



1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
619.231.1466 Fax: 619.234.3407

Policies and Procedures

No. 53

SUBJECT:

Board Approval: 9/28/06

ETHICS TRAINING

PURPOSE:

To establish a procedure for providing MTS officials with necessary information on required ethics training.

BACKGROUND:

California Government Code section 53235 makes it mandatory for specific MTS officials to receive at least two hours of training in general ethics principles and ethics laws relevant to his or her MTS service every two years. ¹MTS is only required to provide information on training available to meet the requirements of this policy and maintain records confirming the dates the training was taken and the entity that provided the training.

POLICY:

53.1 Officials Required to Receive Training

- 53.1.1 MTS Board Members and Alternatives. Any member of a local agency legislative body or any elected local agency official who receives any type of compensation, salary, stipend, or reimbursement of actual and necessary expenses incurred in the performance of official duties.
- 53.1.2 Any employee designated by the MTS Board to receive the training specified under this policy. For purposes of this policy, those employees whose positions are designated in the MTS Conflict of Interest Code and any other employee designated by the CEO shall receive the training specified in this policy.

¹ California Government Code section 53235 applies to "local agencies" and for purpose of that section, "local agency" means "a city, county, city and county, charter city, charter county, charter city and county, or special district." Cal. Gov. Code § 53234. "Special district" is not defined for purposes of section 53235; however, it has been defined for the purpose of other code sections to mean "an agency of the state, formed pursuant to general law or a special act, for the performance of governmental or proprietary functions, with limited geographic boundaries, including, but not limited to, a school district and a community college district." Cal. Gov. Code § 53412. It is uncertain whether MTS is a "local agency" for the purposes of section 53235; however, MTS Board members are required to receive ethics training as a result of other public agency positions they hold.



53.1.3 Any² member of a commission, committee, board, or other body of MTS, whether permanent or temporary, decision making or advisory, created by charter, ordinance, resolution, or formal action of the MTS Board. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the governing body of the local agency are not legislative bodies, except standing committees of the governing body of a local agency, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of the governing body of the local agency for purposes of this policy.

53.2 Training Timetable and Frequency

53.2.1 Each official required to receive ethics training under this policy in service as of January 1, 2006, except for officials whose term of office ends before January 1, 2007, shall receive the training required under this policy before January 1, 2007. Thereafter, each official shall receive the training required by this policy at least once every two years.

53.2.2 Each official required to receive ethics training under this policy in service on or after January 1, 2006, shall receive the training required under this policy no later than one year from the first day of service. Thereafter, each official shall receive the training required by this policy at least once every two years.

53.2.3 Officials who serve more than one local agency shall obtain the ethics training required by this policy once every two years without regard to the number of local agencies with which he or she serves.

53.3 Procedural Requirements

53.3.1 Each Board Member and Alternate shall receive at least two hours of training in general ethics principles and ethics laws relevant to his or her service every two years.

53.3.2 MTS shall maintain records indicating both of the following:

- a. The dates that each person satisfied the requirements of this policy; and
- b. The entity that provided the training.

53.3.3 MTS shall maintain these records for at least five years after the date of the training. These records are public records subject to disclosure under the California Public Records Act.

² All "local agency officials" are required to receive ethics training. California Government Code section 53234(c) defines "local agency official" as "any member of a local agency legislative body or any elected local agency official who receives any type of compensation, salary, or stipend or reimbursement for actual and necessary expenses incurred in the performance of official duties." Therefore, members not eligible for compensation or reimbursement do not need to receive ethics training.

- 53.3.4 MTS shall provide information on trainings available to meet the requirements of this policy to its local officials at least once annually.
- 53.3.5 MTS or an association of local agencies may offer one or more training courses or sets of self-study materials with tests to meet the requirements of this policy. These courses may be taken at home, in person, or on-line.
- 53.3.6 All providers of training courses to meet the requirements of this article shall provide participants with proof of participation to meet the requirements of this policy.

53.4 Substantive Requirements

- 53.4.1 Each Board Member or Board Member Alternate shall receive at least two hours of training in general ethics principles and ethics laws relevant to his or her service.
- 53.4.2 "Ethics laws" include, but are not limited to, the following:
 - a. Laws relating to personal financial gain by public servants, including, but not limited to, laws prohibiting bribery and conflict of interest laws;
 - b. Laws relating to claiming prerequisites of office, including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies;
 - c. Government transparency laws including, but not limited to, financial interest disclosure requirements and open government laws; and
 - d. Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification from participating in decisions affecting family members.