Good Governance Checklist: Good and Better Practices

What practices can a local agency put in place to promote public trust and confidence? What practices can minimize the risk of missteps that could undermine or damage this trust and confidence?

The Institute for Local Government (ILG) has created a checklist to help elected officials, county administrative officers, city managers, agency counsel, local agency staff and the community-at-large answer these fundamental questions. Some of the "good practices" are those necessary to comply with California law. Others set the agency's sights higher and take good practices to a level of "better practices." Whenever possible, the checklist offers references for further information on a topic.

The checklist is divided into the following areas:

1	Stewardship of Public Resources (Financial Practices, Use of Public Resources, Procurement and Contracting)
2	Transparency (Open Government Practices, Meetings, Decision-Making)
3	Education, Training and Personnel
4	Campaigns

This checklist can be used by elected officials and staff to evaluate the current practices of an agency, identify deficiencies in policy and procedures, set goals and foster communication within the agency about its practices.

The checklist combines legal requirements included in California law as well as practices suggested by the following resources:

- Government Finance Officers Association's best practices, available at www.gfoa.org/best-practices
- Institute for Local Government's "Ethics Law Compliance Best Practices," available at www.ca-ilg.org/ethicsbestpractices
- League of California Cities City Managers Department, "Transparency and Your City Self-Assessment Checklist," draft version available at www.cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Managers/Transparency-Subcommittee/Transparency-and-Your-City-checklist
- California Special District Leadership Foundation, "District Transparency Certificate of Excellence Checklist," available at www.sdlf.org/transparency.htm
- Sunshine Review, "2013 Transparency Report Card," available at http://ballotpedia.org/Transparency_report_card_%282013%29

In addition, the League of California Cities helped develop an extensive fiscal assessment tool designed to probe more extensively into local agency fiscal conditions. This tool is available at www.californiacityfinance.com/Diagnostic1405.pdf.

HOW TO USE THIS INFORMATION

Although the Institute endeavors to help local officials understand technical and legal concepts that apply to their public service, these materials are not technical or legal advice. Officials are encouraged to consult technical experts, attorneys and/or relevant regulatory authorities for up-to-date information and advice on specific situations.

STEWARDSHIP OF PUBLIC RESOURCES

FINANCIAL PRACTICES | GENERAL

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Consistent with generally accepted accounting principles, agency fully and accurately discloses both positive and negative financial information to the public and financial institutions including: • Summaries of all municipal funds, fund balances and changes • Summaries of all municipal revenues and expenditures • Five year financial forecast • General status of reserves and any un-funded obligations (for example, pension obligations) ☐ Agency creates and documents accounting policies and procedures **Resource:** • www.gfoa.org/documenting-accounting-policies-and-procedures	☐ Agency discloses budget and financial documents on agency website. See Government Finance Officers Association's (GFOA) Best Practice: Using Websites to Improve Access to Budget Documents and Financial Reports, available at www.gfoa.org/sites/default/files/CCIUsingWebsites.pdf ☐ Agency prepares five year financial forecasts for both general and other funds, examining issues such as overall economic trends, environmental and regulatory risks, unfunded liabilities, adequacy of fee levels, fund balances, cost deferrals and infrastructure condition ☐ Agency officials discuss forecasts, comparing actual results to forecasts, accompanied by a broader discussion of risks that could affect core agency service levels and facilities during public meetings ☐ Agency officials and the public they serve are clear on the financial implications (short and long term) of the policy and other decisions being made; management and decision-makers support a culture of transparency regarding the agency's financial situation ☐ Agency engages in energy efficiency and conservation measures to save money and natural resources **Resource:** • www.ca-ilg.org/energy-efficiency-conser-vation

STEWARDSHIP OF PUBLIC RESOURCES

FINANCIAL PRACTICES | INTERNAL AGENCY CONTROLS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices

☐ Agency segregates duties among staff to minimize risk of error or misconduct
 	
☐ Agency has created a system of authorizations, approval and verification for transactions
 	
☐ Diligent reconciliation process requirements are in place and followed to compare various sets of data to one another; discrepancies are identified and investigated and corrective action is taken when necessary
 	
Resource:
• www.osc.state.ny.us/agencies/ictf/docs/intcontrol_stds.pdf
	☐ Managers are given information and training to take responsibility for internal controls
	
	☐ Manager involvement follows GFOA's best practices including:
	
	  • Trainings for all employees
	  • Documentation of internal controls
	  • Practical means for employees to report management override of internal controls that could indicate fraud
	  • Periodic evaluation of internal controls
	
	Resource:
	• www.gfoa.org/getting-management-involved-internal-control

FINANCIAL PRACTICES | PERIODIC FINANCIAL REPORTS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ A certified public accountant prepares agency annual financial reports in accordance with generally accepted accounting principles ☐ Agency officials receive periodic financial reports (mid-year at a minimum) ☐ Reports provide a clear and complete picture of the agency's assets and liabilities ☐ Periodic financial investment reporting occurs in open meetings	☐ Agency complies with the Government Finance Officers Association, financial reporting best practices. For more information see www.gfoa.org/conforming-governmental-accounting-auditing-and-financial-reporting-standards ☐ Agency posts and archives periodic reports on the agency website ☐ Reviewing officials receive training/information on how to evaluate reports **Resources:** • www.ca-ilg.org/FinancialReportingandAccounting

FINANCIAL PRACTICES | BUDGET

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Agency makes complete current fiscal year budget available on agency website	☐ Agency complies with Government Finance Officers Association's, "Best Practices in Public Budgeting" available at www.gfoa.org/services/nacslb/
☐ Agency has a clear capital financing and debt management policy that addresses how it selects external consultants such as bond counsel, financial advisors, trustees, engineering consultants and underwriters	☐ Agency makes budgets for the past three years available on agency website
☐ Capital financing and debt management policies address disclosure and relations with rating service agencies	☐ Agency officials receive training and information of how to review and/or comment on a budget and questions to ask
	Resource: • www.ca-ilg.org/budget-creation-and-monitoring (materials and informational video)
	☐ Agency provides information on the budget to the public through a variety of channels, with an emphasis on presenting the information in plain and understandable terms
	Resource: • www.ca-ilg.org/engaging-public-budgeting
	☐ Agency holds public budget workshops to get community input on perceived needs

FINANCIAL PRACTICES | EXPENSE REIMBURSEMENT POLICY

See Use of Public Resources section below

FINANCIAL PRACTICES | AUDITS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Agency auditing practices meet California State Controller's requirements **Resource:** • www.sco.ca.gov/ard_local_info_resources.html	☐ Agency auditing practices exceed State Controller's requirements **Resource:** • www.sco.ca.gov/ard_local_info_resources.html
☐ Agency secures independent audits of financial reports no later than 180 days after year end	☐ Auditors review agency procedures for handling potential conflicts of interests among agency staff
☐ Agency fully cooperates with state and federal audits	☐ Agency posts the past three years' audits on agency website
☐ Agency posts most recent audit, including opinions on internal controls and other matters, on agency website as well as making such reports available at libraries	☐ Agency officials receive information and training on how to review and comment on an audit **Resource:** • www.ca-ilg.org/audits
☐ Agency periodically changes auditors to provide a fresh view of agency finances (no less than every six years)[1]	
☐ Agency governing body meets with auditor to review results of audit in a full and frank manner during a public meeting; officials treat any issues identified as opportunities to improve agency practices and not as opportunities to blame staff	

USE OF PUBLIC RESOURCES* | EXPENSE REIMBURSEMENT
*AGENCY FUNDS AND ANYTHING PURCHASED WITH THOSE FUNDS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Agency has required travel and expense reimbursement policies for elected and appointed officials,[2] as well as for staff **Resource:** • www.ca-ilg.org/SampleReimbursement Policies	☐ Policy and organizational culture emphasizes the value of being conservative about using public resources **Resources:** • www.ca-ilg.org/reimbursementpolicy • "Buying Meals for Others on the Public's Dime" available at www.ca-ilg.org/dime
☐ Agency provides the expense reimbursement policy to all new employees and officials	☐ Agency posts the expense reimbursement policy on agency website
☐ Staff carefully and consistently reviews compliance with expense reimbursement policy and receives support from top management and governing body in doing so	☐ Staff and elected officials receive periodic reminders on the provisions of the policy that most likely apply to them
☐ Compliance with expense reimbursement policy is subjected to independent verification	☐ Members make a brief report on meetings and conferences attended at agency expense, underscoring the value received
☐ Legislative body members make required brief report of meeting attendance at the agency's expense at the next meeting of the body[3]	

USE OF PUBLIC RESOURCES* | ALLOWANCES
*AGENCY FUNDS AND ANYTHING PURCHASED WITH THOSE FUNDS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Any allowance (for example, a telephone or technology allowance) is backed up by documentation explaining the factual basis for the allowance	☐ Officials decline overly generous or duplicative allowances/benefits that could create public perception issues or present ethical concerns

USE OF PUBLIC RESOURCES* | AGENCY RESOURCES AND EQUIPMENT
*AGENCY FUNDS AND ANYTHING PURCHASED WITH THOSE FUNDS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Agency adopts policy which takes into account proscriptions against: • Gifts of public resources • Personal use of public resources • Political use of public resources (see Campaign section below) ☐ Agency policy is consistently applied ☐ Staff and elected officials understand and comply with mass mailing prohibitions[4] **Resource:** • www.ca-ilg.org/massmailing ☐ Those with special access to agency equipment receive training and periodic reminders on prohibitions of use of agency resources for personal or political purposes	☐ Orientation of newly elected officials, newly appointed officials and newly hired staff address the issue of permissible and impermissible uses of public resources ☐ Agency periodically reminds team members of policies and proscriptions at relevant time points (for example, before election season) ☐ Agency explores opportunities to share limited resources among a network of local agencies (cities, schools, special districts, counties, etc.) to leverage capital and staff resources through joint training programs, sharing services, and joint use of facilities and equipment **Resource:** • www.ca-ilg.org/shared-services-and-joint-use

STEWARDSHIP OF PUBLIC RESOURCES

PROCUREMENT AND CONTRACTING | RULES AND POLICIES

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Agency has a transparent and fair process for selecting with whom it will do business	☐ Agency complies with both the letter and the spirit of procurement laws and policies, that all interested parties are given the opportunity to do business with the agency on an equal basis
☐ Agency complies with state competitive bidding requirements for public works projects[5]	
☐ Agency has clear organization-wide standards and guidelines regarding procurement and contracting	☐ Agency website explains processes for doing business with the agency
☐ Agency has policy for advertising contracts open for bidding	☐ Agency website includes information about contract opportunities and Requests for Proposals (RFPs)
☐ Agency has policies in place for the proper disposal of surplus property – policies are communicated to staff	☐ Vendors receive information about ethics standards for doing business with the agency
☐ Local officials involved in contracting decisions receive information and/or training on the laws prohibiting self-dealing in agency contracts[6]	☐ Agency conducts periodic training and outreach to educate prospective and current vendors on the agency contracting process
☐ Officials involved in contracting and purchasing decisions must be included in an agency's conflict of interest code and regularly file a Statement of Economic Interests (Form 700)[7]	☐ Agency engages in climate friendly purchasing practices

Resource:
- www.ca-ilg.org/climate-friendly-purchasing |
• Form 700 is available at: www.fppc.ca.gov	☐ Agency engages in regional or shared bidding processes among local agencies in a geographic area to reduce costs.
☐ Agency completes Agency Report of Consultants (Form 805)[8] and ensures that all consultants in designated positions complete and file a Statement of Economic Interests (Form 700)	
• Form 805 is available at: www.fppc.ca.gov/forms/805.pdf	

TRANSPARENCY

OPEN GOVERNMENT PRACTICES | PROMOTING TRANSPARENCY

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Agency anticipates information the public needs concerning the agency's activities and makes the information available through a variety of channels including the agency website	☐ Agency creates a "transparency portal" on its website that provides anticipated information the public needs from all agency departments in one easy to find location
☐ Local officials and designated staff are current in making their Statement of Economic Interests (Form 700) disclosures	☐ Agency makes Statement of Economic Interests (Form 700) disclosures available on the agency website
• Form 700 is available at: www.fppc.ca.gov	☐ Agency makes Ticket/Admission Distribution Report (Form 802) available on the agency website
☐ Agency institutes a policy for receipt of free tickets/event admissions for officials and ensures reporting compliance on the FPPC Agency Report of Ceremonial Role Events and Ticket/Admission Distributions (Form 802)[9]	☐ Agency makes Payment to Agency Report (Form 801) available on the agency website
• Form 802 is available at: www.fppc.ca.gov/forms/802.pdf	• Form 801 is available at: www.fppc.ca.gov/forms/801.pdf
	☐ Agency uses an electronic filing system to make posting and completion of the required disclosures easier

OPEN GOVERNMENT PRACTICES | PUBLIC RECORDS ACT REQUESTS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Agency adopts policy for handling Public Records Act requests and makes the policy available on website and through other channels	☐ Agency accepts online records requests
☐ A designated staff member handles all records requests in order to ensure prompt compliance with records requests	☐ Agency anticipates commonly requested records and posts them on the agency website, including all Fair Political Practices Commission forms
☐ (Alternative for Larger Agencies) Designated staff members within each department receive training on Public Records Act compliance to enable the department to properly respond to such requests.	☐ Agencies participating in joint use or shared services provide online access to documents and materials about cross-agency relationships

OPEN GOVERNMENT PRACTICES | PUBLIC ENGAGEMENT

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices

Minimum Standards/Good Practices

☐ Agency has an easy to use website that makes public information readily available

☐ Agency website uses plain language and minimizes the use of acronyms to ease understanding

☐ Agency provides information explaining how the decision-making process works and how people can provide input

Resource:
- www.ca-ilg.org/PEOrientations

☐ Agency engages in regular communications through a variety of channels to keep the public up-to-date on agency activities

Resource:
- www.ca-ilg.org/PEstrategiccommunications

☐ Communications are translated as needed and distributed to appropriate community groups

Resource:
- www.ca-ilg.org/EthnicMediaInfographic

☐ Agency officials maintain regular office hours

☐ Department heads maintain an "open door policy" for the public

Beyond the Minimum/Better Practices

☐ Residents can subscribe to an e-notification system for meetings, summaries of actions taken at meetings, workshops or other events/information

☐ Agency uses social media and other digital tools to engage and communicate with the public

Resource:
- www.ca-ilg.org/online-engagement-guide

☐ Agency uses mobile app for community members to report issues

Resource:
- www.ca-ilg.org/technology-and-public-input

☐ Agency develops relationships with community based organizations, neighborhood groups, ethnic media and clergy/congregations to distribute information and solicit input on issues of potential interest to those groups

Resource:
- www.ca-ilg.org/partnering-community-based-organizations

☐ For potentially controversial and/or complex issues, the agency creates additional opportunities for individuals to learn about and have input into decisions on those issues

Resource:
- www.ca-ilg.org/DeeplyHeldConcerns

☐ Agency has or creates youth commissions as an opportunity to connect with younger generations about public services and needs

Resource:
- www.ca-ilg.org/engaging-youth

☐ Agency collaborates and partners with other local agencies to engage shared constituencies, through activities such as joint meetings and newsletters

OPEN GOVERNMENT PRACTICES | INFORMATION ABOUT KEY ELECTED AND APPOINTED OFFICIALS AND STAFF

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Contact information, including telephone numbers, mailing addresses, office locations and email addresses are available on agency website and kept current	☐ Website and other communications explain terms of office and next election/appointment date for elected and appointed officials
☐ Terms of office/appointment and next election date are disclosed	☐ Materials and information on how to seek election and appointment are available on agency website
☐ Agency Report of Appointments (Form 806) is posted on agency website[10] • Form 806 is available at: www.fppc.ca.gov/forms/806.pdf	☐ Agency website contains a dedicated page for links to other local, state and federal agencies, clarifying the functions and services of each agency and makes referrals to other agencies where appropriate

OPEN GOVERNMENT PRACTICES | BOARDS AND COMMISSIONS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Agency complies with California law relating to creation of a Local Appointments List (Maddy Act), which is a list of all appointed positions that expire within the next calendar year. The list is made available to members of the public by various means and provided to the local library with the largest service population[11]	☐ Agency supports leadership program(s) to familiarize potential applicants who are thinking of applying to boards and commissions with relevant roles and responsibilities
☐ Agency posts unexpected vacancies in the agency's clerk's office, the local library with the largest service population and other locations as directed by the legislative body[12]	☐ Agency distributes the Local Appointments List broadly through social and print media, ethnic media, community-based organizations, and clergy and congregations
☐ Agency posts the Local Appointments List on the agency website on or before January 2 of each year	☐ Agency publicizes unexpected vacancies broadly through press releases, social and print media, ethnic media, community-based organizations, and clergy and congregations
	☐ Agency encourages local officials to engage in widespread outreach through their networks to inform all segments of the community about opportunities to serve on boards and commissions

MEETINGS | POLICIES AND PROCEDURES

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ All elected and appointed officials have received information/training related to California's open meeting laws[13] **Resources:** • www.ca-ilg.org/abc ☐ Chairperson receives training/information about the role of the chairperson **Resources:** • www.ca-ilg.org/chairmeeting ☐ All members of the decision-making body receive training/information about roles, responsibilities and purpose ☐ Agency has adopted rules of procedure to govern meetings that meet the needs of the agency and the public **Resources:** • www.ca-ilg.org/parliamentarysimplified	☐ Agency promotes civility in public meetings **Resources:** • www.ca-ilg.org/PromotingCivility ☐ A statement of basic rules and protocol related to public participation is included on meeting agendas and orally stated at the beginning of public comment period ☐ Agency engages in processes to enable the public to understand how to most effectively communicate concerns about issues before the agency **Resources:** • www.ca-ilg.org/publicmeetings

MEETINGS | WEBSITE CONTENT

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Agency posts regular meeting agendas 72 hours in advance and special meeting agendas 24 hours in advance on agency website[14] ☐ Current year meeting minutes and agendas are available on agency website ☐ Community members can sign up for email notices/reminders of public meetings ☐ Calendar of date, time, location of meetings is available on the agency website	☐ Agency posts meeting agendas for regular meetings earlier than required to enable the public to understand upcoming issues before the agency ☐ Agency makes archives of meeting minutes and agendas for three years or longer ☐ Agency makes available live audio/video streams and archived recordings of meetings available on the agency website ☐ Agency posts video recordings of meetings with relevant accompanying materials ☐ Agency emails meeting agendas to subscribers with information on how to view related materials on the website

DECISION-MAKING | DECISION-MAKERS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ California Fair Political Practices Commission's Form 700 (Statement of Economic Interests) is distributed and collected in a timely manner on an annual basis (required by law[15])	☐ Agency staff creates a map of the 500-foot boundaries for each decision-maker to help him or her determine if there is a potential conflict of interest in a decision
☐ Decision-makers know where the 500-foot boundaries are with respect to their various property interests[16]	
☐ Officials are advised of prohibitions against self-dealing in addition to the Political Reform Act[17]	

DECISION-MAKING | PROCESSES

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Agency has adopted a conflict of interest code as required by the Political Reform Act[18]	☐ Decision-makers voluntarily abstain when their ability to make decisions in the public interest (as opposed to personal or political interests) might be reasonably questioned
☐ Decision-makers receive training on due process rules applicable to quasi-adjudicatory (administrative) hearings. **Resources:** • www.ca-ilg.org/bias	**Resource:** • www.ca-ilg.org/abstentions
☐ Decision-makers know the agency's policies for disclosure of information they receive outside of adjudicatory hearings	
☐ Agency policies are applied consistently to those seeking agency approvals, regardless of personal connections	
☐ Decision-makers listen attentively at public hearings, particularly adjudicatory hearings	
☐ Decision-makers consider potential impacts to the resources of other local, state, federal or tribal agencies when making decisions	

EDUCATION, TRAINING & PERSONNEL

EDUCATION/TRAINING | ONBOARDING

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Agency provides materials on duties and responsibilities for all newly elected and appointed officials and staff **Resources:** • www.ca-ilg.org/new-local-public-service	☐ Orientation on duties and responsibilities is available to all newly elected and appointed officials and staff **Resources:** • www.ca-ilg.org/OrientationMaterials
☐ Agency provides information on policies, including ethics policy, upon onboarding	☐ When appropriate agency shares training services and costs among neighboring local agencies

EDUCATION/TRAINING | ONGOING EDUCATION

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Agency supports continuing education activities for staff, appointed and elected officials (including those that are required by law for certain professional license-holders)	☐ Agency encourages regular attendance at local and/or statewide continuing education activities
☐ Agency requires attendance at sexual harassment prevention training for elected officials and those in supervisory positions (two hours every two years required for those in supervisory positions)[19]	☐ Agency plans regular training sessions and budgets for attendance at trainings
	☐ Agency provides information and guidance on handling ethical dilemmas in the workplace
☐ Agency publicizes and makes available resources to help local officials understand ethics laws	☐ Agency conducts joint education and information sessions among city, county, school and special district elected officials about roles, responsibilities and purpose of each local government agency to clarify and raise awareness among decision-makers
	☐ When appropriate agency shares training services and costs among neighboring local agencies (e.g. computer classes for fundamental software programs)

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Promoting Good Government at the Local Level

EDUCATION, TRAINING & PERSONNEL

EDUCATION/TRAINING | PROMOTING ORGANIZATIONAL ETHICS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Ethics values are included in the agency's mission statement	☐ Agency's leadership leads by example by consistently demonstrating agency's values through actions
☐ Agency has adopted a value-based code of ethics	☐ When collaborating with other agencies, staff and leadership show respect and decorum for the formal and informal processes of partners and the community, developing and formalizing agreements when necessary
Resources:	
• www.ca-ilg.org/ethicscodes	
☐ Ethics are part of agency's hiring practices and interview process	
☐ Agency values collaboration and partnerships with other local agencies and community-based organizations	

EDUCATION/TRAINING | ETHICS TRAINING (AB 1234)[20]

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Elected and appointed officials receive two hours of ethics training every two years (and basic overview training within one year of assuming position)[21]	☐ Elected and appointed officials receive basic overview training within two months of assuming position
• Online training available at: www.fppc.ca.gov	☐ Agency takes steps to make AB 1234 training meaningful, understandable and helpful
☐ All local officials who must receive AB 1234 training are current on their training	☐ AB 1234 training is in-person (as opposed to online) to enable discussion and questions
☐ Top level staff voluntarily receives training on ethics laws and principles as relevant to their duties within the agency	☐ Certificates of compliance are easily accessible to the public and media (for example posted on the agency website)
	☐ Agency requires top level staff to participate in training on ethics laws and principles as relevant to their duties within the agency
	☐ Compliance is a condition of continuing appointment (for appointed officials) and reimbursement (elected officials)
	☐ Subsequent trainings are more in depth examinations of required topics[22]
	☐ Agency coordinates with other local agencies to provide AB 1234 training to all local officials and designated staff, including cities, counties, schools and special districts

PERSONNEL | PRACTICES AND POLICIES

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Agency has fair and merit based processes in place for hiring and advancing employees ☐ Agency consistently makes a concerted effort to advertise widely for open positions ☐ Elected officials generally play a role in selection of chief executive, department heads, agency counsel, and non-elected or appointed staff and provide regular guidance and feedback to those employees **Resources:** • www.ca-ilg.org/Board-Chief-Executive-Relations ☐ Officials understand and abide by agency's adopted policies relating to who makes hiring and other personnel decisions relating to subordinate staff ☐ Agency has a non-discrimination policy and abides by its terms ☐ Agency has adopted and follows an anti-nepotism policy ☐ Agency has adopted a whistleblower protection policy and posted it on the agency website[23] (see Speaking Truth to Power section below) ☐ Agency has adopted policies regarding second jobs and other potentially incompatible activities[24]	☐ Agency posts compensation and benefits information for all officials and employees on the agency website ☐ Agency completes salary comparison/ benchmarking for staff positions using a reputable salary survey every five years - agency posts summary of results on agency website

PERSONNEL | INCENTIVES FOR SPEAKING TRUTH TO POWER[25]

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Agency has an adopted policy clearly explaining procedures for reporting and investigating allegations of misconduct and protection of those that report misconduct	☐ Agency supports employees who bring forward truthful, but potentially unwelcome, unsolicited, unpopular or difficult information to the attention of relevant decision-makers
☐ Unlawful conduct is dealt with swiftly, firmly and consistently within the agency	☐ Governing bodies encourage chief executive and financial staff to regularly analyze financial trends for areas of potential concern/risks so the body can discuss and address them
☐ Agency supervisors and staff are familiar with legal protections related to whistle-blowing activities and receive ongoing training	☐ Staff participates in professional associations that provide guidance on ethics as it relates to their role in the organization - for a list of local agency professional associations with ethics codes see www.ca-ilg.org/associationsethicscodes
Resource: • www.ca-ilg.org/whistle	

PERSONNEL | CHIEF EXECUTIVE

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Agency chief executive has a college degree in relevant field and a minimum of five years of broad-based management experience	☐ The hiring process includes ethics questions in interviews
☐ Chief executive is or is willing to become a member of the International City/County Management Association (ICMA) in good standing and adheres to ICMA's declaration of ideals. For more information see www.icma.org	**Resource:** • "Promoting Personal and Organizational Ethics" available at www.ca-ilg.org/ppoe

PERSONNEL | AGENCY COUNSEL

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Agency counsel is an active member of the California State Bar in good standing with at least five years' experience in municipal law. See www.calbar.ca.gov	☐ The hiring process includes ethics questions in interviews
☐ Agency counsel is familiar with and adheres to the California State Bar's Rules of Professional Conduct. See www.calbar.ca.gov/ethics	☐ Agency counsel acts in accordance with the ethical principles and values set forth by the agency and other relevant organizations. For example, "Ethical Principles for City Attorneys" available at www.cacities.org/attorneys

PERSONNEL | AGENCY CLERK

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Agency clerk is or is willing to become a member of the International Institute of Municipal Clerks (IIMC) in good standing and adheres to IIMC's code of ethics. For more information see www.iimc.com	☐ Agency encourages clerks to engage in education, mentorship and professional development activities through the California Clerk of the Board of Supervisors Association and the California City Clerks Association **Resources:** • www.ccbsa.net • www.californiacityclerks.org

CANDIDATES

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Candidates for the governing board receive information on how to comply with campaign laws[26], including local requirements and restrictions[27]	☐ A pledge of fair campaign practices is distributed to and signed by all candidates. Available at www.ca-ilg.org/campaigncodes
☐ Agency distributes California's Code of Fair Campaign Practices to all candidates[28]	☐ Agency supports one or more leadership programs to familiarize potential candidates who are thinking of running for office with local issues and decision-making practices
☐ Agency provides candidates with information about ethics laws, including conflicts of interest, incompatible offices and governmental transparency requirements that will be relevant to their service if elected	
Resource: • www.ca-ilg.org/CandidatePamphlet	

OFFICIALS AND EMPLOYEES

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
☐ Officials and employees are advised of prohibitions relating to campaign fundraising directed at agency staff[29]	☐ Agency provides trainings to officials and employees on prohibitions and restrictions on the political activities of public employees
☐ Officials and employees are advised of restrictions relating to political activities of public employees[30]	
☐ Officials and employees are reminded of the proscriptions against political use of public resources including the use of equipment, photocopying, or mailing of campaign related materials at the public's expense[31]	
Resources: • www.ca-ilg.org/massmailing • The Fair Political Practices Commission fact sheet on prohibited mass mailings available at www.fppc.ca.gov	

References and Resources

Note: Sections in the California Code are accessible at http://leginfo.legislature.ca.gov/.
Fair Political Practices Commission regulations are accessible at www.fppc.ca.gov/index.php?id=52. A source for case law information is www.findlaw.com/cacases/ (requires registration).

1	*See* Cal. Gov't. Code § 12410.6 ("a local agency shall not employ a public accounting firm to provide audit services to a local agency if the lead audit partner or coordinating audit partner having primary responsibility for the audit, or the audit partner responsible for reviewing the audit, has performed audit services for that local agency for six consecutive fiscal years.").
2	Cal. Gov't Code § 53232.2.
3	Cal. Gov't Code § 53232.3.
4	Cal. Gov't Code § 89001; 2 Cal. Code Regs §§ 18901-18901.1.
5	*See* Cal. Pub. Cont. Code §§ 20121-20123, 20162-20163.
6	*See* Cal. Gov't Code § 1090.
7	*See* 2 Cal. Code Regs. § 18730.
8	Available at www.fppc.ca.gov/forms/805.pdf.
9	*See* 2 Cal. Code Regs. § 18944.1.
10	*See* 2 Cal. Code Regs. § 18705.5.
11	Cal. Gov't Code §§ 54970-54973.
12	Cal Gov't Code § 54974.
13	Cal. Gov't Code § 54950 and following.
14	Cal. Gov't Code § 54954.2.
15	2 Cal. Code Regs. § 18723.
16	*See* 2 Cal. Code Regs. § 18705.2(a)(11), (A financial effect in which an official has a financial interest, other than a leasehold interest, is material whenever the governmental decision would consider any decision affecting real property value located within 500 feet of the property line of the official's real property unless the FPPC provides written advice of the determination that there will be no reasonably foreseeable measurable impact on the official's property).
17	*See* Cal. Gov't Code § 1090.
18	*See* Cal. Gov't Code §§ 87300-14.
19	Cal. Gov't Code § 12950.1.
20	Cal. Gov't Code § 53235 requires ethics training for specified local government officials. For more information see www.ca-ilg.org/ab1234compliance.
21	*See* Cal. Gov't Code § 53235(a), (b).
22	*See* California Attorney General's Guidelines, available at http://oag.ca.gov/ethics.
23	*See* Cal. Lab. Code § 1101-06.
24	*See* Cal. Gov't Code §1126.
25	Aaron Wildavsky, *Speaking Truth to Power: The Art and Craft of Policy Analysis* (Boston: Little, Brown, 1979).
26	*See generally* Cal. Gov't Code §§ 84100 – 84511.
27	*See* Cal. Gov't Code § 81009.5 (Local government agencies that have adopted campaign finance ordinances must submit a copy to the FPPC). Copies or links to these ordinances are posted on the FPPC website at www.fppc.ca.gov/index.php?id=9.
28	Cal. Elect. Code §§ 20440-20444.
29	*See* Cal. Gov't Code § 3205.
30	*See* Cal. Penal Code § 424; Cal. Gov't Code § 8314.
31	Cal. Penal Code § 424; Cal. Gov't Code §§ 8314, 89001; 2 Cal. Code Regs. § 18901.1.