

San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

October 13 , 2017

TO: Commissioners, Alternates, Advisory Board members and Designated Staff

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653 larry.goldzband@bcdc.ca.gov)
Marc Zeppetello, Chief Counsel (415/352-3655 marc.zeppetello@bcdc.ca.gov)
John Bowers, Staff Counsel (415/352-3610 john.bowers@bcdc.ca.gov)

SUBJECT: Ethics Training

Dear Commissioners, Alternates, Staff Members:

California law (Gov. Code §§ 11146-11146.4) requires all members of the Commission, Design Review Board, Engineering Criteria Review Board, Alternates and designated staff to complete ethics training for state officials **within six months** of assuming office. Thereafter, training must be completed **once every two years**, beginning with the first odd numbered after assuming office. Therefore, those who assumed office before January 1, 2017, must complete ethics training by December 31, 2018. California law also requires the Commission to keep records of those who take the training for public inspection.

To comply with state ethics training requirements, all Commissioners, Alternates, Advisory Board members and designated staff must take a two-hour training course entitled "Ethics Orientation for State Officials," available on the internet at www.oag.ca.gov/ethics/course.

When you take the internet course, please complete the form at the end of the course, attach it to the Certificate of Completion (COC) (Attachment 1), complete and sign the COC and return it to Reggie Abad at BCDC. Also, please keep a copy of the certification form for your own records. More information is available at <http://oag.ca.gov/publications#conflict>.

Everyone who takes the training must also review the Commission's Statement of Incompatible Activities (Attachment 2). Under Gov. Code § 19990, these requirements apply to Commissioners, Alternates, Advisory Board members as well as staff.

Please be advised that pursuant to Gov. Code § 11146.4(a) Commissioners may use equivalent **state agency** ethics training for another state agency or the legislature to satisfy BCDC's ethics training requirements. However, ethics training for **local government** officials does not satisfy state agency ethics training requirements. Therefore, Commissioners, Alternates or Advisory Board members who have taken ethics training for local government officials must also take ethics training for state officials for BCDC. In addition, we request that Commissioners who take both state and local government ethics training submit their local government training course certificate of completion to the BCDC for record keeping purposes.

Action Required. As stated above, all Commissioners, Alternates, Advisory Board members and designated staff who assumed office prior to January 1, 2017 must complete ethics training by December 31, 2018. Any such individuals who assumed office after January 1, 2017 must complete ethics training within six months of assuming office.

If you have any questions regarding the ethics training requirement discussed in this memo, please contact Marc Zeppetello or John Bowers.

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ATTACHMENT 1

Ethics Orientation for State Officials

Certificate of Completion

I am aware of and have complied with the requirements for State Agency Ethics Training as provided in California Government Code Sections 11146 through 11146.4 by reviewing the materials enclosed with the BCDC memorandum to all Commissioners and Alternates and by completing the on-line ethics training course established by the Office of the California Attorney's General's Office and the California Fair Political Practices Commission on state agency ethics training.

I completed this training on _____, _____. [Please fill in the month, day, and year that you completed the training. You must have completed the training between June 10, 2012 and June 10, 2014.] My Certificate of Completion for the on-line training course is attached hereto.

You may have completed ethics training for state officials for a different state agency to which you belong. If so, please indicate the name of the agency, the position that you hold with that agency, and the date you completed the training for that agency by filling out the form below. Again, you must have completed the training with the other agency between June 10, 2012 and June 10, 2014.

Name of other agency: _____

Position held with other agency: _____

Date (month, day, year) ethics training completed with other agency: _____ / _____ / _____

If you took the OAG/FPPC on-line training course under the auspices of another state agency, please attach hereto the Certificate of Completion you completed for that course.

Signature

Typed or printed name

Date of signature



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ATTACHMENT 2

INCOMPATIBLE ACTIVITY STATEMENT FOR COMMISSION STAFF

Policy and Procedure No. 87-21

On July 2, 1987, the San Francisco Bay Conservation and Development Commission adopted the following "Statement of Activities Considered Inconsistent, Incompatible, or in conflict with Duties as a Staff Member of the Commission."

The staff of the San Francisco Bay Conservation and Development Commission deals with matters of significant financial and economic importance to private property owners and to governmental agencies in the Bay Area. The Commission insists, therefore, that its staff observe the highest ethical standards and avoid any possibility of conflict of interest between official and private activity.

In accordance with Section 19990 of the Government Code, a member of the Commission's staff shall not engage in any employment, activity, or enterprise which is clearly inconsistent, incompatible, in conflict with, or inimical to his or her duties as a State officer or employee.

Activities and enterprises deemed to be inconsistent, incompatible, or in conflict with their duties as state officers or employees of the Commission shall include, but not be limited to, all of the following:

- a. Using the prestige or influence of the state or the appointing authority for the officer's or employee's private gain or advantage or the private gain of another.*
- b. Using the state time, facilities, equipment, or supplies for private gain or advantage.*
- c. Using, or having access to, confidential information available by virtue of state employment for private gain or advantage or providing confidential information to persons to whom issuance of this information has not been authorized.*
- d. Receiving or accepting money or any other consideration from anyone other than the state for the performance of his or her duties as a state officer or employee.*
- e. Performance of an act in other than his or her capacity as a state officer or employee knowing that the act may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by the officer or employee.*
- F. Receiving or accepting, directly or indirectly, any gift, including money, or any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from anyone who is doing or is seeking to do business of any kind with the officer's or employee's appointing authority or whose activities are regulated or controlled by the appointing authority under circumstances from which it reasonably could be substantiated that the gift was intended to influence the officer or employee in his or her official duties or was intended as a reward for any official actions performed by the officer or employee.*
- g. Subject to any other laws, rule, or regulations as pertain thereto, not devoting his or her full time, attention, and efforts to his or her state office or employment during his or her hours of duty as a state officer or employee.*