

**CITY OF LONG BEACH  
ETHICS COMMISSION  
Policy and Problems Ad Hoc Sub Committee**

Kimmy Maniquis, Commissioner  
Barbara A. Pollack, Commissioner  
J.P. Shotwell, Commissioner



February 4, 2021

Ethics Commission  
City of Long Beach  
411 West Ocean Boulevard  
Long Beach, CA 90802

**RE: Ethics Commission Action Plan Draft**

The Policy and Problems Ad Hoc Subcommittee has developed the attached draft Action Plan for the full Ethics Commission review and discussion at our February 10, 2020 meeting. The Action Plan addresses all of the recommendations in the Performance Audit of the City of Long Beach Ethics Program, as well as items Commission and/or the Subcommittee members have identified based on their own experience. The Action Plan is divided into six Workstreams with a total of 33 Deliverables:

1. Ethics Office Structure and Staff
2. Ethics Resources
3. Engagement and Outreach
4. Intake and Investigations
5. Oversight of City Ethics Program
6. Lobbying Requirements

Within each Workstream, the Subcommittee established specific Deliverables. For each Deliverable, there is an associated Timeline Priority (A, B, or C, with A-level Deliverables being addressed), an Audit Reference, required additional budget (if any), and requisite authority (and additional authority, if needed), along with relevant notes.

We believe that the Commission can consider dividing the Action Plan work up into three Ad Hoc Committees as follows:

Ad Hoc Committee One	<ul style="list-style-type: none"> <li>• Ethics Office Structure</li> <li>• Lobbying Requirements</li> </ul>
Ad Hoc Committee Two	<ul style="list-style-type: none"> <li>• Ethics Resources</li> <li>• Engagement and Outreach</li> </ul>
Ad Hoc Committee Three	<ul style="list-style-type: none"> <li>• Intake and Investigations</li> <li>• Oversight of City Ethics Program</li> </ul>

Additional work is needed to identify specific Lobbying and Campaign Financing Requirements Workstream deliverables as the as Subcommittee does not have experience in that area and the Audit Report did not address those issues. The Subcommittee recommends that the Commission entertain engaging an outside expert to advise on the work in this area.

This draft Action Plan includes staff input and will also be a good vehicle to continue to discuss the scope of the Commission's authority.

The Subcommittee looks forward to discussing this the draft Action Plan at our February 10 Commission meeting.

Sincerely,

Kimmy Maniquis, Commissioner  
Barbara A. Pollack, Commissioner  
J.P Shotwell, Commissioner

**CITY OF LONG BEACH ETHICS COMMISSION  
DRAFT ACTION PLAN 020421**

Workstream	Deliverable	Timeline Priority	Audit Ref.	Additional Budget Needed	Authority / Additional Authority Needed	Notes
<b>Ethics Office Structure &amp; Staff</b>						
1.1.	Establish clearly written <b>Roles and Responsibilities:</b> Structure, Staffing, Leadership and Reporting	C	Rec. #1 (p. 13)	Need budget analysis then EC makes recommendation to Mayor and City Council delegates authority to EC	2,3,4/TBD	Where within the city should the Ethics Office report? How should the Ethics Office be organized? Should the Ethics Office be supported by a dedicated director? What is the optimal size of the Ethics Comm Staff?
1.2.	Publish <b>Annual Report</b> on Ethics in the City with achievements of the EC in the past year	A	Rec. #3 (p. 14); Rec. #10, (p. 30)	No	3,4/No	
1.3.	Establish a <b>Values Statement</b> for Ethics Commission	A	Rec. #5 (p. 18-19)	No	1,2,3,4,5/No	Pre-work in full commission meeting, serves as foundation of work ahead
1.4.	Compile and Issue <b>Quarterly Ethics Reports</b>	B	Rec. #10 (p. 30)	No	1,2,3,4/Yes	To include City Auditor hotline and cases handled through other channels and Hotline metrics. Additional authority required to access Corrective Action Matrix for auditor findings and results of other City conducted Ethics investigations. Need to determine what else should be reported to EC periodically.

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<b>Ethics Resources</b>						
2.1.	Develop and Deploy <b>Ethics Media Site for City Employees</b>	B	Rec. #3 (p. 14)	No	3,4/No	Create/revamp digital home for all ethics and policy resources for City employees
2.2.	Develop and Deploy <b>Ethics Media Site for Public</b>	C	Rec. #6 (p. 21) Rec. #7, (p. 24)	No	3,4/No	Create/revamp digital home for ethics resources for public
2.3.	Develop <b>"Code of Conduct"</b> for city officials and staff (all departments)	A	Rec. #5 (p. 18-19)	No	1,2,3,4,5/No	Research model versions of other municipalities' "Code of Conduct." Ref: Santa Monica and LA. Code to communicate a definition of "Ethics" for LB (Audit Rec. #6; p. 21) based on stakeholder input and collaboration with City Attorney and City Manager. Goal is to ensure a common understanding of expectations by all City officials, employees, and the public.
2.4.	Create comprehensive Ethics document to replace current <b>Ethics Guide</b>	A	Rec. #3-4 (pp. 14-16)	No	1,2,3,4,5/No	Collaborate with City Attorney, City Auditor, Human Resources, and City Manager as needed. New ethics documents should include: Current Ethics Guide information; Information on pathways to report alleged violations; method(s) to obtain additional information and

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						advice on ethics issues; anti-retaliation protection policy; reference to any additional adopted ethics policies, ordinances, and regulations
2.5.	Apply new <b>Code and Guide to all City Employees</b>	B		No	1,2,3,4,5/Yes	Charter amendment will be needed as well as assistance from Human Resources and other departments. Communicate with City Council and semi-independent Commissions (Harbor, etc.); work with non-City Manager departments to request buy-in and adoption of new ethics document; time issuance with bargaining unit negotiations; City Attorney to draft communication re expectations around adhering to Code of Ethics
2.6.	Develop <b>Supplier Code of Conduct</b>	C	Rec. #16 (p. 34)	No	1,2,5/No	Develop Code of Conduct for city vendors
2.7.	Review, consolidate, and modify <b>Anti-Retaliation Protection Policies</b> , as needed	A	Rec. #20 (p. 39)	No	1,2,3/No	Collaboration with City Attorney, City Manager, and other departments will be needed
2.8.	Establish process to provide <b>Advice and Information</b> for City employees on Ethics related Issues	C	Rec. #8 (p. 26)	Yes	1,2,3,4/No	

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2.9.	Review, modify, and consolidate, as needed, <b>Conflict of Interest</b> policies	C	Rec. #5 (p. 18-19; Rec. #13 (p. 33)	Yes	1,2,5/Yes	Additional authority will be needed. Review process for oversight of collateral employment by City employees; City Council to certify absence of conflict at each meeting (Audit Rec. #13; p. 33) Request compliance by non-CM departments.
2.10.	Require that newly elected officials and City staff sign <b>Disclosure of Any Members of Their Immediate Family on Staff with the City</b>	C	Rec. #14 (p. 34)	No	1,2/Yes	
Engagement & Outreach						
3.1.	Integrate Ethics Program language clearly in <b>City's Municipal Code</b> ; draft language and identify where in Municipal code to insert	C	Rec. #5 (pp. 18-19)	No	1,2,3,4,5/ Need approval of the changes	Identify best practices. May include: City's ethics principles; high-level rules and regulations; specification that Program covers City elected, appointed officials, and City employees, including those that do not report to the City Manager. Language of the City's broad ethical values. Specific requirements pertaining to: Campaign finance; Lobbying; Conflict of Interest; Anti-corruption; Governmental Ethics
3.2.	Create <b>Ethics Training Program</b> based on Code of Conduct, plan	B	Rec. #12 & 19	Yes	1/No	Annual training: different for Elected & Appointed;

Workstream	Deliverable	Timeline Priority	Audit Ref.	Additional Budget Needed	Authority / Additional Authority Needed	Notes
	roll-out, and oversee deployment. Provide tracking mechanism for completion management		(pp. 33 & 37)			Leaders; all others. To include tracking of mandatory sexual harassment training. Assistance from Human Resources and other departments will be needed.
3.3.	Incorporate <b>Supplier Code of Conduct</b> into contracting; develop communications/ outreach to vendors	C	Rec. #16 (p. 34)	No	1,2,5/No	Work with City Staff to incorporate into contracting (at issuance or renewal); include reporting and oversight mechanism. Require consultants to submit financial disclosures, where appropriate. (Audit Rec. #18; p. 34)
3.4.	Create and execute <b>Outreach Plan</b> to City employees, elected and appointed officials	B	Rec. #6 & 7 (pp. 21 & 24)	No	1,3,4/No	
3.5.	Create and execute <b>Public Outreach Plan</b> with resources for public on ethics issues, including penalties	B	Rec. #6 (p. 21)	No	4/No	Establish website to house all materials, processes; include a guide with questions to understand what might be a conflict; look to use FPPC advice line and resources; other modes
<b>Intake &amp; Investigation</b>						
4.1.	Establish <b>Clear Paths for Reporting of Ethics Violations</b> , including an anonymous reporting tool (hotline and on-line) and a	A	Rec. #7 (p. 24)	?	1,2,5/No	Identify current paths for reporting certain offenses, and identify gaps; Include

Workstream	Deliverable	Timeline Priority	Audit Ref.	Additional Budget Needed	Authority / Additional Authority Needed	Notes
	city-wide database (to be used regardless of the reporting path)					sexual harassment and discrimination policies
4.2.	Obtain necessary authority to work with City Auditor to implement process of <b>Audits and Effectiveness Checks</b>	B	Rec. #1 (p. 13)		1,2,5/Need access to info without broader publication	
4.3.	Establish / enhance <b>Investigation Function</b> within city and develop guidelines for City conducted investigations. Establish <b>EC Role in Investigatory Process</b>	C	Rec. #1 (p. 13)	Yes	1,2,5/Yes: Need modification to EC Charter	Charter Amendment will be needed. Prepare matrix of investigative authorities, including FPPC
<b>Oversight of City Ethics Program</b>						
5.1.	Implement <b>Proactive Measures and Checks</b> for Ethics Program effectiveness		Rec #1, Std #1 (pp 11-13)	No	1,2,5/Yes if centralized in EC	Who is responsible for what? Consider centralization to ensure program consistency and effectiveness
5.2.	Specify <b>Penalties and Discipline</b> that can be imposed for violations	C	Rec. #9 (p. 28)	No	1,2,3/Yes	Charter Amendment will be needed as well as assistance from Human Resources and other departments. Establish Corrective Action Guidelines
5.3.	Implement <b>Annual Certification of Compliance</b> with City's Ethics Code	A	Rec. #11 (p. 33)	No	1,2,5/No	May have different certs for employees, managers, and City Council. Collaborate with City Clerk, City Attorney, HR, City Manager, etc. needed
5.4.	Improve <b>Form 700 Compliance</b> , enforcement, and investigation	B	Rec. #21 (p. 44)	No	2,5/No	



Workstream	Deliverable	Timeline Priority	Audit Ref.	Additional Budget Needed	Authority / Additional Authority Needed	Notes
5.5.	Recommend improved process for <b>Review of Gift Disclosures and Donors</b> against City contracts, development projects to ensure there is no conflict of interest	C	Rec. #22, 23; (p. 47)	No	1,2,5/No	Collaborate with City Council, City Attorney, and City Manager to draft and recommend language and process that increases timely submission compliance of all applicable gift disclosure forms prior to or within 10 days of gift receipt.
5.6.	Direct appropriate staff to <b>Periodically Audit City Buyers' Activities</b>	C	Rec. #17 (p. 34)	No	1,2,5/Yes	Charter Amendment may be needed as well as assistance from City Auditor's Office.
5.7.	EC or City Auditor to conduct <b>Proactive Audits on Select Campaign Contributions and Expenditures</b>	C	Rec. #15 (p. 34)	Yes, if conducted by EC	1,2,5/Yes	Charter Amendment may be needed as well as assistance from City Auditor's Office.
<b>Lobbying &amp; Campaign Financing Requirements</b>						
6.1.	Create <b>Action Plan for Lobbying &amp; Campaign Financing Requirements</b> workstream	B	Rec. #5 (p. 18)			Consider retention of external expert.
6.2.	Review <b>City Lobbying &amp; Campaign Financing Requirements</b> and recommend changes, as needed	C	Rec. #5 (p. 18)	No	2/No	Benchmark; review distinction between advocacy and lobbying; non-profits/charitable organizations
6.3.	Review sample of <b>Mayor and City Council Visit Logs and Calendars</b> to identify lobbyists and ensure compliance with requirements	C	Rec. #24 (p. 49)	No	1,2,5/If needed to get access to the records	Calendars to be included in definition of public records

Workstream	Deliverable	Timeline Priority	Audit Ref.	Additional Budget Needed	Authority / Additional Authority Needed	Notes
6.4.	Oversight of <b>City Revolving Door Regulations</b>	C	Rec. #25 (p. 49)	No	1,2,5/Yes	
6.5.	<i>Workstream deliverables to be expanded</i>					

#### Duties of Ethics Commission

1. Support stakeholders in administering the provisions of the Charter and laws relating to campaign finance, conflicts of interest and governmental ethics
2. Recommend improvements to increase effectiveness of campaign finance reform, lobbying, governmental ethics and conflicts of interest laws
3. Advocate understanding of the Charter, City ordinances and the roles of elected and other public officials, City institutions and the City electoral process
4. Educate stakeholders about City, state, and federal ethic laws and the importance of ethics to the public's confidence in municipal government
5. Assist departments in developing their conflict of interest codes as required by law