

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

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



March 30, 2021

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

RE: Activity Report for March 30,2021 Meeting

The Policy and Problems Ad Hoc Committee completed a revised Action Plan. The Committee requests approval of the Deliverable and Timeline Priorities only. The remaining columns will be fleshed out by the Ad Hoc Committees assigned to implementation of the individual workstreams. The separate document (Timeline) does not provide additional information. It is offered to help visualize the tasks by quarter and to assist the City staff in determining the adequacy of existing staff levels to support the proposed Commission work.

Per the presentation of the Policy and Problems Ad Hoc Committee at the February meeting of the Commission, the Commission may consider division of the work to three Ad Hoc Committees, as follows:

Ad Hoc Committee One	<ul style="list-style-type: none"> • Ethics Office Structure (Workstream 1) • Lobbying Requirements (Workstream 6)
Ad Hoc Committee Two	<ul style="list-style-type: none"> • Ethics Resources (Workstream 2) • Engagement and Outreach (Workstream 3)
Ad Hoc Committee Three	<ul style="list-style-type: none"> • Intake and Investigations (Workstream 4) • Oversight of City Ethics Program (Workstream 5)

Respectfully,

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

**CITY OF LONG BEACH ETHICS COMMISSION
DRAFT ACTION PLAN 032421**

Workstream	Deliverable	Timeline Priority*	Audit Ref.	Additional Budget Needed	Authority / Additional Authority Needed	Notes / Next Steps
Ethics Office Structure & Staff						
1.1.	Assess/Propose Roles and Responsibilities: Structure, Staffing, Leadership and Reporting	Q4 FY21	Rec. #1 (p. 13)	Need budget analysis then EC makes recommendation to Mayor and City Council delegates authority to EC	2,3,4/No	Where within the city should the Ethics Commission report? City Manager? Define relationship between Commission and City Manager. How should the Ethics Commission be organized? Should there be an Ethics Office under the Commission? Should the Ethics Commission / Office be supported by a dedicated director? What is the optimal size of the Ethics Commission / Office Staff?
1.2.	Publish Annual Report on Ethics in the City with achievements of the EC in the past year	Q2 Annual	Rec. #3 (p. 14); Rec. #10 , (p. 30)	No	3,4/No	Public Report
1.3.	Establish a Values Statement for Ethics Commission	Q3 FY21	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 Quarterly Ethics Reports	Q2 FY22 then quarterly	Rec. #10 (p. 30)	No	1,2,3,4/Yes	City auditor to present annual fraud report to EC when ready. Quarterly reports 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 and the public periodically.

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Ethics Resources						
2.1.	Develop and Deploy Ethics Media Site with resources for City Employees	Q2 FY22 Then maintain	Rec. #3 (p. 14)	No	3,4/No	Create/revamp digital home for all ethics and policy resources for City employees. Consider e-blast to employees re availability of resources. Site will be available to the public.
2.2.	Develop and Deploy Ethics Media Site with additional resources intended for the Public	Q3 FY22 Then maintain	Rec. #6 (p. 21) Rec. #7 (p. 24)	No	3,4/No	Create/revamp digital home for ethics resources for public
2.3.	Develop "Code of Conduct" for city officials and staff (all departments)	Q3 FY21 (to begin process for adoption)	Rec. #5 (p. 18-19)	No	1,2,3,4,5/No	Research model versions of other municipalities. Code to communicate a definition of "Ethics" for LB (Audit Rec. #6; p. 21) Consult with the City Attorney and City Manager to ensure Code is in sync with existing City policies. Goal is to establish clear expectations for all City officials, employees, and the public. See Item 2.5 for timeline to adoption.
2.4.	Create comprehensive Companion Document to the Ethics Code to replace current "Ethics Guide"	Q2 FY22	Rec. #3 , Rec. #4 (pp. 14-16)	No	1,2,3,4,5/No	Document to include citation to source regulations, policies, and procedures. 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 advice on ethics issues; anti-retaliation protection policy; reference to any additional adopted ethics policies, ordinances, and regulations
2.5.	Implement new Code and Guide to all City Employees	Q3 FY22		No	1,2,3,4,5/Yes	Collaborate with the City Manager and Human Resources regarding implementation. Function as subject matter experts in any dialogue with unions as may be necessary. Communicate with City

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						Council and semi-independent Commissions (Harbor, etc.); work with non-City Manager departments to obtain buy-in and adoption of new ethics document; time issuance with bargaining unit negotiations. Submit final Code to City Council for adoption and work with City Attorney to draft communication re expectations around adherence to Code of Ethics
2.6.	Develop Supplier Code of Conduct	Q4 FY22	Rec. #16 (p. 34); Rec. #18 (p. 34)	No	1,2,5/No	Conduct an assessment of current requirements, standards and policies applicable to procurement and contracts and incorporate into useful document for vendor employees. Consider financial disclosures by consultants involved in decision making positions. Work with City Manager.
2.7.	Review, consolidate, and modify (if appropriate) Anti-Retaliation Protection Policy , as needed	Q1 FY22 (for final draft to begin process for adoption if substantive changes recommended)	Rec. #20 (p. 39)	No	1,2,3/No	Collaborate with City Attorney, City Manager, and other departments. Submit to City Council, if needed.
2.8.	Establish process to provide Advice and Information to City employees and the public on Ethics related Issues	Q1 FY23	Rec. #8 (p. 26)	Yes	1,2,3,4/No	Website and/or anonymous email / phone.
2.9.	Review, consolidate, and propose modification/update if needed, Conflict of Interest policies	Q1 FY22 (for final draft to begin process for adoption of any recommended changes)	Rec. #5 (p. 18-19); Rec. #13 (p. 33)	Yes	1,2,5/Yes	Review process for oversight of outside employment by City employees; Develop a policy for adoption by the City Council requiring certification of absence of conflict at each City Council meeting (Audit Rec. #13; p. 33). Advocate / obtain compliance by non-CM departments.

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2.10.	Require that newly elected officials and City staff sign Disclosure of Any Members of Their Immediate Family on Staff with the City	Q4 FY22	Rec. #14 (p. 34)	No	1,2/No	Draft amendment to Policy 32-1 and submit for adoption. (Does City Manager have authority to change administrative regulation or must this go to City Council?). Recommend process for monitoring.
Engagement & Outreach						
3.1.	Integrate Ethics Program language clearly in City's Municipal Code ; draft language and identify where in Municipal code to insert	Q3 FY23	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 Ethics Training Program based on Code of Conduct, plan roll-out, and oversee deployment. Provide tracking / reporting mechanism for compliance oversight	Q4 FY22	Rec. #12 , Rec. #19 (pp. 33 & 37)	Yes	1/No	Annual training specifically targeted for Elected & Appointed; Leaders; all others. To include tracking of mandatory sexual harassment prevention training. Support from Human Resources and other departments will be needed.
3.3.	Incorporate Supplier Code of Conduct into contracting; develop communications/	Q1 FY23	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)

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	outreach to vendors					
3.4.	Create and execute Outreach Plan to City employees, elected and appointed officials	Q3 FY22	Rec. #6, Rec. #7 (pp. 21 & 24)	No	1,3,4/No	
3.5.	Create and execute Public Outreach Plan with resources for public on ethics issues, including penalties	Q3 FY22	Rec. #6 (p. 21)	No	4/No	Establish website (per 2.2 above) 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
Intake & Investigation						
4.1.	Identify and if needed establish Clear Paths for Reporting of Ethics Violations , including an anonymous reporting tool (hotline and on-line) and a city-wide database (to be used regardless of the reporting path)	Q2 FY22	Rec. #7 (p. 24)	?	1,2,5/No	Identify current paths for reporting certain offenses and identify gaps; assess how investigations are assigned / conducted and identify gaps; identify other resources to receive complaints. Include sexual harassment and discrimination policies. What does accountability look like?
4.2.	Obtain necessary authority to work with City Auditor to implement process of Audits and	Q2 FY22	Rec. #1 (p. 13)		1,2,5/Need access to info without broader publication	

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	Effectiveness Checks					
4.3.	Establish / enhance Investigation Function within city and develop guidelines for City conducted investigations. Establish EC Role in Investigatory Process	Q3 FY23	Rec. #1 (p. 13)	Yes	1,2,5/Yes: If EC takes on investigative function.	Prepare matrix of investigative authorities, including FPPC. Charter Amendment will be needed if EC to take on investigations.
Oversight of City Ethics Program						
5.1.	Implement Proactive Measures and Checks for Ethics Program effectiveness	Q2 FY22	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. Work with City Manager, City Attorney, and City Auditor on process for receiving reports, data and information on Ethics issues
5.2.	Identify Penalties and Discipline that can be imposed for violations. Assess possible changes.	Q1 FY23	Rec. #9 (p. 28)	No	1,2,3/ Potentially yes	Consult with Human Resources and the City Attorney any proposed changes. Establish Corrective Action Guidelines
5.3.	Implement Annual Certification of Compliance with City's Ethics Code	Q3 FY22	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. as needed. May need amendment to Municipal Code.
5.4.	Improve Form 700 Compliance , enforcement, and investigation	Q2 FY22	Rec. #21 (p. 44)	No	2,5/No	Request updated report on status of Form 700 filings. May include recommendation of local fines and/or other penalties for adoption by City Council

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5.5.	Review existing Gift Disclosure policy and propose, if needed, improved process for Review of Gift Disclosures and Donors against City contracts, development projects to ensure there is no conflict of interest	Q2 FY23	Rec. #22 , Rec. #23 ; (p. 47)	No	1,2,5/No	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; AR8-2 and AR2-5
5.6.	Direct appropriate staff to Periodically Audit City Buyers' Activities	Q3 FY22	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 to conduct Proactive Audits on Select Campaign Contributions and Expenditures	Q2 FY23	Rec. #15 (p. 34)	Yes, f conducted by EC	1,2,5/Yes	Charter Amendment may be needed. Once process has been established, would EC hire a consultant/outside auditor?
Lobbying & Campaign Financing Requirements						
6.1.	Create Action Plan for Lobbying & Campaign Financing Requirements workstream	Q3 FY21	Rec. #5 (p. 18)	No	No	Consider retention of external expert to conduct workshop with EC re best practices. For reference, resources and code LBMC 2.08 relating to Lobbying can be found here: http://www.longbeach.gov/cityclerk/services/lobbyist/

Workstream	Deliverable	Timeline Priority*	Audit Ref.	Additional Budget Needed	Authority / Additional Authority Needed	Notes / Next Steps
6.2.	Review City Lobbying & Campaign Financing Requirements and recommend changes, as needed	Q4 FY21	Rec. #5 (p. 18)	No	2/No	Benchmark; review distinction between advocacy and lobbying; non-profits/charitable organizations
6.3.	Review sample of Mayor and City Council Visit Logs and Calendars to identify lobbyists and ensure compliance with requirements	Q4 FY22	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
6.4.	Oversight of City Revolving Door Regulations	Q1 FY23	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

*Timeline Priority: Fiscal Year (FY): October 1 to September 30

Q1: October 1 to December 31

Q2: January 1 to March 31

Q3: April 1 to June 30

Q4: July 1 to September 30