



Clerk of the Board of Supervisors

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Susan Novak
Clerk of the Board

February 10, 2012

TO: Planning Commissioners; Members of County Boards, Commissions and Committees

FROM: Susan Novak, Clerk of the Board

SUBJECT: AB 1234 Mandatory Ethics Training

Assembly Bill No. 1234, effective January 1, 2006, mandates two hours of ethics training for local agency officials every two years. Gov't Code § 53234, et seq. On June 22, 2010, the Board of Supervisors adopted an AB 1234 ethics training policy which clarifies ethics training requirements in the County. Under the policy, the following officials are required to undergo AB 1234 ethics training:

1. All County elected officials.
2. Members of all boards, commissions & committees (BCC's) under the jurisdiction of the Board of Supervisors that are subject to the Brown Act (i.e., the BCC was created by a legislative body, such as the Board of Supervisors) *and* who either receive compensation for their service *or* are reimbursed for their expenses (i.e., receive a stipend or per diem; reimbursement for mileage, meals, or transportation; parking validation; or workshop, training or conference costs paid by the County, etc.).

Members of BCC's in this category have to comply with AB 1234, even if they do not file Statements of Economic Interests (Form 700's) and even if their BCC is solely advisory.

3. Members of all BCC's under the jurisdiction of the Board of Supervisors who are designated filers under the County's Conflict of Interest Code (i.e., file Form 700's).

A copy of the policy is attached. The policy is also available on the Clerk of the Board's Internet site (www.oc.ca.gov/cob - click on "Ethics Training AB 1234" on the left menu pane. Code is "ethics").

Officials must complete their ethics training no later than one year after their first day of public office. After the initial training, the official must complete training once in each subsequent two-year period. The training must cover both ethics laws and ethics principles. Officials who fail to complete the mandatory training will be removed from their BCC position.

Self-study materials, consisting of a handbook entitled "Government Ethics Handbook for AB 1234 Compliance," a self-assessment test and answer key, and proof of completion certificate are available at no charge on the County Counsel Intranet site, <http://tech.ocgov.com/coco/index.html>. There is a link to this site on the Clerk of the Board's Intranet site, http://ocintranet.ocgov.com/COB_Intranet/COB_intranet.asp. The materials are also available on the Clerk of the Board's Internet site, www.oc.ca.gov/cob. (Click on "Ethics Training AB 1234" on the left menu pane. Code is "ethics.") You will also be able to obtain these materials from the County department contact assigned to your board, commission or committee.

After reading the Government Ethics Handbook, you must take a self-graded assessment test and then fill out a certificate of completion. The original certificate of completion (not the self-assessment test) should be filed with your department contact. Your department contact person will forward appropriate Certificates

of Completion to the Clerk of the Board's Office. The certificates will be retained as public records for at least five years. We suggest that you also keep a copy of the certificate of completion for your own records.

Alternatively, in-person regional and statewide training opportunities are periodically offered by organizations such as the California State Association of Counties, the League of California Cities and the Institute for Local Government. The Fair Political Practices Commission offers free on-line training. Information about AB 1234 is also available at the websites of the California Attorney General at <http://ag.ca.gov/ethics/>, the Fair Political Practices Commission at www.fppc.ca.gov/index.php?id=477, and the Institute for Local Government at www.ca-ilg.org/taxonomy/term/198/all.

If you have any questions regarding these requirements, please contact your County department contact.



AGENDA STAFF REPORT

ASR Control 10-000798

MEETING DATE: 06/22/10
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: Clerk of the Board (Approved)
DEPARTMENT CONTACT PERSON(S): Darlene J. Bloom, (714) 834-2206
Ann Fletcher, (714) 834-3300

SUBJECT: AB 1234 Ethics Training Policy

CEO CONCUR
Concur

COUNTY COUNSEL REVIEW
Concur with Recommendation

CLERK OF THE BOARD
Consent Calendar
3 Votes Board Majority

Budgeted: N/A

Current Year Cost: N/A

Annual Cost: N/A

Staffing Impact: No

of Positions:

Sole Source: N/A

Current Fiscal Year Revenue: N/A

Funding Source: N/A

Prior Board Action: N/A

RECOMMENDED ACTION(S):

Adopt AB 1234 Ethics Training Policy as outlined in Exhibit A

SUMMARY:

Clerk of the Board and County Counsel request that your Board formally adopt the attached AB 1234 Ethics Training Policy.

BACKGROUND INFORMATION:

Assembly Bill No. 1234, effective January 1, 2006, requires certain public officials of cities, counties and special districts to take an ethics training course every two years. Gov't Code secs. 53234 through 53235.2.

Under AB 1234, the following officials are required to take ethics training: Elected officials; members of all boards, commissions & committee (BCCs) under the jurisdiction of the Board of Supervisors that are subject to the Brown Act and who either receive compensation for their service or are reimbursed for their expenses; and any County employees designated by the Board of Supervisors. In addition, we recommend that members of all BCCs under the jurisdiction of the Board of Supervisors who are

designated filers under the County's Conflict of Interest Code be included in the training requirement due to their decision making capabilities.

Following the adoption of AB 1234, Clerk of the Board and County Counsel implemented an informal policy for ensuring compliance with the ethics training required by AB 1234. The Clerk of the Board has been administering the training program by notifying County officials and department contacts about the training requirements and the availability of training materials. Self-study training materials, prepared by County Counsel in accordance with guidelines issued by the California Attorney General and the Fair Political Practices Commission, are available online. Questions arise every year regarding which officials are required to participate, when they are required to take the training and what happens when an official refuses to participate. Therefore, we are requesting that your Board formally adopt the AB 1234 Ethics Training Policy as outlined in Exhibit A for use in the County of Orange.

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

REVIEWING AGENCIES:

This item has been prepared at the request of Clerk of the Board and County Counsel.

EXHIBIT(S):

Exhibit A - Ethics Training Policy
Exhibit B - Final List 2010

ORANGE COUNTY AB 1234 ETHICS TRAINING POLICY

Every two year training requirement:

AB 1234, effective January 1, 2006, requires that specified officials complete ethics training the year in which they began service and every two years thereafter. To simplify the process and to avoid tracking numerous different expiration dates, Orange County requires that specified officials take the ethics training the year in which they were elected or appointed and every even numbered year thereafter.

County officials required to take ethics training:

1. All County Elected Officials.
2. Members of all boards, commissions & committees (BCCs) under the jurisdiction of the Board of Supervisors that are subject to the Brown Act (i.e., the BCC was created by a legislative body, such as the Board of Supervisors) and who either receive compensation for their service or are reimbursed for their expenses (i.e., receive a stipend or per diem; reimbursement for mileage, meals, or transportation; parking validation; or workshop, training or conference costs paid by the County, etc.).
3. Members of all BCCs under the jurisdiction of the Board of Supervisors who are designated filers under the County's Conflict of Interest Code.

When officials must take the ethics training:

- Prior to December 31st of the year in which they were elected or appointed.
- Prior to December 31st of every even numbered year thereafter.

Examples:

1. If a designated official is appointed to a BCC on October 16, 2009, that official would take the ethics training prior to December 31, 2009 and then again the following year prior to December 31, 2010 (to get on the even year cycle).
2. If a designated official is appointed to a BCC on June 10, 2010, that official would take the ethics training prior to December 31, 2010 and again during 2012, prior to December 31, 2012.

How officials take the ethics training:

- The Clerk of the Board, in cooperation with County Counsel offers an online ethics training that is available to all Orange County officials.
- Additionally, ethics trainings are offered by a variety of organizations, and other online sources, e.g., the Fair Political Practices Commission. An ethics training certificate of completion from any qualified provider will satisfy the ethics requirement.

Where officials file their certificate of completion:

- Designated officials listed in 1 & 3 of “County officials required to take the Ethics Training” section, file their certificates with the Clerk of the Board of Supervisors.
- Designated officials listed in 2 of “County officials required to take the Ethics Training” section, file their certificates with the County Department that supports the BCC.
- An official who is required to file their certificate of completion with various agencies (i.e., because they hold a County elected position and serve on a BCC not under the jurisdiction of the Board of Supervisors) may submit a copy of the original certificate to the County.

Failure/refusal to take the ethics training by an official serving on a BCC:

- Non-completion of this mandatory requirement by a designated official who is listed in 2 or 3 of “County officials required to take the ethics training” section, will result in the official’s removal from their BCC position.

Record retention:

- The Clerk of the Board of Supervisors will maintain original or copies of original certificates of completion of elected officials and officials who are designated filers under the County Conflict of Interest Code, i.e., officials who file Statements of Economic Interests (Form 700’s).
- Department contacts will maintain original certificates of completion of officials who are not designated filers under the County Conflict of Interest Code.
Certificates of completion must be retained as public records for at least five years.
- Certificates of completion must be retained as public records for at least five years.

BCC's under the Board of Supervisors Jurisdiction

AB1234 Ethics Training Requirement

BCC Name	Required to file COI Form 700	Compensation/ Reimbursement	Compensation (includes but not limited to parking validation, meals, mileage)/ Reimbursement (C/R)	Where to file AB 1234 Certificates
1. Administrative Review Board	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Reimbursement of reasonable out-of-pocket expenses	COB
2. Airport Arts Commission	Yes	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	None	COB
3. Airport Commission	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$75 per meeting, mileage reimbursement	COB
4. Airport Land Use Commission For Orange County	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	mileage, parking	COB
5. Alcohol and Drug Advisory Board	No	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$20.00 per month	Dept.
6. Assessment Appeals Board No. 1	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$250 (\$125 half day); \$150 per H.O. Session	COB
7. Assessment Appeals Board No. 2	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$250 (\$125 half day); \$150 per H.O. Session	COB
8. Assessment Appeals Board No. 3	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$250 (\$125 half day); \$150 per H.O. Session	COB
9. Assessment Appeals Board No. 4	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$250 (\$125 half day); \$150 per H.O. Session	COB
10. Assessment Appeals Board No. 5	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$250 (\$125 half day); \$150 per H.O. Session	COB
11. Audit Oversight Committee	Yes	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	None	COB
12. CalOptima	Yes	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	None	COB
13. Emergency Management Council	Yes	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	None	COB
14. Housing and Community Development Commission	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$100.00 per commission meeting/\$50.00 per committee meeting; max. \$300.00 per month	COB
15. In-Home Supportive Services Advisory Committee	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Stipend of \$100 per meeting, not to exceed \$200 per month, for non-county employees, and reimbursement of expenses for all members as specified in CEO Administrative Procedures	COB
16. Juvenile Justice Commission	No	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$25/mgt not to exceed \$50	Dept.
17. Local Suppression of Drugs in School Advisory Committee	No	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$20.00 per month	Dept.

BCC's under the Board of Supervisors Jurisdiction

AB1234 Ethics Training Requirement

	BCC Name	Required to file COI Form 700	Compensation/ Reimbursement	Compensation (includes but not limited to parking validation, meals, mileage/ Reimbursement (C/R)	Where to file AB 1234 Certificates
1.	Administrative Review Board	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Reimbursement of reasonable out-of-pocket expenses	COB
2.	Airport Arts Commission	Yes	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	None	COB
3.	Airport Commission	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$75 per meeting, mileage reimbursement	COB
4.	Airport Land Use Commission For Orange County	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	mileage, parking	COB
5.	Alcohol and Drug Advisory Board	No	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$20.00 per month	Dept.
6.	Assessment Appeals Board No. 1	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$250 (\$125 half day); \$150 per H.O. Session	COB
7.	Assessment Appeals Board No. 2	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$250 (\$125 half day); \$150 per H.O. Session	COB
8.	Assessment Appeals Board No. 3	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$250 (\$125 half day); \$150 per H.O. Session	COB
9.	Assessment Appeals Board No. 4	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$250 (\$125 half day); \$150 per H.O. Session	COB
10.	Assessment Appeals Board No. 5	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$250 (\$125 half day); \$150 per H.O. Session	COB
11.	Audit Oversight Committee	Yes	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	None	COB
12.	CalOptima	Yes	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	None	COB
13.	Emergency Management Council	Yes	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	None	COB
14.	Housing and Community Development Commission	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$100.00 per commission meeting/\$50.00 per committee meeting; max. \$300.00 per month	COB
15.	In-Home Supportive Services Advisory Committee	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Stipend of \$100 per meeting, not to exceed \$200 per month, for non-county employees, and reimbursement of expenses for all members as specified in CEO Administrative Procedures	COB
16.	Juvenile Justice Commission	No	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$25/mgt not to exceed \$50	Dept.
17.	Mental Health Board	No	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$20/meeting	Dept.

BCC's under the Board of Supervisors Jurisdiction

AB1234 Ethics Training Requirement

	BCC Name	Required to file COI Form 700	Compensation/ Reimbursement	Compensation (includes but not limited to parking validation, meals, mileage)/ Reimbursement (C/R)	Where to file AB 1234 Certificates
18.	OC Parks Commission	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$75/mtg. (not to exceed \$150 per month) + mileage	COB
19.	Orange County Children's Partnership	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$25 per monthly meeting	COB
20.	Orange County Community Housing Corp.	No	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	expenses	Dept.
21.	Orange County Historical Commission	No	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$75 stipend per meeting	Dept.
22.	Orange County HIV Planning Council	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Mileage (low income HIV – infected only)	COB
23.	Orange County Housing Authority Board of Commissioners	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$50 per meeting, not to exceed \$100 per month	COB
24.	Orange County Juvenile Justice Coordinating Council	Yes	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	None	COB
25.	Orange County Planning Commission	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$100 per meeting + mileage	COB
26.	Orange County Workforce Investment Board	Yes	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	None	COB
27.	Public Finance Advisory Committee	Yes	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	None	COB
28.	Senior Citizens Advisory Council	No	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$30 per month and monthly stipend for all expenses	Dept.
29.	Subdivision Committee	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	All members are County or Orange County Fire Authority employees	COB
30.	Treasury Oversight Committee	Yes	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	None	COB
31.	Waste Management Commission	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$100 per Commission meeting, \$50 per Committee meeting; maximum monthly of \$300 per month	COB
32.	Well Standards Advisory Committee	Yes	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	\$10.00 per meeting	COB

Note: Copies of Ethics Training Certificates of Completion from another jurisdiction is acceptable. Originals are not required.