

# Ethics and Public Service

## Laws and Principles

**We**  
  
**Local**  
**Government**

# MISSION



# Resource Areas



# Session Objectives

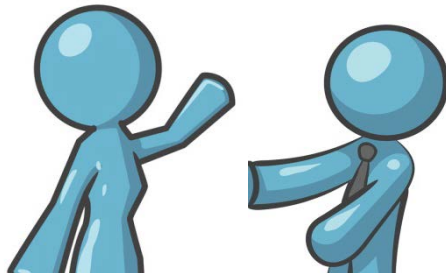
1. Political Reform Act + trends
2. Other public service ethics laws
3. Beyond the rules/integrity



# Ethics versus Ethics Laws

What's  
Legal?

What's  
Ethical?





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# What Was Wrong with What Happened in Bell?

- On the part of elected officials?
- On the part of staff
- What are the limits to pursuit of self interest in public service?





- **Ethics = what we *ought* to do**
- **Laws = what we *must* do**
  - Minimum standards
  - Penalties
- **Key Concept: Legal ≠ ethical**



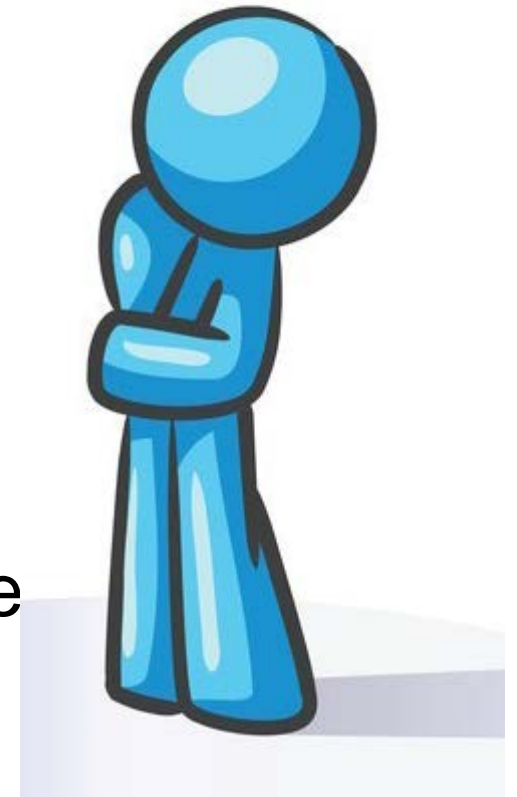
# What We *Ought* to Do

**Two questions to ask:**

**1. Best for me or best for the public?**

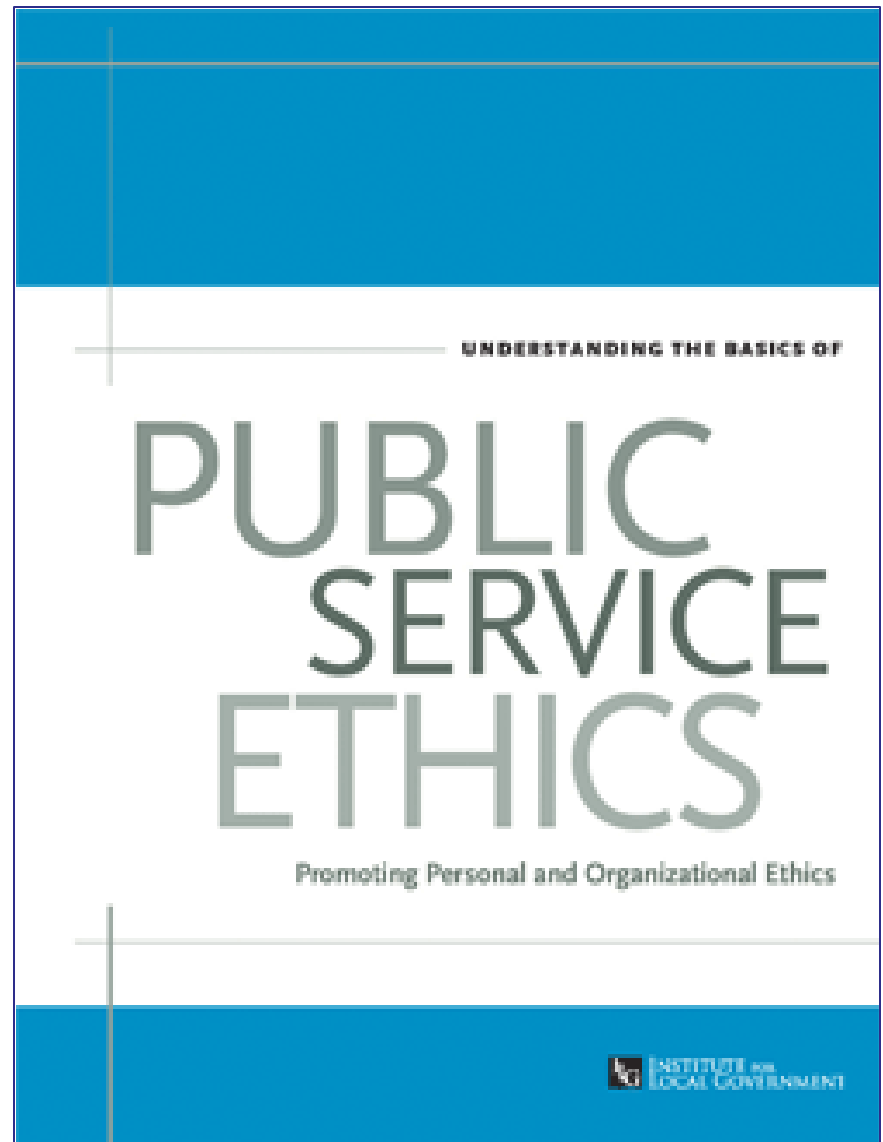
**2. How will it look?**

- February Everyday Ethics article
- [www.ca-ilg.org/EverydayEthics](http://www.ca-ilg.org/EverydayEthics)





[www.ca-ilg.org/ppoe](http://www.ca-ilg.org/ppoe)



[www.ca-ilg.org](http://www.ca-ilg.org)



# California's Ethics Laws

# Two Law-Based Tools to Promote Ethical Behavior

## 1. Transparency



## 2. Prohibitions

- Limits of the law



## Ethics Law Principles for Public Servants:

### KEY THINGS TO KNOW

*Note that the following are not statements of law, but rather principles the law is designed to achieve. The goal in providing this list is to identify the kinds of issues addressed by public service ethics laws. If an issue arises under these principles, public officials should consult agency counsel.*

#### Personal Financial Gain Laws

Generally speaking, California law says public officials:

- » Cannot request, receive or agree to receive anything of value or other advantages in exchange for a decision.
- » Must disclose their financial interests to the public.
- » Must disqualify themselves from participating in decisions that may affect (positively or negatively) their financial interests.
- » Cannot have an interest in a contract made by their agency.
- » Cannot be involved in agency decisions that affect an official's future employer.
- » Cannot lobby their agency for pay for a year following their departure from the agency.

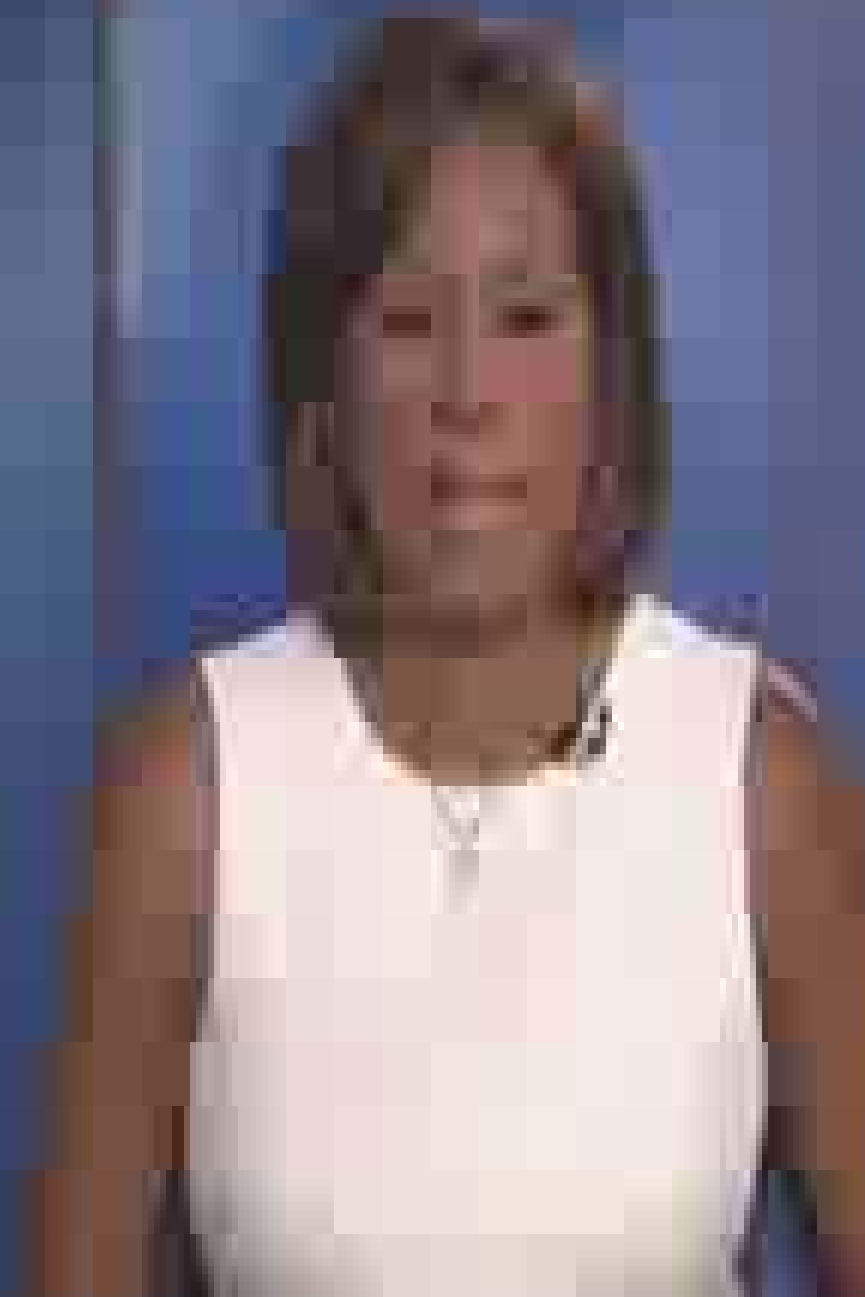
#### Perk Issues: Including Compensation, Use of Public Resources and Gift Laws

Generally speaking, California law says public officials:

- » Receive limited compensation for their service to the public.
- » Cannot receive compensation for speaking, writing an article or attending a conference.
- » Are reimbursed for only those expenses allowed in agency expense reimbursement policies because those expenses have a demonstrable public purpose and necessity.
- » Cannot use public agency resources (money, travel expenses, staff time and agency equipment) for personal or political purposes.
- » Cannot send mass mailings at public expense.
- » Cannot make gifts of public resources or funds.

For more information on these principles, see [www.ca-ilg.org/EthicsLaws](http://www.ca-ilg.org/EthicsLaws).

INSTITUTE FOR LOCAL GOVERNMENT



# Use-of-Public-Resources Issues

- ***Personal*** use of public resources (including staff time and agency equipment) prohibited
- ***Political*** use of public resources also prohibited





# “Public Resources”



**Money or anything paid for with public money:**

- Staff time
- Office space
- Equipment
- Supplies

# Consequences of Violations

- **Civil penalties:** \$1,000/day fine + 3X value of resource used
- **Criminal penalties:** 2-4 year prison term + disqualification from office
- Can also have **income tax** implications





ILG is the research and education affiliate of the California State Association of Counties and the League of California Cities.

Resources

- Public Service Ethics
  - Leading by Values
  - Understanding Ethics Laws
  - Ethics Tools
  - Ethics Education (AB 1234 Training)
  - Analyzing Public Service Dilemmas
  - Campaigning for Office
- California Climate Action Network (CCAN)
- Public Engagement and Collaborative Governance
- Intergovernmental Conflict Resolution
- Healthy Communities
- Land Use and Environment
- Local Government 101
- Honoring Public Service

# Public Service Ethics

The Institute's ethics program promotes public confidence and trust in local agency decision-making by helping local officials understand the unique legal and ethical obligations of being a public servant. [Read more »](#)

## Local Associations Promote Ethics Compliance

Both the California State Association of Counties and the League of California Cities will help local officials demonstrate their commitment to public service ethics this fall. The vehicle will be sessions on public service ethics laws and principles at each organization's annual conference. [Read more »](#)



## American Society for Public Administration Recognizes Institute Ethics Program

In 2009, the Institute was honored to receive national recognition its efforts in promoting public service ethics. The Institute received the Public Integrity Award, which was presented by the American Society for Public Administration in collaboration with the



## ETHICS PROGRAM BENEFACTORS

The municipal law firms that made the Institute's Understanding the Basics of Public Service Ethics publications possible. [Read more »](#)



## ETHICS LAW PRINCIPLES FOR PUBLIC SERVANTS

(Four-page tipsheet): Provides a handy reference on the kinds of issues that ought to trigger a conversation with agency counsel or the Fair Political Practices Commission.



## UNDERSTANDING THE BASICS OF PERSONAL & ORGANIZATIONAL ETHICS

Provides thoughts on working through ethical dilemmas and promoting a culture of ethics. [Read more »](#)

# Key Things to Know



- **The law sets minimum—sometimes quite high-- standards for ethical behavior**
  - Violations of ethics laws carry stiff penalties
  - When in doubt, ask and ask early
- **It's your choice how high you want to set your sights above the minimum requirements of the law**

