



ETHICS TRAINING FOR LOCAL GOVERNMENT OFFICIALS

Government Code section 53235 requires ethics training for specified local government officials. The training can consist of self-study materials, an online course, or in-person training. Persons wishing to create a local ethics training course must consult with the Attorney General and the Fair Political Practices Commission concerning the sufficiency and accuracy of course content. (Gov. Code, § 53235, subd. (c)(2)(A).) In response to this requirement for consultation with the Attorney General, the following outline has been prepared to provide uniform guidance from the Office of the Attorney General regarding appropriate course content. Due to the demand for ethics training, the Office of the Attorney General is unable to review and comment on individual course materials. This outline provides uniform guidance, but the course preparer must be familiar with applicable law.

Of course, review of this outline, any linked materials, or completion of an ethics course, is no substitute for competent legal advice in a given situation. You should seek the advice of counsel if you have a specific legal question.

Curriculum Accuracy

All course content should comply with the ethics laws contained in California's Constitution, statutes, regulations, and common law. For in-person training, the ethics law portion of any course should be delivered by an attorney licensed to practice law in California and knowledgeable about California's ethics laws. For online and self-study training materials, the course should be prepared under the supervision of such an attorney. Several training options are available, including training conducted by commercial organizations, nonprofits, or an agency's own legal counsel. In addition, the Fair Political Practices Commission offers an online training program that allows local officials to satisfy their ethics training requirement at no cost. (<https://www.fppc.ca.gov/learn/training-and-outreach/t-o-public-officials.html>.) The Attorney General offers similar online training that covers many of the same concepts but is designed for state officials, rather than local officials. (<https://oag.ca.gov/ethics>.)

Course Sufficiency

Local government officials must receive training in two areas. Instruction must be provided on general ethics principles, and briefly summarize the specific laws governing conflicts of interests, perquisites of office and government transparency. (Gov. Code, § 53235, subd. (b).)

General Ethics Principles

The discussion of general ethical principles should include the manner in which values such as trustworthiness, respect, fairness and responsibility promote public trust in government. It should also include the importance of avoiding even the appearance of impropriety.

Conflicts of Interest, Perquisites of Office, Government Transparency

Training on conflicts of interest, perquisites of office and governmental transparency should include the following:

- (1) Laws relating to personal financial gain by public servants, including:
 - (A) Laws prohibiting bribery (Pen. 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, §§ 87406.3, 87407).
- (2) Laws relating to claiming perquisites of office, including:
 - (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:
 - (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, §§ 7920 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 (Gov. Code, §§ 1099).
- (D) Competitive bidding requirements for public contracts.
- (E) Disqualification from participating in decisions affecting family members (anti-nepotism laws).

A self-study or online course should include testing to assess the official's retention of the information presented. (Gov. Code, § 53235, subd. (d).)

Both in-person and self-study training materials should refer participating local agency officials to additional resources to assure that the participating official has access to the full range of information required by these curriculum guidelines. These resources can include the Attorney General's webpage at www.oag.ca.gov/government, the Fair Political Practices Commission's webpage at www.fppc.ca.gov, and the Institute for Local Government's webpage at <https://www.ca-ilg.org/ethics-education-and-training-ab-1234>.

Once the initial ethics training has been completed with a cursory review of the laws outlined above, agencies may wish to hold subsequent training sessions to focus more intensely on specific areas of concern. We recognize that the two hours of mandatory training is a basic minimum, and encourage agencies to offer additional training throughout the year to promote ethical and transparent government at the local level.

Training Deadlines

Initial Compliance Period: Local agency officials must complete their training by no later than one year after their first day of service in public office. (Gov. Code, § 53235.1(b).)

Local agency officials who, as of January 1, 2025, are members of the governing board of a school district, a county board of education, or the governing body of a charter school, except for officials whose term of office ends before January 1, 2026, must complete their training before January 1, 2026. (*Id.*)

Subsequent Compliance Periods: After the initial training, each official must complete a training course once in each subsequent two-year period. (*Id.*)

Learning Objectives

Course content should satisfy the following objectives:

- (1) Alert officials to the kinds of financial interests, relationships and activities that trigger disclosure or disqualification obligations under ethics laws described in Government Code section 53234, subdivision (d).
- (2) Advise officials to 1) avoid prohibited activities, 2) comply with disclosure, disqualification and other affirmative ethics law requirements, and 3) consult with qualified legal counsel and/or regulatory authorities regarding the specifics of any situation that may involve prohibited or required conduct.
- (3) Emphasize that ethics laws create minimum standards for ethical conduct by public officials; whereas public expectations and ethics principles are likely to create a higher standard for behavior.
- (4) Describe the legal and other consequences of violating ethics laws.
- (5) Give examples of conduct scenarios that are covered by the ethics laws in question.

Proof of Participation

Government Code section 53235.2 requires local agency officials to maintain records that indicate both the dates of training and the entity that provided the training. These records are disclosable public records and must be maintained for five years after the training.