



OFFICE OF THE CITY ATTORNEY

411 W. Ocean Boulevard, 9th Floor
Long Beach, CA 90802
(562) 570-2200
Facsimile: (562) 436-1579

ORD-43

CHARLES PARKIN
City Attorney

November 15, 2022

GARY J. ANDERSON
Assistant City Attorney

DAWN A. MCINTOSH
Assistant City Attorney

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending and restating Chapter 2.07 relating to Code of Conduct and Ethics, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

Pursuant to your request of November 1, 2022, this office has prepared and submits the above described Ordinance for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

A handwritten signature in black ink, appearing to be "T. Anderson", written over a horizontal line.

By

Taylor M. Anderson
Deputy City Attorney

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING AND RESTATING
CHAPTER 2.07 RELATING TO CODE OF CONDUCT AND
ETHICS

WHEREAS, on December 9, 2020, the Ethics Commission (Commission) identified the need for the development of a revised Code of Conduct and Ethics (Code) for City officials and staff; and

WHEREAS, on September 14, 2022, the Commission approved a recommendation to forward the proposed Code to the Long Beach City Council for review and consideration for codification into the Long Beach Municipal Code (LBMC); and

WHEREAS, the Code highlights the importance of having a government that operates equitably, ethically, and that works to promote and preserve public trust and confidence; and

WHEREAS, the Code also includes a list of principles outlining actionable ethical conduct that everyone in the City's organization must adhere to; and

WHEREAS, the values and principles set forth in the Code commit elected officials, employees, volunteers, and members of boards, commissions, and committees to undertake their duties with the highest ethical principles and to place the public interest in the forefront;

NOW THEREFORE, the City Council of the City of Long Beach ordains as follows:

Section 1. Chapter 2.07 of the Long Beach Municipal Code is hereby amended and restated to read as follows:

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Chapter 2.07

CODE OF CONDUCT AND ETHICS

2.07.010 Values statement.

The people of Long Beach depend on a city government that operates equitably, ethically, and that works to promote and preserve public trust and confidence. Thus, the City commits to the following values:

A. Accountability through the willingness to accept responsibility and account for one's actions.

B. Equity by ensuring fairness and due process.

C. Impartiality by being loyal to the public good.

D. Diversity by embracing histories, values, and ideas from all backgrounds, and recognizing their contribution to improving the City's operations, services, and programs.

E. Transparency in actions and practices that are open to public observation and scrutiny.

F. Integrity by being truthful, seeking truth, and adherence to the City's values.

2.07.020 Written pledge.

It is incumbent for every representative of the City of Long Beach to uphold the City's Code of Conduct and Ethics. Representatives of the City shall commit to undertaking their duties with the highest ethical principles and to place the public's interest above their own.

Prior to assuming office, employment, or volunteering with the City, representatives of the City, including employees of every City department, elected officials, appointed officials, commissioners, committee members, board members, interns, and volunteers shall pledge, in writing, to uphold the following principles while acting in their role or official capacity:

- 1 A. To be truthful and honest, including:
- 2 1. Acting with integrity and demonstrating courage in all
- 3 dealings.
- 4 2. Ensuring that all completed work activities are accurate
- 5 and that any biases have been identified and addressed.
- 6 3. Being accurate and honest in all interactions and
- 7 communications with others.

8 B. To place the public's trust before their own personal interests,

9 including:

- 10 1. Being objective and impartial.
- 11 2. Never engaging in acts of collusion, kickbacks, bribes,
- 12 unlawful gifts, conflict of interest, or other improper influence, nor condoning
- 13 such acts by others.
- 14 3. Not permitting personal interests to impair the
- 15 individual's judgment or action.
- 16 4. Not using the individual's position with the City for the
- 17 individual's private gain, for the endorsement of any product, person, or
- 18 enterprise, or for private gain of relatives or friends.
- 19 5. Disclosing, and if necessary, recusing oneself from the
- 20 decision-making process and any activities, dealings, and transactions on
- 21 behalf of the City that may be related or be influenced by the individual's
- 22 personal, financial, or outside activities.

23 C. To be transparent, including:

- 24 1. Ensuring that all work products are completed in an
- 25 open manner, with the knowledge that it may be subject to public inspection
- 26 and/or release.
- 27 2. Disclosing all personal, financial, or professional
- 28 interests or outside activities that may relate to or influence the individual's

1 role or official capacity.

2 3. Promptly reporting any perceived or actual conflict of
3 interest that may arise prior to rendering a decision, providing information,
4 or offering a recommendation.

5 4. Cooperating and supporting inquiries, reviews, audits,
6 or other investigations that may be conducted by the City or other
7 enforcement agencies.

8 5. Complying with the Ralph M. Brown Act (California
9 Government Code section 54950 et seq.) and observing all rules with
10 respect to notice and public meetings.

11 6. Committing to not discussing or communicating on
12 matters to be voted on by the City Council or a City board, commission, or
13 committee with another member of the body outside the public meeting in a
14 manner inconsistent with the Ralph M. Brown Act commitment to
15 transparency.

16 D. To be accountable, including:

17 1. Complying with all federal, State, and City laws and
18 regulations as well as applicable policies and procedures.

19 2. Being fiscally responsible with managing and
20 overseeing City funds and resources, as it pertains to the individual's
21 assigned responsibilities.

22 3. Abiding by all applicable requirements pertaining to
23 gifts and gratuities, including donations and honoraria.

24 4. Adhering to all policy and procedures and contractual
25 commitments to safeguard the integrity of the City's procurement and
26 bidding and competitive processes.

27 E. To safeguard all information, data, and assets entrusted to the
28 individual's care, including:

1 1. Protecting City data to promote cybersecurity and
2 preserve confidentiality and privacy concerning the property, personnel, or
3 other affairs of the City.

4 2. Handling and safeguarding all non-public and
5 proprietary information as protected under agreement or public law.

6 3. Protecting all City assets, resources, and information to
7 the best of the individual's knowledge from loss, theft, and misuse.

8 4. Protecting the interests of the City and those who have
9 placed their trust in the individual.

10 F. To recognize historic inequities and disparities and to support
11 diversity and be inclusive in all the individual's actions, including:

12 1. Respecting the diverse histories, values, and
13 experiences represented in the City's various communities.

14 2. Anticipating effects of a decision on people in the City,
15 especially if specific groups may be disproportionately harmed or helped.

16 3. Working to ensure that all people in the City have the
17 ability to actively participate and engage and work to eliminate barriers to
18 public involvement in decisions, programs, and services.

19 4. Being mindful of the community's needs and be
20 cognizant of their experience when interacting with City services.

21 5. Incorporating an equity lens consistent with City policy
22 to ensure all policies and procedures are developed to provide equitable
23 and socially just programs and services for all residents and employees.

24 G. To treat others with dignity, including:

25 1. Listening, being approachable, open-minded, asking
26 questions, and participating when engaged.

27 2. Treating all colleagues, the public, stakeholders, and
28 anyone transacting business with the City with respect.

1 3. Conveying the City's care for, and commitment to, its
2 communities.

3 4. Being courteous and civil in all interactions and
4 communications with others.

5 H. To make data-informed decisions, and embrace excellence
6 and innovation, including:

7 1. Being a role model by striving for excellence,
8 maintaining standards, being open to change, recognizing the need to
9 compromise, and always working to improve the City's programs and
10 services.

11 2. Being proactive and innovative when setting goals and
12 conducting the City's business.

13 3. Promoting innovation that will enrich and transform the
14 City's services, operations, and budget.

15 I. To avoid even the appearance of impropriety and seek ethical
16 guidance and immediately report a perceived Code of Conduct and Ethics
17 violation, conflict of interest, fraud, waste or misuse of City resources, and
18 inappropriate behavior to the appropriate authority for investigation.

19 2.07.030 Required ethics training.

20 A. Employees of every City department, elected officials,
21 appointed officials, commissioners, committee members, board members,
22 interns, and volunteers shall complete training related to the ethical values,
23 principals, and conduct outlined in this Chapter on an annual basis.

24 B. In the event that a member of any City Charter Commission or
25 advisory body fails to complete the ethics training required by California
26 Government Section 53234 et seq., within the time period specified therein,
27 that person shall automatically be removed from membership from the
28 commission or advisory body.

Section 2. The City Clerk shall certify to the passage of this ordinance by City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2022, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmember: _____

Clerk

Approved: _____
(Date)

Mayor