of the ticket except to immediate family members for personal use.
- The District's policy relating to the distribution of tickets must be posted on the District's website within 30 days of adoption or amendment and the website link must be provided to the FPPC.

Personal Advantages and Perks

Gifts from District to Officials

- Considered reportable gifts to the official unless food, beverage, etc., of nominal value or lawful expenditure of public funds.
- Gift rules apply to District raffles unless an employee donates gift or gift is paid for by District (except tickets).
- Gift exchanges okay as long as gifts of similar value.

(Cal. Code Regs., tit. 2, §§ 18944.2, 18944.3)

Personal Advantages and Perks

Gifts from Family & Friends

- Gifts from spouses, children, parents, grandparents, grandchildren, siblings, in-laws, aunts, uncles, nieces and nephews, first cousins, are not gifts; unless intermediary for someone else.
- Family member includes former spouse of identified members, as well as grand nephews, grand nieces, grand aunts, and grand uncles.
- Gifts among friends exchanged at holidays, birthdays, or similar occasions as long as not substantially disproportionate value is okay.

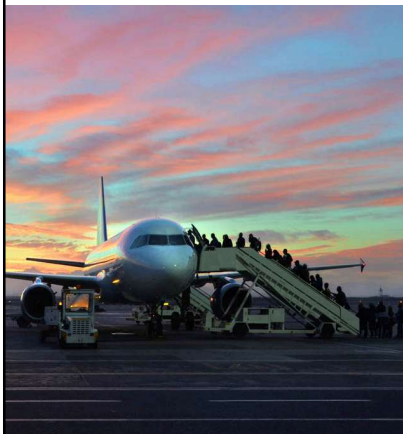
(Cal. Code Regs., tit. 2, §§ 18942, 18942.2)

Personal Advantages and Perks

Gifts from Family & Friends, cont.

- Wedding gifts must be reported at 50% value, but there is no limit on the amount. (Cal. Code Regs., tit. 2, § 18946.3)
- Reciprocal exchanges among friends are not reportable unless disproportionate in any calendar year. (Cal. Code Regs., tit. 2, § 18942)
- Exception for bereavement offerings, acts of neighborliness, dating relationships, and acts of human compassion. (Cal. Code Regs., tit. 2, § 18942)
- Gifts not used and returned within 30 days or donated to the District or a charitable organization, without taking a tax deduction, are not considered gifts. The official may also reimburse the donor for the value of the gift. (Cal. Code Regs., tit. 2 § 18946.3)

Personal Advantages and Perks



Travel Payment From Others to District

- Must be made directly to District or coordinated with District.
- Must be for official District business, as defined, but confer no personal benefit.
- Must be consistent with District's Travel Reimbursement Policy.
- Report on Form 801.
 - (Cal. Code Regs., tit. 2, § 18950.1)

Personal Advantages and Perks

Travel Payments from Others to Officials

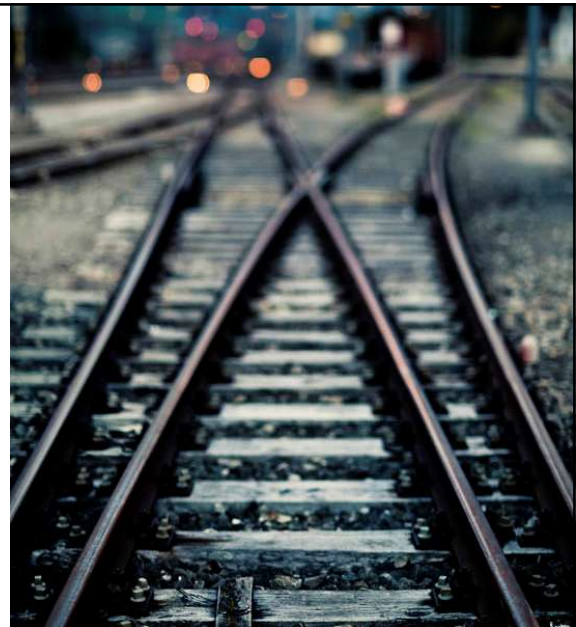
- A payment made for travel, including actual transportation and related lodging and subsistence expenses reasonably related to a governmental purpose is reportable but not subject to the gift limitation or honoraria ban under two circumstances:
 - In connection with a speech given by the official; limited to the day immediately preceding, the day of, and the day immediately following and the travel within the United States; or
 - Payment is by a government agency.
- Could still be a disqualifying interest.

(Gov. Code, § 89506)

Personal Advantages and Perks

Transportation Carriers

- Elected and non-elected officials cannot accept free or discounted transportation from transportation carriers. (Cal. Const. Art. XII, § 7)
- Does not apply to employees.
- No distinction for personal or public business.
- Penalty is forfeiture of office.



Personal Advantages and Perks

Use of District Resources

- **Rule:**
 - Personal use of public resources prohibited (including staff time and agency equipment).
 - Political use of public resources also prohibited, includes support or opposition of candidates or local ballot measures.
- **Purpose:** To restrict incumbent's advantages. (Pen. Code, § 424; Gov. Code, §§ 1098, 8314; Cal. Code Regs., tit. 2, § 18901.1; *Stanson v. Mott* (1976) 17 Cal.3d 206.)
- **Mass Mailing Restriction:** May not use public funds to send 200 or more mass mailers containing the name or picture of elected official, except under very limited exceptions. (Gov. Code, §§ 82041.5, 89001; Cal. Code Regs., tit. 2, § 18901.1)

Personal Advantages and Perks



Authorized Expenditures

- May only be for actual and necessary expenses.
- Know District policy and limits.
 - Rates for food, lodging, and transportation.
 - The importance of documentation.



Personal Advantages and Perks

Misuse Of Public Funds:

- When not authorized or for a public purpose.
- Occurs when personal benefit is not merely incidental.

(Pen. Code, § 424; Gov. Code, § 8314; Cal. Const., art. XVI, § 6; *Fair Political Practices Commission v. Suitt* (1979) 90 Cal.App.3d 125; *Stanson v. Mott* (1976) 17 Cal.3d 206.)

Consequences Of Violations:

- Civil penalties: \$1,000/day fine plus 3X value of resource used.
- Criminal penalties: 2-4 year prison term plus disqualification from office.
- Can also have income tax implications.
- Costs for hiring defense lawyers.



Personal Advantages and Perks

Use of Public Resources for Political Purposes

Same rules that prevent use of public resources for personal use, prohibit political use

May not use District equipment, supplies or staff time for political purposes.

“Political purposes” includes promoting or defeating candidate for office or promoting passage or defeat of ballot measure.



FPPC: Gift Best Practices

- Decide whether and the extent to which you want to accept gifts.
- If you do decide to accept gifts, develop a tracking system to enable you to:
 - Determine whether and how much to report on your Statement of Economic Interests (Threshold: Anything \$50 or more from a single source over a calendar year).
 - Avoid exceeding the annual gift limit of \$590 (2023-2024).
 - Know when you need to disqualify yourself in matters involving a person who has given you \$590 (2023-2024) in gifts over the preceding 12 months.
 - Know what kinds of gifts are prohibited, not just limited. Prohibited gifts include gifts from transportation companies and, in most instances, speaking fees.
 - Ask the value of all gifts so you can track and properly report them.

Hypotheticals

Suzy's Printing Services offers to provide at no charge all print promotional materials for use in your campaign in exchange for you setting up and attending meetings with the people in your district responsible for purchasing printing supplies for the entire district. Is this ethical?





Government Transparency and Fair Processes

Governmental Transparency and Fair Processes

Financial Interest Disclosure

- Disclose economic interests which may give rise to a qualifying conflict of interest on the Form 700 when:
 - Assuming office.
 - Annually while in office.
 - Upon change in position leading to a different reporting obligation.
 - Upon leaving office.

(Gov. Code, §§ 87200, et seq., 87500; Cal. Code Regs., tit. 2, § 18723)

Governmental Transparency and Fair Processes

Charitable Fundraising

- Rule applies to elected officials (not employees).
- Disclose \$5,000 or more in charitable fundraising from single source using Form 803.
- Charitable, legislative, or governmental purpose.
- The requirement no longer applies to payments by a state, local, or federal government.

(Gov. Code § 82015)

Meetings

What is a Meeting?

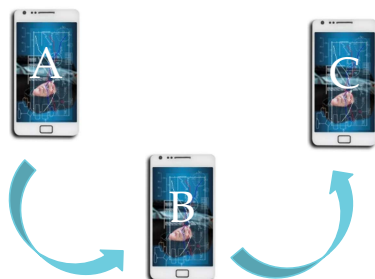
- Majority of the members at the same time and place to hear, discuss or deliberate any item in District's jurisdiction.

What is **NOT** a Meeting?

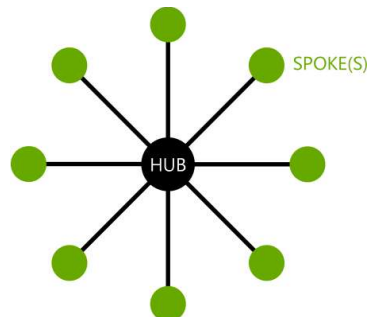


Serial Meetings

LINEAR OR CHAIN MEETING



HUB OR SPOKE MEETING



Confidentiality of Closed Session Discussions

No person may publicly disclose information that has been received and discussed in closed session unless the information is authorized by law to be disclosed, or the legislative body authorizes the disclosure.



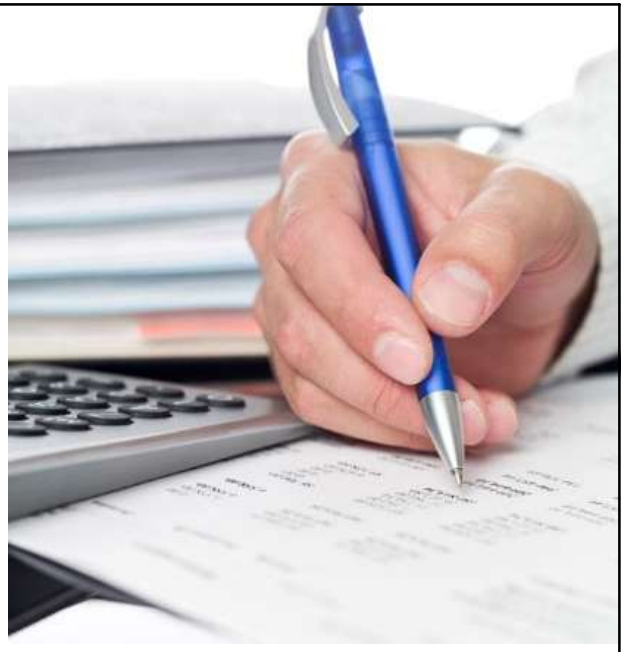
Public Record Act Basics

"Catchall" Exemption

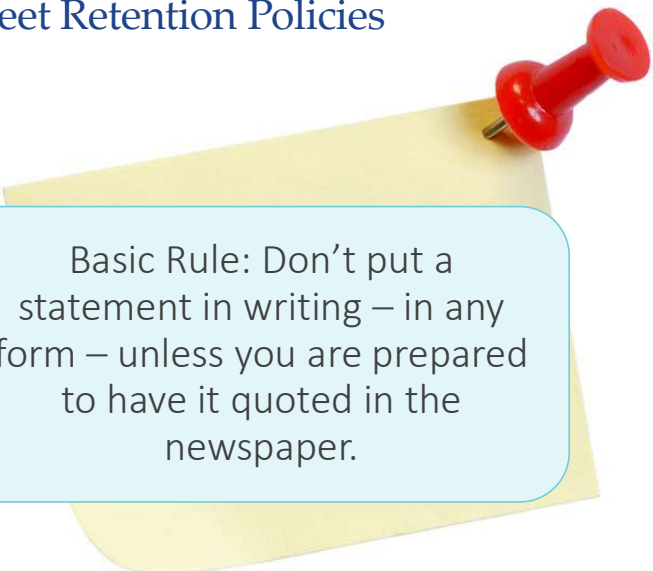
Student Records

Personnel Records

The Balancing Test and Exemption Requirements



Email/Text/Tweet Retention Policies



Basic Rule: Don't put a statement in writing – in any form – unless you are prepared to have it quoted in the newspaper.



Meeting Materials – Closed Session

Writings distributed for closed session are generally exempt from public disclosure under the Public Records Act



Governmental Transparency and Fair Processes

Common Law Bias

- Public hearings must be conducted in accordance with due process principles.
- Must not act based on personal or financial interest.
- Disqualification even if no conflict under state law.
- Quasi-judicial proceedings: refrain from taking a position before hearing all the evidence at the public hearing.

Governmental Transparency and Fair Processes

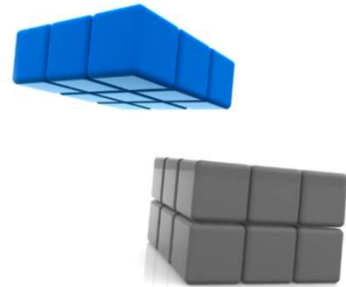
Anti-Nepotism Laws

- Nepotism is the practice of an employee or official using their influence or power to aid or hinder another person because they have a personal relationship or are related.
- Personal relationships can be by blood, marriage, or adoption.
- Officials should disqualify themselves from participating in decisions affecting family members or personal relationships.

Governmental Transparency and Fair Processes

Incompatible Offices

- May not simultaneously hold two public offices that are incompatible (possibility of a significant clash of duties or loyalties of office).
- **Penalty:** Forfeit the first office upon acceptance of the second office.



(Gov. Code, § 1099)

Governmental Transparency and Fair Processes



Competitive Procurement in Public Contracting

- Public contracting laws give parties an opportunity to do business on an equal basis.
- Inviting competition guards against favoritism, fraud, and corruption, and secures the best work or supplies at the lowest price practicable.





Governmental Transparency and Fair Processes

Best Practices: Fair Process Law

- Think fairness and merit-based decision-making in your decisions.
- Keep politics separate from relationships with agency staff.

