



REPORT TO COUNCIL

City of Sacramento

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Consent
September 4, 2007

Honorable Mayor and
Members of the City Council

Title: Removal policy for board/commission/committee members regarding
mandatory ethics training

Location/Council District: Citywide

Recommendation: Adopt a **Resolution** declaring failure of appointed City board, commission or committee members to undertake and complete State mandated local ethics training as required under AB 1234 as "good cause" for removal under Section 232 of the City Charter.

Contact: Stephanie Mizuno, Assistant City Clerk, 808-8093;
Shirley Concolino, City Clerk, 808-5442.

Presenters: N/A

Department: City Clerk's Office

Division: N/A

Organization No: 0700

Description/Analysis

Issue: After various notifications, several appointed board, commission and committee members have not completed local ethics training as required by AB 1234. The action recommended in this report would establish a policy that provides for the removal of appointed board members who fail to undertake and complete State mandated ethics training.

Policy Considerations: The City Council is being asked to consider failure to satisfy the requirement to complete State mandated ethics training under AB 1234 as "good cause" for removal under City Charter Section 232. This action would provide a means for removal of members who do not take the training.

Environmental Considerations: None.

Commission/Committee Action: None.

Rationale for Recommendation: Although AB 1234 mandates that appointed officials take local ethics training, the legislation does not include language that addresses failure to satisfy the requirement. To address the issue at the local level, the City Council could consider failure to comply with the mandate as “good cause” for removal under the City’s Charter.

Financial Considerations: None.

Emerging Small Business Development (ESBD): None.

Respectfully Submitted: S. Mizuno
Stephanie Mizuno,
Assistant City Clerk

Approved:

Shirley Concolino
Shirley Concolino,
City Clerk

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ATTACHMENT 1**Background:**

Under the provisions of AB 1234 (Local Ethics Training), elected and appointed officials are required to take two hours of local ethics training every two years. The legislation required that training be accomplished no later than December 31, 2006.

To assist the City's 350+/- appointed board and commission members in complying with this mandate, the City Clerk's Office provided four training opportunities. The first training occurred at the August 8th City Council meeting and was presented by the Institute for Local Government (ILG). To accommodate those members who could not attend on the afternoon of the 8th, the Clerk's Office obtained permission from the ILG to replay the training session on November 2nd, 13th and 15th. The City Attorney and Assistant City Clerk were present at the November sessions to facilitate the video and answer questions.

To ensure that all board/commission members were aware of the requirement and training opportunities, the Clerk's Office provided the various notifications.

- On July 10, 2006 the Clerk's Office mailed a letter to 331 appointed board members advising of the new State law and the opportunity to attend the August 8th training. In addition to the City Council, 79 board members and 27 City management personnel attended.
- On September 25, 2006 the Clerk's Office mailed a similar letter to the same board members. This letter reminded the August 8th attendees to submit their attendance certificates, and informed those who had not yet taken the training that three sessions would be offered in November. During the three November sessions an additional 115 board members attended.
- On December 18, 2006 and June 18, 2007 the Clerk's Office mailed additional letters reminding board members (92 and 35 respectively) of the training requirement and provided a web site where the training could be taken free of cost and at the member's leisure.
- For each notification, the Clerk's Office also advised departmental board coordinators of the training requirement and asked that they outreach to their board members and encourage attendance.
- Additionally, 103 members have used the web site or attended other agency sessions to comply with the training requirement.

To ensure that newly appointed board members are aware of the requirement, the official appointment letter was modified to include notification of the requirement and to provide a web site where training can be accomplished. If a member has not submitted a certificate in 60 days, the Clerk's Office follows up with a phone call reminder.

- On August 7, 2007, the Clerk's Office mailed a follow up letter to 16 recently appointed board members reminding of the training requirement and web site. One appointee has since submitted the completion certificate as of the writing of this report.

Currently, 298 board members have satisfied the ethics training requirement with 27 members yet to file completion certificates. Of the 27 members, 11 were members prior to the initiation of this process and 16 are newly appointed members who are from 1 to 6 months delayed in taking the training.

Without a means to enforce compliance, and absent provisions in the legislation, there is no mechanism to ensure that all appointed board members undertake and complete ethics training.

If the Council adopts the resolution presented in this report, the Clerk's Office can initiate removal proceedings against those board members who have not undertaken ethics training. Removal is accomplished via a report to the Council outlining the reasons for the removal and requesting approval of the action. Prior to the report being presented to the Council, and as provided in the Charter, any one being removed for good cause must be given 10 days notice of the proposed action and the reason(s) for that action. The member will also be advised of his/her opportunity to be heard at the meeting. If, prior to the item being heard by the Council, the member undertakes the training and files the required completion certificate, the action will be withdrawn.

Removal is a final means to encourage completion of the training and is a last resort after exhausting all reasonable attempts at notification.

ATTACHMENT 2

RESOLUTION NO.

Adopted by the Sacramento City Council

**RESOLUTION DELCARING FAILURE OF APPOINTED
BOARD/COMMISSION/COMMITTEE MEMBERS
TO UNDERTAKE AND COMPLETE STATE MANDATED
LOCAL ETHICS TRAINING UNDER AB 1234
AS “GOOD CAUSE” FOR REMOVAL OF
UNDER SECTION 232 OF THE CITY CHARTER**

BACKGROUND

- A. AB 1234 (Government Code Section 53234, et seq.) mandates that local appointed officials take ethics training every two years.
- B. AB 1234 does not contain a compliance mechanism for officials who do not attend training.
- C. The City Clerk’s Office has notified the City’s appointed board, commission and committee members of the training requirement and the available training opportunities.
- D. After various notifications, several appointed board, commission and committee members have failed to satisfy the ethics training requirement of AB 1234.
- E. City Charter Section 232 provides that board and commission members may be removed for “good cause”.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

- Section 1. The failure of an appointed City board, commission or committee member to satisfy the local ethics training requirements mandated by Government Code Sections 53234 et seq. shall constitute good cause for removal under Section 232 of the City Charter.