

# PALMDALE WATER DISTRICT

2029 East Avenue Q • Palmdale, California 93550 • Telephone (661) 947-4111  
Fax (661) 947-8604  
[www.palmdalewater.org](http://www.palmdalewater.org)

## Board of Directors

ROBERT E. ALVARADO  
Division 1  
JOE ESTES  
Division 2  
GLORIA DIZMANG  
Division 3  
KATHY MAC LAREN  
Division 4  
VINCENT DINO  
Division 5

LAGERLOF, SENECAI, GOSNEY & KRUSE LLP  
Attorneys



January 23, 2014

*Agenda for a Workshop Meeting  
of the Board of Directors of the Palmdale Water District  
to be held at the District's office at 2029 East Avenue Q, Palmdale*

*Monday, January 27, 2014*

*6:30 p.m.*

NOTE: To comply with the Americans with Disabilities Act, to participate in any Board meeting please contact Dawn Deans at 661-947-4111 x103 at least 48 hours prior to a Board meeting to inform us of your needs and to determine if accommodation is feasible.

Agenda item materials, as well as materials related to agenda items submitted after distribution of the agenda packets, are available for public review at the District's office located at 2029 East Avenue Q, Palmdale. Please call Dawn Deans at 661-947-4111 x103 for public review of materials.

PUBLIC COMMENT GUIDELINES: The prescribed time limit per speaker is three-minutes. Please refrain from public displays or outbursts such as unsolicited applause, comments, or cheering. Any disruptive activities that substantially interfere with the ability of the District to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.



Each item on the agenda shall be deemed to include any appropriate motion, resolution, or ordinance to take action on any item.

- 1) Pledge of Allegiance.
- 2) Roll Call.
- 3) Adoption of Agenda.
- 4) Presentations:
  - a) Board of Directors Orientation and AB 1234 Ethics Training. (Attorney Ciampa)
- 5) Board members' requests for future agenda items.
- 6) Adjournment.

DENNIS D. LaMOREAUX, General Manager

DDL/dd


**PALMDALE WATER DISTRICT**

**DIRECTORS' ORIENTATION & AB 1234 TRAINING**  
 January 27, 2014  
 Presented by: James Ciampa

1


**Training Overview**



- Because of the complexity of the public service ethics laws and the importance of understanding public service ethics principles, state law requires local officials to receive a minimum of 2 hours of training in ethics principles and laws every two years.
- This training will focus on ethical principles and 4 major legal areas relating to public officials and California's ethics laws, as well as explaining other laws and regulations that apply to the District.
- Emphasis is on recognizing "red flags" and diagnosing compliance issues.
- 30,000 foot overview of many complex subjects.

2


**Why Is This Training Important?**



1. Familiarize you with the laws and ethical principles that govern your service
2. Encourage you to *think beyond legal restrictions* and provide tools for doing so
3. Discuss general ethical principles to promote public trust in government
4. Meet statutory training requirement (Gov't Code § 53234 et seq.)

3

**What happens when a public official violates the public's trust?**



**Former mayor indicted      Suspect in theft sought**

**City officials fear rerun of old scandals**


**Lawmaker's land sales questioned**

**Civil complaint planned against school officials**  
*Prosecutors allege that Capistrano Unified trustees conducted public business in secret, according to grand jury transcripts.*

**Mayor's receipts probed      Official's future on hold**

**Extended term for ex-lawmaker**

**Thinking Beyond the Law**



- Starting point for most ethical analyses in public service tends to be the law
- *The law is the floor* for ethical conduct—not the ceiling
- Just because it's legal, doesn't mean it is or will be perceived to be ethical

5

**Principles of Public Service Ethics**




**TRUSTWORTHINESS**  
 Public Office = Public Trust / Honest Service

**FAIRNESS**  
 The People's Business = Open Government

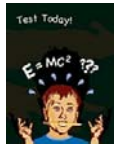
**RESPONSIBILITY**  
 Public Official's Decisions :: No Bias  
 Must be Merit Based :: No Personal Gain  
 No Conflicts of Interest

**RESPECT**  
 Public Confidence = No appearance of impropriety


## POP QUIZ



- If a particular course of action is legal, then of course it's also ethical.  
**FALSE**
- A true leader should not be concerned with the public's perception of his or her ethics  
**FALSE**
- It is always easy to define what constitutes an ethical course of conduct.  
**FALSE**




## I. Overview of District



- Irrigation district – Irrigation District Law [Water Code Sections 20500 et seq.]
  - Broad powers – “any act necessary”
    - Furnish or beneficially use water
    - Construct facilities to produce, store, treat or deliver water
    - Other functions (e.g., sewer service or power generation)

8


## Overview of District



- Governance:
  - Independent governmental entity
  - Subject to state laws
  - 3 votes needed to take action
  - Board-adopted rules and regulations can govern internal operations and relationship between District and customers

9


## Contracting Issues



- Prevailing wage requirement > \$1,000
- Competitive bidding – District policy
- Bonding – payment bond required if > \$25,000; performance bond optional

10


## Governmental Immunity



- General rule: Immunity applies to discretionary decisions
- Course and scope of duties
- Loss of immunity where director steps out of policy-making role – avoid involvement in day to day business of District

11

## Rate Setting – Prop. 218



- Passed by voters in November 1996 – Article 13D of California Constitution
- 3 aspects:
  - Procedural
  - Substantive
  - Initiative

12

## Rate Setting – Prop. 218



- Procedural Requirements
  - Notice – 45 days before final Board action
    - \* Amount
    - \* Basis on which calculated
    - \* Reason
  - Hearing
  - Protest – no majority protest

13

## Rate Setting – Prop. 218



- Substantive Requirements – 5 of them
  - Revenues derived cannot exceed the funds required to provide the service [cost of service]
  - “The amount of a fee or charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel.”

14

## CEQA



- Basic principle: all projects involving discretionary approval require evaluation of environmental impacts
- “Project” = any activity that may have an effect on the environment
- Initial Study (Environmental Checklist) = determine whether the project has an impact and the extent of the impact
- Environmental Impact Report [EIR] or Negative Declaration or Exemption
- Mitigation

15

## LAFCO



- What is it?
- What does it do?
- How does it impact the District?
  - Changes of Organization
  - Municipal Service Reviews

16

## II. Conduct Public Business Openly



17

## Conduct Public Business Openly



1. **The Brown Act**

*“The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”*

(Cal. Gov. Sec. 54950)
2. **Public Records Act**

*“The people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.”*

(Cal. Const. Art. I, Sec. 3)

18

## Conduct Public Business Openly



### 1. The Brown Act

#### To whom does the act apply?

- Local agencies
  - Cities
  - Counties
  - Special districts
  - Certain private organizations
- Legislative bodies
- Meetings
- Persons elected to legislative bodies, even prior to assuming office
- Does not apply to staff
  - But staff can cause a violation by acting as an intermediary

## Conduct Public Business Openly



- What is a legislative body?
  - Governing body of the agency
  - Advisory committees created by the governing body
  - Standing committees comprised of less than a quorum
  - But not temporary committees comprised of less than a quorum

20

## Conduct Public Business Openly



### 1. The Brown Act – Meetings

#### When does the Brown Act apply?

- What is a meeting?
  - In person gatherings
  - Communication through intermediary
  - Emails, Facebook, Twitter
- When is a gathering not a Brown Act “meeting”?

21

## Conduct Public Business Openly



### 1. The Brown Act – Serial Meetings

- Expressly prohibited
- A series of communications
- Consensus on an issue
- Be careful with e-mail and other social media



## Conduct Public Business Openly



### 1. The Brown Act – Types of Meetings

- Regular meeting
- Special or emergency meetings
- Adjourned meetings



## Conduct Public Business Openly



### 1. The Brown Act – Rules Governing Meetings

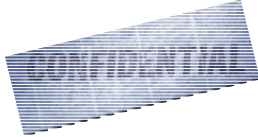
- Public’s right to comment
- Agenda
- Location
- Access
- Special rules for teleconferencing
- Announcement of votes taken

24

## Conduct Public Business Openly



### 1. The Brown Act – Closed Sessions



- Must be expressly authorized
- Must be briefly described in agenda
  - Use safe harbor agenda descriptions
- Must verbally announce items
- If action is taken, may need to report to the public

25

## Common Closed Sessions



- Personnel Issues
- Labor Negotiations
- Pending Litigation & Liability claims
- Real Property Transactions/Negotiations
  - No general “contract” negotiation exemption
- Threats to Public Security

26

## Conduct Public Business Openly



### 1. The Brown Act – Ramifications

- Violations may be prevented/stopped by court order
- Action not in compliance may be invalidated
- Court costs & attorney fees are recoverable
- Person violating the Brown Act may be guilty of a misdemeanor
- Disclosure of confidential closed session information is prohibited

## Conduct Public Business Openly



### 1. The Brown Act – e-Mail

- Refrain from replying
  - DO NOT REPLY TO ALL!
- Do not take a position or make a commitment
- E-mail Board for info only
- Take caution
- Ensure compliance with law
- Applies to other social media as well



## Conduct Public Business Openly



### 2. Public Records Act

•Every person has a right to inspect public records of any state or local agency  
(Government Code Section 6250 et seq.)

•What is a public record?  
“...any writing containing information relating to the conduct of the public’s business...”  
(Government Code Section 6252(e) & (f))

•What is a writing?  
– Any form of recorded communication including paper, tapes, cds, photographs and electronic documents in any form.

29

## Conduct Public Business Openly



### 2. Public Records Act – Handling Requests

- Public agencies must make disclosable records “promptly available” ... “upon request”
- Requests for copies:
  - 10 days for determination on the request
  - Time extension (14 days) for “unusual circumstances”

30

## Conduct Public Business Openly



### 2. Public Records Act

When is a public record exempt from disclosure?

- Exemptions are statutory
- Preliminary drafts, notes or memos not kept in ordinary course of business
- Real estate appraisals
- Personnel, medical, similar files
- Records about pending litigation
- Arrest records, complaint ..., investigating a security file
- Customer information
- Catch-all exemption – Gov. Code Sec. 6255 balancing test
  - Public interest in non-disclosure outweighs public interest in disclosure

31

## Conduct Public Business Openly



### 2. Public Records Act – Best Practices

- Always respond to records requests
- Consider adopting regulations for responding
- Consider adopting a policy concerning electronic information
- Consider adopting a records retention policy
- Don't use your personal e-mail account for official business

32

## Pop Quiz



The Brown Act applies to all of the following **except**:

- A. Standing Committees
- B. Boards of Directors
- C. Temporary Committees

33

## Pop Quiz



The Brown Act applies to which of the following persons:

- A. Citizens advisory committee
- B. Special District Board members
- C. Planning Commissioners
- D. All of the above

34

## Pop Quiz



Under the Brown Act, an emergency situation includes all of the following **except**:

- A. Work Stoppage
- B. Crippling Activity
- C. When the Board President declares an emergency
- D. Activity impairing public health

35

## Pop Quiz




Does the Brown Act apply to elected officials who have not yet assumed office?

- A. No, there is a grace period until the official assumes office
- B. No, so long as conversations occur in the presence of Legal Counsel
- C. Yes
- D. Yes, unless a local ordinance provides otherwise

36

**Pop Quiz**




**How many hours in advance of a special meeting must the agenda be posted?**

- A. 24 hours
- B. 1 hour
- C. 12 hours
- D. 72 hours

37

**Pop Quiz**




**Meetings can be held in all of the following locations except?**

- A. Within District boundaries
- B. In the District office
- C. In Las Vegas
- D. In a local library

38


**III. Fair Process**




- 1. Due Process
- 2. Bias
- 3. Competitive Bidding
- 4. Missteps
- 5. Best Practices

39

**Fair Processes**



*1. Due Process*




- What does Due Process mean?
  - Notice
  - Opportunity to be heard
  - Fair and impartial decision-maker
- Due Process Clause

*“No state shall deprive any person of life, liberty or property without due process at law”*  
- U.S. Constitution Amend XIV, sec 1

40

**Fair Processes**




*2. Bias (not necessarily financial)*

- Does the decision maker have a specific prejudice?
- Is the bias for or against a person affected by the decision?
- Can the decision-maker decide the matter on appropriate grounds?

41

**Fair Processes**



*3. Competitive Bidding*

- Purposes of public bidding
- General Rule – No competitive bidding is required unless specifically required by statute or local rule or policy
- Contract goes to lowest, responsive, responsible bidder
- Exceptions

42



**Fair Processes**

**4. *Avoid These Missteps***

- Appearance of bias or actual bias
- Financial interests
- Personal interests
- Statements that your “mind is made up”
- Relying on evidence presented outside the record

**Fair Processes**

**5. *Best Practices***


- Think fairness and merit-based decision-making in contracting decisions (not personal relationships)
- Listen during public meetings

**IV. Conflict of Interest**

1. Incompatible Offices
2. Incompatible Activities
3. “Revolving Door” Restrictions
4. Campaign Finances
5. Charity Fundraising Disclosure

**Conflict of Interest**

**1. *Incompatible Offices Doctrine***



- What is the doctrine of incompatible offices?
- Ramifications

**Conflict of Interest**

**2. *Incompatible Activities* (Gov. Code § 1125 et seq.)**

- Prohibits local officers and employees from engaging in activities that are incompatible with their positions as officials
- Each agency may adopt rules or incompatible activities statements to implement that provision

**Conflict of Interest**

**3. *“Revolving Door” Restrictions***

- Elected and top managers
- Officials are prohibited from making, participating in, or using their official position to influence the making of government decisions affecting a potential employer
- One-Year Ban after leaving office
- Local agency may adopt own more restrictive rules

## Conflict of Interest

### 4. Campaign Finances

- Demands for contributions for favors or help
- Soliciting campaign contributions from public employees

49

## Conflict of Interest


### 5. Charitable Fundraising – Required Disclosure to FPPC

- A person or business donates \$5,000 or more (calendar year)
- Donation is for legislative, governmental or charitable purpose
- The donation will be made in “cooperation, consultation, coordination or concert” with an elected official

50

## V. Personal Financial Interests


1. Political Reform Act (1974)  
*(Ethical laws dealing with public officials financial interests)*
2. Contracts (Gov. Sec. 1090)
3. Bribery
4. Campaign Contributions




51

## Personal Financial Interests


### 1. Political Reform Act



**Disclosure of Economic Interests:**  
Assets, Income & Gifts



**Disqualification of Public Officials to Avoid Conflict of Interest**



**Disclosure of Campaign Finances**

52

## Personal Financial Interests

### 1. Political Reform Act

Public officials should make decisions based solely on the public's interests and not for their own personal financial benefit

**How is this done?**

- **Disqualification**
- **Disclosure (Form 700)**

53

## Personal Financial Interests

### 1. Political Reform Act

**87200 Filers**

- Officials listed in Government Code Section 87200—may be listed in Appendix of Conflict of Interest Code for informational purposes only
- Full Disclosure Requirements
- Limited by Jurisdiction only

**Designated Employees**

- Listed in the Appendix of and subject to the Agency's Conflict of Interest Code
- Assigned One or More Disclosure Categories
- Disclosure Limited by Assigned Category and Jurisdiction of Agency

54

## Personal Financial Interests



### 1. Political Reform Act

#### Statements of Economic Interests (SEI) Form 700

- What
- How
- When
- Where

55

## Personal Financial Interests



56

## Personal Financial Interests



## Personal Financial Interests



### 1. Political Reform Act

#### Public Official's Conflict of Interest economic interest Checklist

- Income
- Business Management or Employment
- Real Property
- Personal Finances
- Gifts

#### Ethics Law

*A Public Official may not participate in a decision if the official has a direct or indirect financial interest in that decision*

## Personal Financial Interests



### 1. Political Reform Act

#### Avoiding Financial Conflict of Interest

Four questions to ask:

- Will you be participating in the decision?
- Does the decision affect your economic interests?
- Is the effect of the decision on your economic interest "material?"
- Does the decision affect your economic interests differently than the "public generally?"

59

## Personal Financial Interests



### 1. Political Reform Act

#### Public Generally Exception

- Particularly important relative to rate-making and special rules apply
- Most common exception to the PRA
- 4 step test
- "Significant segment"

60

## Personal Financial Interests



### 1. Political Reform Act

#### What to do when a conflict exists?

- DO NOT PARTICIPATE IN THE DECISION.
- DO NOT participate in the discussion, render any opinion or advice, or act in any way that might influence the decision.
- DISCLOSE
- DISQUALIFY

## Personal Financial Interests



### 1. Political Reform Act

#### Ramifications

- Possible invalidation of decision
- Misdemeanor or felony perjury sanction
- Possible loss of office
- Stiff fines
- Attorney fees
- Political embarrassment / public distrust

## Personal Financial Interests



### 2. Interest in a Public Contract

(Gov. Code § 1090)

#### Ethics Law

Public officials and public employees...  
"shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members."  
(Gov. Code §1090)

## Personal Financial Interests



### 2. Interest in a Public Contract

(Gov. Code § 1090)

Prohibition applies to all aspects of contract making applies to the following people:

- Elected officials
- Appointed public officials
- Commission/Board members
- Employees
- Consultants
- Anyone who acts in a fiduciary capacity

## Personal Financial Interests



### 2. Interest in a Public Contract

(Gov. Code § 1090)

- No Disqualification Allowed (if no exception applies)
  - Disqualification not allowed for members of the governing board
  - Employees and staff may disqualify
- Financial Interests
  - Direct Interests
  - Indirect Interests

## Personal Financial Interests



### 2. Interest in a Public Contract

(Gov. Code § 1090)

#### Exceptions:

- Statutory Remote Interests
- Statutory Non-Interests
- Narrow rule of necessity

## Personal Financial Interests

### 2. Interest in a Public Contract *(Gov. Code § 1090)*

**Ramifications**

- Contract is void
- Felony conviction
- Pay restitution
- If convicted - barred from public office

## Political Reform Act & Govt. Code § 1090: Comparison

	When it Applies	If Board Member Has Financial Interest	Consequence of violation
Political Reform Act	Any governmental decision	Individual member <u>must</u> recuse him/herself	Penalties for member
§ 1090	Contract only (including grants)	Contract cannot be made even if individual recuses him/herself	Contract void; penalties for member

## Pop Quiz

- May a public agency purchase agency vehicles from a member of its board of directors if she's the owner of the only car dealer in town?  
**NO**
- Can a public official buy surplus property from a public agency just like anyone else?  
**NO**

## Personal Financial Interests

### 3. Bribery



## Personal Financial Interests

### 4. Campaign Contributions *(Government Code § 84308)*

- These special conflict rules apply to proceedings on "*licenses, permits, and other entitlements for use pending before certain state and local boards and agencies*."
- **BASIC PROHIBITION:** Covered officials are prohibited from receiving or soliciting campaign contributions of more than \$250 from parties or other financially interested persons during the "pendency of the proceeding" and for 3 months after its conclusion.
- **DISQUALIFICATION REQUIRED:** Any covered official who has received more than \$250 in campaign contributions in the 12 calendar months prior to the matter being submitted to the agency, application being filed, or brought before the Board is required to disqualify themselves.

## Personal Advantages and Perks

1. Gifts
2. Honoraria
3. Travel/Lodging Expenses
4. Loans
5. Reimbursements
6. Mass Mailings
7. Misuse of Public Funds
8. Nepotism

*"When public officials are influenced in the performance of their public duties by base and improper considerations of personal advantage, they violate their oath of office ..."*  
- Terry v. Bender (1956)

## Personal Advantages and Perks

- What is a gift?
- To whom does it apply?
- Application
- Exceptions

## Personal Advantages and Perks

### Gifts

<b>Disclose</b> \$50+	<b>Disqualify</b> \$440/12mos.	<b>Refuse</b> \$440+
--------------------------	-----------------------------------	-------------------------

74

## Personal Advantages and Perks

### Gifts


- Estimate
- Track
- If gifts exceed the \$440 annual cap, then within 30 days:
  - Refuse
  - Return
  - Donate

75

## Personal Advantages and Perks

### Exceptions

- Gifts to public agency – special rule
- Gifts returned unused gifts or donor reimbursed within 30 days
- Gifts from family members
- Gifts of hospitality
- Equal-value gifts



## Personal Advantages and Perks

### Gifts to an Agency (except tickets / passes)

- Applicable FPPC Reg. (§ 18944.2) – states when a payment made to a public agency will not be considered a reportable gift to an individual public official, although the official receives a personal benefit from the payment.
  - Agency must control the use of the payment – General Manager determines which public official receives the benefit of the gift to the agency; the donor of the gift cannot specify which official will receive that benefit
  - Must be used for official agency business
  - If payment is used for travel expenses, the payment must be consistent with the agency's expense reimbursement policy
  - Agency must file Form 801 within 30 days after use of the payment

77


## Personal Advantages and Perks

### Third party gifts of travel given to Agency used by Officials

- Agencies may not accept gifts of travel for elected officials and 87200 filers.
- Agency's reimbursement policy applies or State Per Diem or IRS rates apply if no policy exists.
- Written pre-approval of General Manager or designee must be obtained.
- If donation to vendors directly: the Agency must still receive a breakdown of the expenses for transportation, lodging, meals and other related expenses on Form 801.

78

## Personal Advantages and Perks



### Gifts of Tickets


**A. Ceremonial Exception:** Third-party ticket used to perform ceremonial role or function on agency behalf.

**B. Agency Exceptions:** When Agency-provided tickets are:

1. Part of an official's salary/income (taxes) OR
2. Equal value will be presumed when:
  - A. Not Earmarked by Third Party: Agency controls in its sole discretion.
  - B. Contracts: Use of public property, Agency controlled event, or paid FMV.
  - C. Distribution: Written policy adopted by governing body stating public purpose.
  - D. 30 days: Reported on website or FPPC (Form 802).

79

## Personal Advantages and Perks




### Gifts of Tickets – Form 802

**All agencies must adopt a written policy, which must state at a minimum:**

1. Public purpose
2. Distribution must accomplish public purpose
3. Transfer prohibited when ticket or pass distributed to official pursuant to agency policy, to any other person, except to member of the official's immediate family solely for their personal use.
4. Posted on the Agency website prominently using Form 802 within 30 days. If no agency website exists, must be forward to FPPC for posting on its website. The posting shall include: (i) name of person or organization; (ii) description of event; (iii) the date of the event; (iv) the face value of the ticket; (v) the number of tickets or passes provided to each person; (vi) if the ticket or pass is behested, (vi) the name of the official who behested the ticket or pass, (vii) description of the purpose under which the distribution was made or alternatively, (vii) that the ticket or pass was distributed as income to the official

80

## Personal Advantages and Perks




### Gifts from an Agency to its own officials

**Unless exempted otherwise,** Agency payments of food, beverages, entertainment, goods or services of more than a nominal value are reportable gifts **unless** the payment amounts to a lawful expenditure of public funds.


81

## Personal Advantages and Perks




### Gift Limit Ramifications

**Extended term for ex-lawmaker**



- FPPC civil action
- Penalty: 3 times the amount of the gift
- \$5,000 fine
- 6 months jail
- Bribery/Extortion – Felony-Prison


## Personal Advantages and Perks



### Honoraria are Illegal

- What is Honorarium?
- To whom does it apply?
- Application
- Exceptions

## Personal Advantages and Perks



### Travel & Lodging

- What does it cover?
- To whom does it apply?
- Application
- Exceptions

Personal Advantages and Perks

**Loans**

- What is a Loan?
- To whom does it apply?
- Application
- Exceptions

Personal Advantages and Perks

**Reimbursement**

- What is a reimbursement?
- To whom does it apply?
- Application
- Exceptions

Personal Advantages and Perks

**Mass Mailings**

- What is Mass Mailing?
- To whom does it apply?
- Applications
- Exceptions

Personal Advantages and Perks


**Misuse of Public Funds**

**“Public Funds” are:**


- **Money**
- **Equipment**
- **Supplies**
- **Compensated Staff Time**
- **Use of Telephones, Computers, Fax Machines, etc.**

Personal Advantages and Perks


**Misuse of Public Funds – Campaign Activities**



**Ballot Measures**



**Endorsements & Legislative Activities**



**Informational Materials**


Personal Advantages and Perks

**Misuse of Public Funds**

**RAMIFICATIONS**

- Up to Four (4) Years in Prison
- \$5,000 per Violation
- Restitution to Agency
- Attorney Fees (Personal and Opposing Party's)
- Barred from Holding Public Office






## Personal Advantages and Perks

### Nepotism

- No specific laws concerning nepotism
- May be affected by “income” interest under Political Reform Act or definition of “family” under Political Reform Act
- Local agency may draft anti-nepotism policy
- Public perception!

Is this the right thing to do?


91



## Conclusion

*Finding Your Way – Ethics Laws  
Summary of 5 Major Areas*

<p><b>Personal Financial Interest</b></p> <ol style="list-style-type: none"> <li>1. Political Reform Act</li> <li>2. Contracts</li> <li>3. Bribery</li> </ol>	<p><b>Conduct Public Business Openly</b></p> <ol style="list-style-type: none"> <li>1. Brown Act</li> <li>2. Public Records Act</li> </ol>
<p><b>Personal Advantages &amp; Perks</b></p> <ol style="list-style-type: none"> <li>1. Gifts</li> <li>2. Honoraria</li> <li>3. Travel/Lodging Expenses</li> <li>4. Loans</li> <li>5. Reimbursements</li> <li>6. Mass Mailings</li> <li>7. Misuse of Public Funds</li> <li>8. Nepotism</li> </ol>	<p><b>Fair Process</b></p> <ol style="list-style-type: none"> <li>1. Due Process</li> <li>2. Bias</li> <li>3. Competitive Bidding</li> <li>4. Missteps</li> <li>5. Best Practices</li> </ol>
	<p><b>Conflicts of Interest</b></p> <ol style="list-style-type: none"> <li>1. Incompatible Offices</li> <li>2. Incompatible Activities</li> <li>3. “Revolving Door” Restrictions</li> <li>4. Campaign Finances</li> <li>5. Charity Fundraising Disclosure</li> </ol>



## Resources

- *ACWA Guidelines for Conduct*
- [www.ca-ilg.org/trust](http://www.ca-ilg.org/trust)
- <http://www.fppc.ca.gov/>

93