



# INSTITUTE FOR LOCAL GOVERNMENT

*Promoting Good Government at the Local Level*

## How Can I Determine the Impact of Public Service Ethics Laws on Me?

These laws are extraordinarily complex. There are several steps you can take to make a preliminary assessment of how these laws will affect you, based on your activities and assets:

- ✓ **Step 1:** Understand the Duties and Roles of the Office You Seek.
- ✓ **Step 2:** Think About How These Responsibilities Might Affect You.
- ✓ **Step 3:** Determine Whether You Would Benefit from More Information on How the Law Would Affect Your Public Service.

Although going through these steps is no substitute for legal advice, doing so will give you a better sense of whether it is realistic for you to serve and what questions to ask an attorney.

### About the Institute

ILG is the nonprofit 501(c)(3) research and education affiliate of the League of California Cities and the California State Association of Counties. For more information and to access the Institute's resources on ethics and public engagement go to <http://www.ca-ilg.org/trust> and [www.ca-ilg.org/engagement](http://www.ca-ilg.org/engagement).

Although the Institute endeavors to help local officials understand laws that apply to their public service, the Institute's materials are not legal advice. Attorneys can and do disagree on the best interpretation of the law in any given area. In addition, the law can and does change over time. Officials are encouraged to consult an attorney or relevant regulatory authorities for up-to-date information and advice on specific situations.

The Institute welcomes feedback on this resource:

*Email:* [jspeers@ca-ilg.org](mailto:jspeers@ca-ilg.org) Subject: Candidate Ethics Law Information

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## **STEP 1: Understand the Duties and Roles of the Office You Seek.**

Understanding the position you are seeking makes sense for all kinds of reasons. Such an understanding will help you determine whether you will find public service personally satisfying. It can also help you understand how the ethics laws might affect your service in that position.

- If you are applying for an appointive position, the appointing agency will typically have a description of what the appointed body does. Check out the agency's website or contact either the clerk's or chief executive's office.
- If you are running for an elected position, the agency's website can provide a good sense of what the agency's responsibilities are. Elected officials are usually responsible for providing policy direction to paid, professional agency staff, as well as making budgetary decisions and hiring top staff members. The agency's charter and ordinances are other sources of information, as are associations of local agencies like the one in which you wish to serve; examples include the California Special Districts Association ([www.csda.net](http://www.csda.net)), the California State Association of Counties ([www.csac.counties.org](http://www.csac.counties.org)), and the League of California Cities ([www.cacities.org](http://www.cacities.org)).
- Review meeting agendas. Many agencies post these on their websites; if not, check with the agency's custodian of records (typically the clerk).
- Attend meetings of the body to gain a deeper appreciation of what the position involves. Some public body meetings are also televised; check the local public-access channel for your cable television provider.
- Talk to those who already serve in the position you seek. Find out what kinds of responsibilities the position involves and what kinds of decisions they make. Ask questions about time commitments (remember attending meetings typically involves preparation time in reviewing agenda materials), including service on collateral decision-making bodies (sub-committees, joint powers agencies, regional bodies, statewide associations and so on). Individuals who have similar professional, investment, business or other interests can be particularly helpful in understanding what kinds of potential conflicts-of-interest or other ethics law issues arise.

## **STEP 2: Think About How These Responsibilities Might Affect You.**

- Review a copy of a Statement of Economic Interests (Form 700), which is available online from the Fair Political Practices Commission <http://www.fppc.ca.gov/index.php?id=500>. It will give you a good sense of the kinds of activities and assets you may have to disclose, as well as those which may require you to not be a part of the decision-making process.
- Disclosure obligations vary by the office you are seeking, but generally disclosure requirements include business interests, investments and real property interests, and exclude bank accounts and some loans. For more information, see “Your Duty To File: A Basic Overview of State Economic Disclosure Law And Reporting Requirements For Public Officials” available from the Fair Political Practices Commission. (See reference list on pages 11-12 for information on how to obtain a copy.)
- Think about your work activities. Do you or your company presently do business with your agency (or is there a desire to do business in the future)? Is where you work extensively regulated by the entity on which you wish to serve? Is your business located in the heart of a downtown revitalization effort that will be a major focus of the agency’s effort?
- Is your home or other property close to a problem that you want to address once you get into office?
- Remember that the conflict of interest rules typically extend to assets, income and liabilities of your spouse or domestic partner, as well as those of dependent children. Does your spouse (or do you) work for the organization in which you seek a position, or an organization that receives funding from your agency? Is there a possibility that family members might want to work for the agency and their ability to do so might be affected by conflict-of-interest and/or anti-nepotism rules?
- Consider other family and personal relationships as well. Even though these may not form the basis of a legal conflict of interest, such relationships can nonetheless create questions in the community about whether you are truly putting the community’s (as opposed to your friends’ and family’s) interests first.
- Social relationships will also be affected by your public service. If your social circle typically includes people who will be serving on the same body as you, the media and others are likely to question whether you are discussing agency business outside an open and publicized meeting. The same thing may occur if you serve on community boards together, work at the same place, or are involved in the same organizations.

- Similarly, how you socialize and travel may be affected. If you routinely vacation or receive sporting event tickets or similar gestures from those with business before your decision-making body, you may need to include those activities on your disclosure forms. In some instances, such gestures may be subject to dollar value limits or disqualify you from participating in decisions affecting those individuals. Legal issues aside, consider the public's perception of the effect of such activities on your inclination to put the public's interests first in your decision-making. More information on California's gift rules is available at [www.ca-ilg.org/GiftCenter](http://www.ca-ilg.org/GiftCenter).

These are just a few of the kinds of questions that are helpful to ask yourself as you consider public service.

### **A Note about Campaign Ethics Laws and Principles**

Even the act of running for public office involves compliance with a variety of laws, including fairly complex campaign disclosure laws. The Fair Political Practices Commission offers a number of fact sheets and other resources to help candidates understand these requirements. Visit the publications page at [www.fppc.ca.gov](http://www.fppc.ca.gov) for more information about these laws.

Selecting a campaign treasurer with care is critical. The individual has important responsibilities and liabilities under the law. Select someone with an aptitude for careful financial record-keeping as well as patience for understanding and complying with complex requirements.

Be alert for situations in which people try to link support for your candidacy with an action you will take as a public official. It is a crime to link any action you will take as a public official with receiving campaign contributions or other benefits.

Check with your agency to determine whether there are local campaign laws you need to be aware of as well.

Interested in setting a higher tone for your campaign activities in general? The Institute's website offers a host of resources on campaigning both ethically and effectively at [www.ca-ilg.org/campaignethics](http://www.ca-ilg.org/campaignethics).

### **STEP 3: Determine Whether You Would Benefit from More Information on How the Law Would Affect Your Public Service.**

If the answers to the above questions suggest you would face either legal or ethical issues as a public servant, check out the resources for further reference on the following pages. Consult an attorney knowledgeable about public sector ethics laws.

- Talk with the agency attorney. Keep in mind, however, that he or she is not providing information to you as part of an attorney-client relationship and your conversation will not be confidential. Because of this, the agency attorney may feel most comfortable referring you to resources for further information or to attorneys who can help you. Help may also be available from an agency ethics commission or officer.
- If your issue arises under the Political Reform Act, the Fair Political Practices Commission may be able to provide advice without charge. Check out the FPPC's website to get a sense of the agency's jurisdiction and contact information.

Fair Political Practices Commission  
[www.fppc.ca.gov](http://www.fppc.ca.gov)  
(866) ASK-FPPC or 866-275-3772 (Toll-free)

- One or more of the [Institute's law firm partner organizations](#) may be able to provide advice on these issues to you on a fee basis.
- There is an association of attorneys who practice what is known as "political law" that includes some aspects of ethics law:

California Political Attorneys Association  
[www.cpaonline.com](http://www.cpaonline.com)  
E-mail: [info@cpaaonline.com](mailto:info@cpaaonline.com)

Similarly, the professional association for attorneys in California provides attorney referral services and maintains a list of approved attorney referral services:

The State Bar of California  
San Francisco (Main Office)  
(415) 538-2000 or (213) 765-1000 (LA office)  
<http://calbar.ca.gov> (Click on "Public Services" followed by "Finding an attorney for legal advice.")