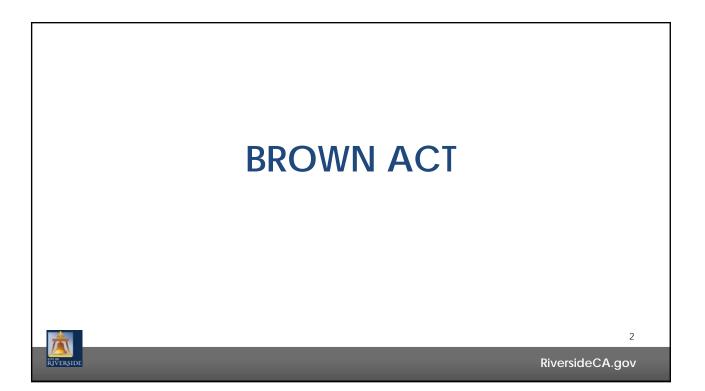


#### BROWN ACT, CONFLICT OF INTEREST AND ETHICS TRAINING

#### City Attorney's Office

Planning Commission Agenda Item: 5 April 19, 2018

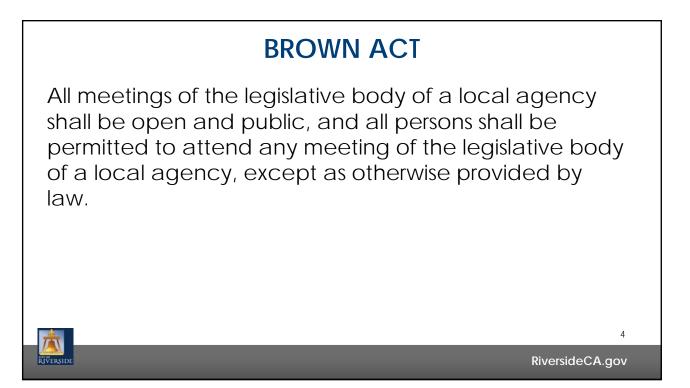


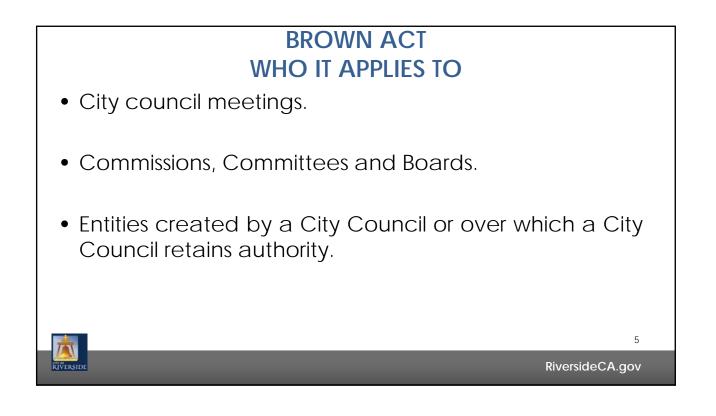
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#### **BROWN ACT**

"...the Legislature finds and declares that the public commissions, boards and councils and other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly."



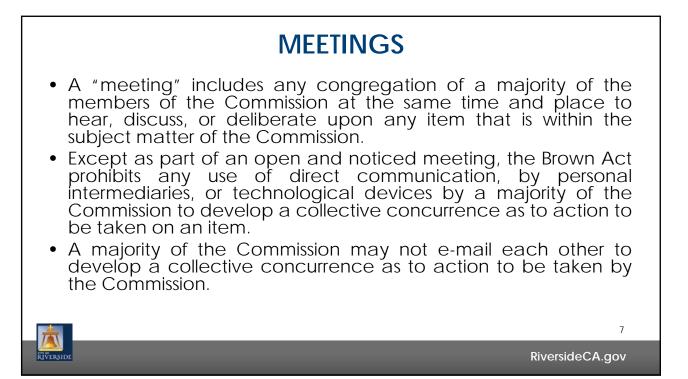


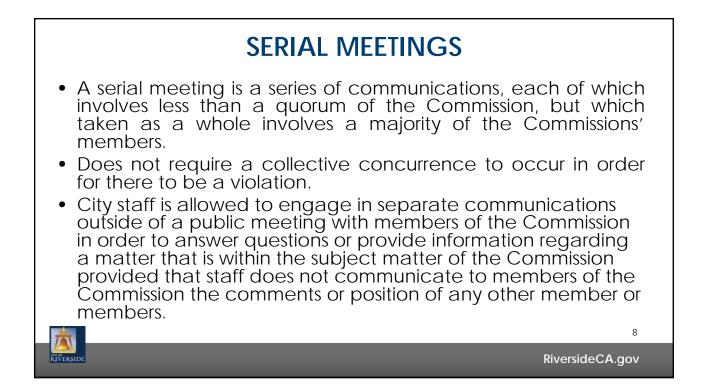


#### BROWN ACT Requirements

- The Brown Act creates certain minimum procedural requirements for conducting meetings.
- One of these rules requires this Commission to adopt rules as to the conduct of business of the Commission, which includes the time and place for holding regular meetings.







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# PUBLIC SPEECH

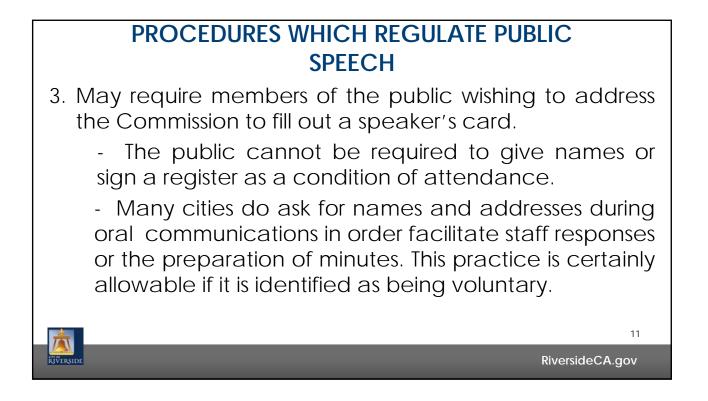
The public has a right to address the legislative body or commission at any meeting on any subject that is within the Commission's subject matter jurisdiction.



The Commission:

- 1. May impose reasonable restrictions upon public comment at meetings so long as such restrictions are not too broad and do not constitute "prior restraints."
- 2. May prohibit a member of the public from speaking on a matter not within the Commission's subject matter jurisdiction or from addressing their comments to one member rather than the Commission as a whole.





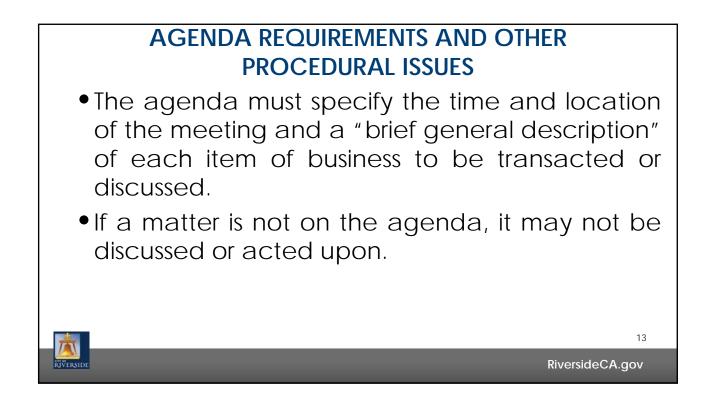
#### PROCEDURES WHICH REGULATE PUBLIC SPEECH

4. May regulate the total amount of time on particular issues and for each individual speaker, subject to the requirements of due process.

- Time limits of 3 – 5 minutes are most common.

- The chair is responsible for enforcing the time limit and depending on the board or commission may also monitor the time.

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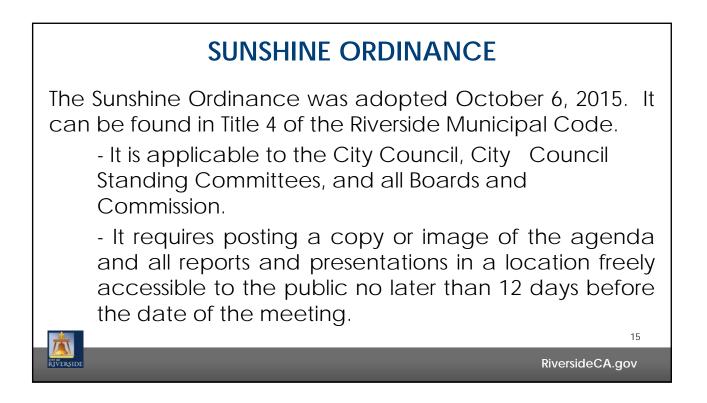


# **EXCEPTIONS**

- Brief responses by members of the legislative body and staff to statements or questions posed by the public.
- Questions for clarification.

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- References to staff or other resources for factual information.
- Requests to staff to report back on an issue at a subsequent meeting.
- Requests to agendize a matter of business for some future meeting.
- Brief announcement by members of the body or staff and brief reports on their activities.



## QUORUM AND MOTIONS

- A majority of the Commission constitutes a quorum for the transaction of business.
- Types of Main Motions
  - Regular
  - Substitute
  - Call the Question
  - Limit the Debate
- Abstention

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#### THE BASIC RULE (POLITICAL REFORM ACT)

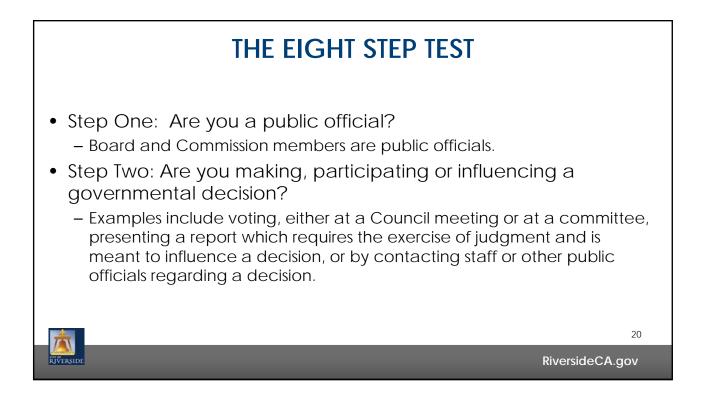
No public official at any level of state or local government shall make, participate in making or in any way attempt to influence a governmental decision in which he or she knows or has any reason to know that he or she has a financial interest.

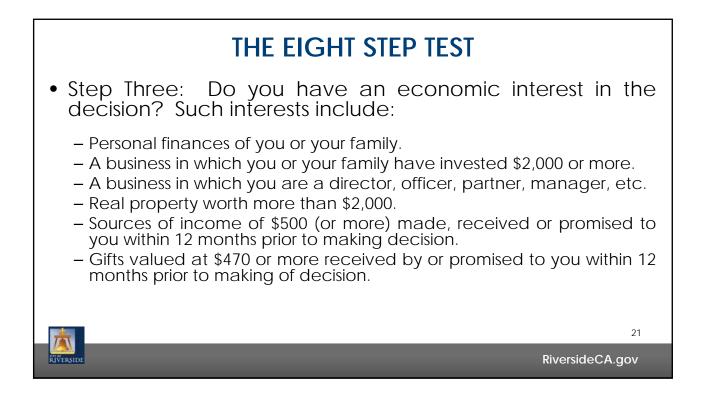
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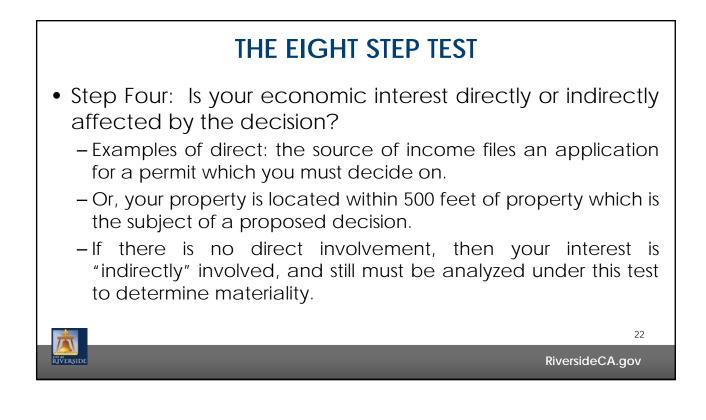
#### WHAT IS A FINANCIAL INTEREST?

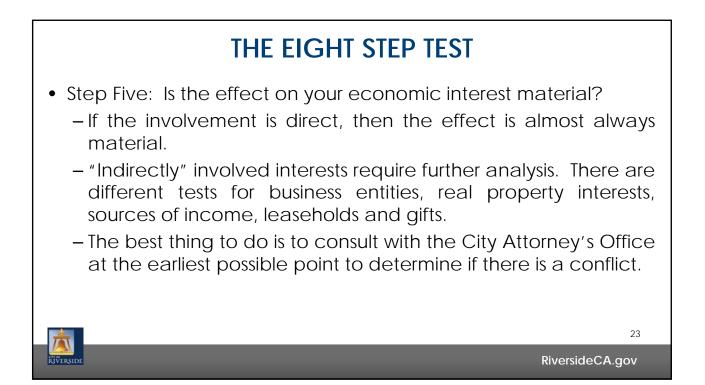
A public official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family, or on any "economic interest."

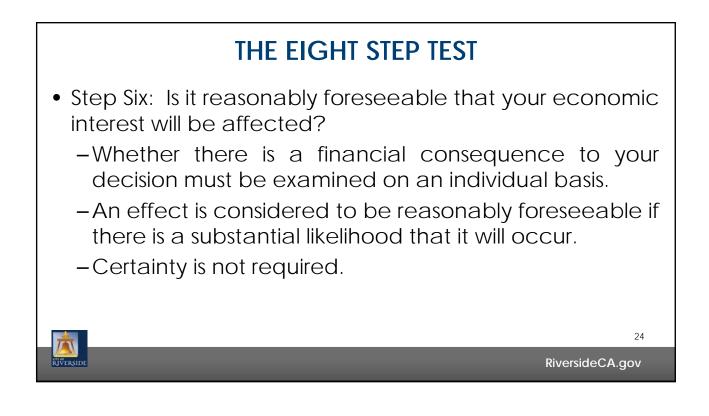


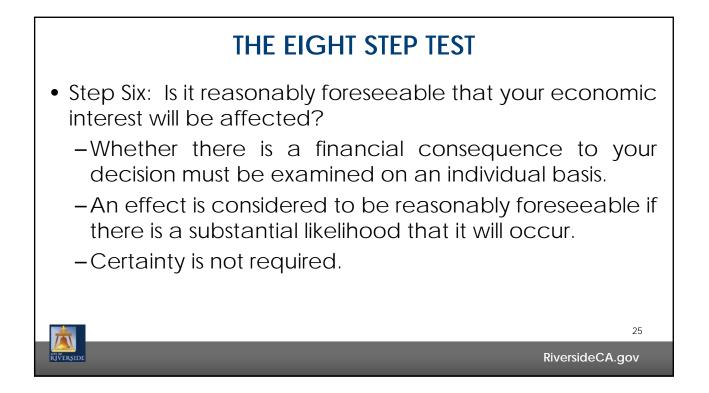


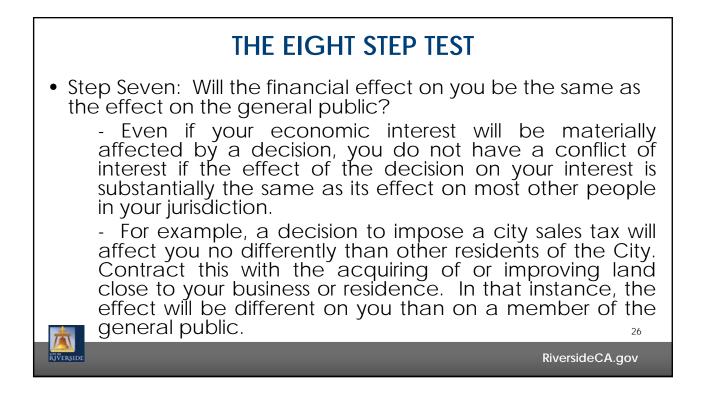










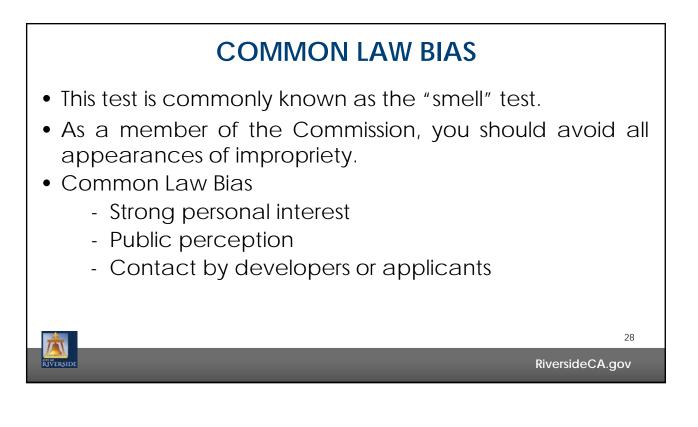


# THE EIGHT STEP PROCESS

• Step Eight: Even if you have a disqualifying conflict of interest, is your participation legally required?

-"legally required participation" rule applies only in certain circumstances in which the government agency would be unable to act.





## DISQUALIFICATION AND DISCLOSURE

- A Commission member who has a disqualifying conflict of interest is not counted towards achieving a quorum on a particular vote.
- In addition, the member with a conflict must, immediately prior to consideration of the decision:
  - -Publicly identify the financial interest in detail sufficient to be understood by the public except that disclosure of the exact street address of a residence is not required.

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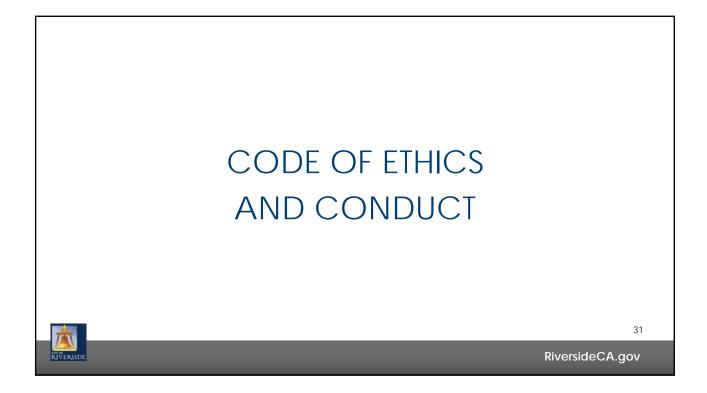
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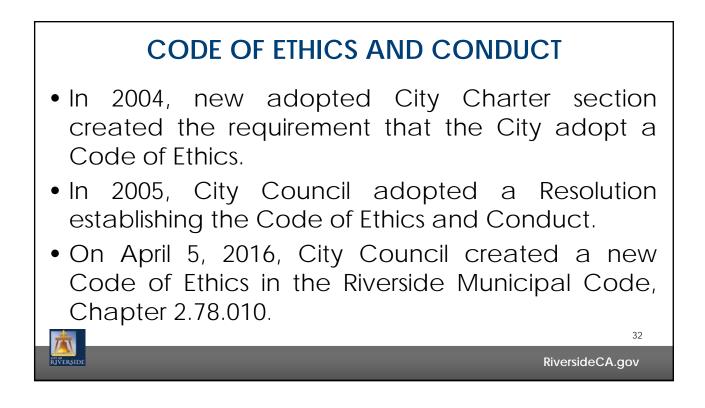
## **DISQUALIFICATION AND DISCLOSURE**

- Non-financial conflicts of interest do not require a detailed disclosure by the member. (e.g., a parent of member owns property as their sole and separate property and applies for a rezoning).
- Recuse himself or herself from discussing and voting on the matter.
- Leave the room until after the decision has been made, unless the matter is on the consent agenda.
- The only exception is that the member with the financial conflict of interest may speak on the matter as a member of the general public.

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## WHO DOES IT APPLY TO?

- It applies to the Mayor, members of the City Council, and to all members of the boards, commissions, and committees appointed by the City Council, the Mayor, or the Mayor and City Council, including any *ad hoc* committees.
- Also applies to the Mayor and members of the City Council at all times during their term of office as elected officials of the City.
- It applies to all members of the boards, commissions, and committees <u>only</u> while they are acting in their official capacities or affecting the discharge of their duties.

# PURPOSE

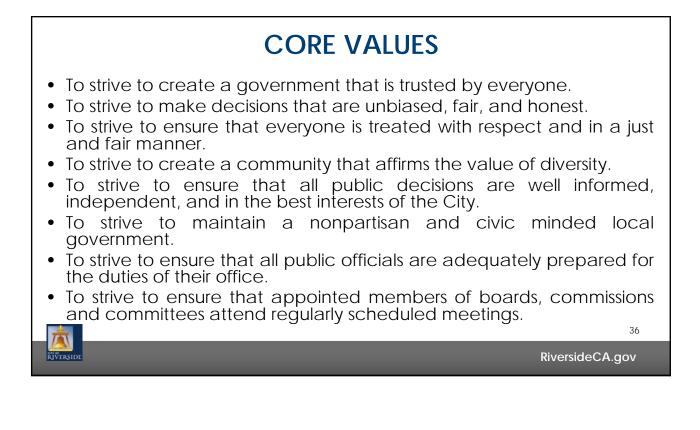
- To achieve fair, ethical, and accountable local government for the City.
- Public officials are expected to comply with the provisions of the Code of Ethics and Conduct established pursuant to the expressed will of the people.
- Divided into two areas: Core Values and Prohibited Conduct



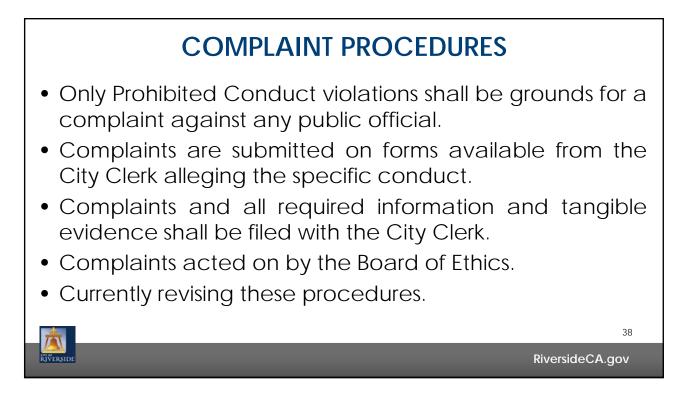
#### PURPOSE

- The Core Values are intended to provide a set of principles from which public officials in the City can draw upon to assist them in conducting the public's business.
- The Core Values are directory in nature and are not subject to the complaint procedures.
- The Prohibited Conduct are actions that public officials of the City shall not engage in, and, as such, are subject to the complaint procedures.

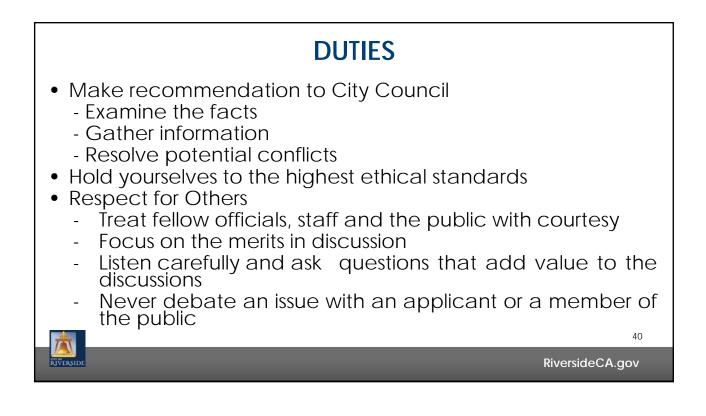




#### PROHIBITED CONDUCT Use of official title or position for personal gain. Use or divulgence of confidential or privileged information. Use of City resources for non-city purposes. • Advocacy of private interest of third parties in certain circumstances. • Endorsements for compensation. • Violation of Government Code sections 87100 et. seq. Certain political activity. • Display of campaign materials in or on City vehicles. • Knowingly assisting another public official in violating Code of Ethics and Conduct. Negotiation for employment with any party having a matter pending. Ex parte contact in guasi-judicial matters. Attempts to coerce official duties. Violations of federal, state, or local law. 37 **RiversideCA.gov**







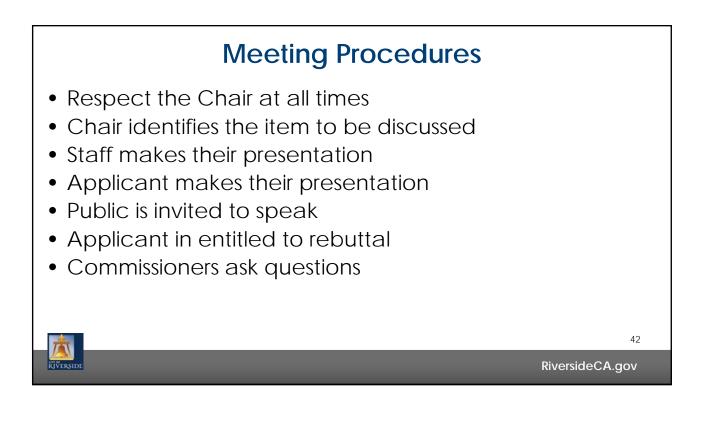
## DUTIES

#### • Responsibility

- Come to meetings prepared
- Refrain from an action that might appear to compromise your independent judgment
- Consider the City's vision when acting on a proposal

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# **Meeting Procedures**

- Close the public hearing or continue the matter
- Deliberations
- Adding conditions Advisory
- Motion made
- Announcement of appeal period



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