

Date: July 14, 2021

To: Honorable Members of the Ethics Commission

From: Rebecca Guzman Garner, Administrative Deputy City Manager

Subject: **Code of Conduct and Ethics Review Process Feedback**

On April 14, 2021, the Ethics Commission approved a motion to forward the adopted Code of Conduct and Ethics, which also serves as the City's definition of ethics, to the City Manager, Human Resources, and other appropriate departments for review and input. The review process has now been completed and substantial feedback was provided by the reviewing departments. Ethics Commission staff have reviewed and synthesized this feedback and provide the following materials for your review:

- Code of Conduct and Ethics (Attachment A)
 - As adopted by the Commission on April 14, 2021
- City Review Process Feedback (Attachment B)
 - Presents questions and comments gathered through the review process for the Commission to consider and discuss
- Code of Conduct and Ethics – Incorporated Edits (Attachment C)
 - Includes redlined edits directly into the Code of Conduct and Ethics for Ethics Commission consideration and possible adoption
- Code of Conduct and Ethics – Redlined Edits (Attachment D)
 - Captures and redlines edits suggested through the review process

If you have any questions, please contact me at (562) 570-6979.

ATTACHMENTS

CC: JULIAN CERNUDA, SPECIAL PROJECTS OFFICER
AMY R. WEBBER, DEPUTY CITY ATTORNEY
JONATHAN NAGAYAMA, CITY CLERK ANALYST

ATTACHMENT A

CITY OF LONG BEACH

VALUES STATEMENT

The people of Long Beach depend on a city government that operates equitably, ethically, and transparently, and that works to promote and preserve public trust and confidence.

The City of Long Beach commits to these values:

- Accountability—the willingness to accept responsibility and account for one’s actions.
- Fairness—ensuring equity and due process.
- Impartiality—loyalty to the public good.
- Diversity—embracing histories, values, and ideas from all backgrounds, and recognizing their contribution to improving the City’s operations, services, and programs.
- Transparency—policies and procedures that are open to public observation and scrutiny.
- Integrity—the practice of being truthful, seeking truth, and adherence to the City’s values.

CODE OF CONDUCT AND ETHICS

It is incumbent for every representative of the City of Long Beach (City) to uphold the Code of Conduct and Ethics (Code). As the elected officials, employees, volunteers, and members of boards, commissions and committees for the City, we commit to undertaking our duties with the highest ethical principles, placing the public’s interest above our own. As representatives of the City, we pledge to uphold the following principles:

1. As a representative of the City, I will be truthful and honest.

- I will be truthful and honest. I will act with integrity and demonstrate courage in all dealings.
- I will ensure that all completed work activities are accurate and free from bias.
- I will be accurate, courteous, civil, and honest in all my written and oral interactions with others.

2. As a representative of the City, I will place the public’s trust before my personal interests.

- I will be impartial, ensuring that my decisions are free of bribes, unlawful gifts, or other improper influence.
- I will not permit personal interests to impair my judgment or action.

- I will not use my position with the City for private gain, for the endorsement of any product, person or enterprise, or for private gain of relatives or friends.
- I will disclose, and if necessary, recuse myself from the decision-making process and any activities, dealings, and transactions on behalf of the City that may relate to my personal, financial, or outside activities.

3. As a representative of the City, I will be transparent.

- I will ensure that all work product is completed in an open manner, with the knowledge that it may be subject to public inspection and/or release.
- I will disclose all personal, financial, or professional interests or outside activities that may relate to or influence my role or official capacity.
- I will promptly report any perceived or actual conflict of interest that may arise prior to rendering a decision, providing information, or offering a recommendation.
- I will cooperate and support inquiries, reviews, audits, or other investigations that may be conducted by the City or other enforcement agencies.
- I will comply with the Brown Act and will observe all rules with respect to notice and public meetings. As a member of the City Council or a City board or commission, I will not discuss or communicate on matters to be voted on by the City Council, and/or a committee with a member of that body outside the public meeting in a manner inconsistent with the Brown Act commitment to transparency.

4. As a representative of the City, I will be accountable.

- I will comply with all federal, State, and City laws and regulations as well as applicable policies and procedures.
- I will be fiscally responsible.
- I will abide by all applicable requirements pertaining to gifts and gratuities, including donations and honoraria.
- I will adhere to all policy and procedures and contractual commitments to safeguard the integrity of the City's procurement and bidding and competitive processes.

5. As a representative of the City, I will safeguard all information, data (including electronic), and assets entrusted to my care.

- I will protect City data to preserve confidentiality and privacy concerning the property, personnel, or other affairs of the City.
- I will handle and safeguard all non-public and proprietary information as protected under agreement or public law.
- I will protect all City assets, resources, and information from loss, theft, and misuse.
- I will protect the interests of the City and those who have placed their trust in me.

6. As a representative of the City, I will support diversity and be inclusive in all my actions.

- I will respect the diverse histories, values, and experiences represented in the City's various communities.
- I will ensure the City's diverse communities are engaged in City activities.
- I will be mindful of our community's needs and be cognizant of their experience when interacting with City services.
- I will take actions to ensure all policies and procedures are developed to provide equitable and socially just programs and services for all residents.

7. As a representative of the City, I will treat others with dignity.

- I will listen, be approachable, open-minded, ask questions, and participate when engaged.
- I will treat all colleagues, the public, stakeholders, and anyone transacting business with the City with respect.
- I will convey the City's care for, and commitment to, its communities.

8. As a representative of the City, I will embrace excellence and innovation.

- I will be a role model by striving for excellence, maintaining standards, being open to change, recognizing the need to compromise, and always working to improve the City's programs and services.
- I will be proactive and innovative when setting goals and conducting the City's business.
- I will promote innovation that will enrich and transform the City's services, operations, and budget.

I affirm that I have read and understand the above Code of Conduct and Ethics. I will avoid even the appearance of impropriety and seek ethical guidance and immediately report a perceived Code of Conduct violation, conflict of interest, fraud, waste or misuse of City resources, and inappropriate behavior to the appropriate authority for investigation.

My signature on this form certifies that I have received and read this Code of Conduct and Ethics and that I will abide by this code:

Name (Print)

Signature

Date

Situations can be unique. If you have any questions or would like to make a disclosure you may reach out to the following resources: [INSERT LIST OF TELEPHONE NUMBER/EMAIL ADDRESSES FOR THE VARIOUS REPORTING CHANNELS] Your inquiry or disclosure may be made anonymously.

ATTACHMENT B

CITY OF LONG BEACH CODE OF CONDUCT AND ETHICS CITY REVIEW PROCESS FEEDBACK

Note: Questions and comments below are associated to a section or principle bullet that correspond to the Code. For example, comment labeled “1A” on this sheet corresponds to the first point under Principle 1: As a representative of the City, and is also labeled as “1A.”

Values Statement Feedback

- Definition of impartiality does not seem clear. Does impartiality mean being loyal to the public good?

Code of Conduct and Ethics Feedback

- Who does the Code apply to? Consultants and contractors? Apple-One hires?
- Will the Code be part of the procurement/contracting process?

1. As a representative of the City, I will be truthful and honest.

1A. Recommendation to remove “courage” because it is hard to identify what it means.

1A. Recommendation to define “courage” more clearly.

1A. Might claiming to be courageous be used to not follow policy and procedures?

1B. All people have levels of implicit bias that impacts their work, so it would be difficult to ask an employee to sign an oath that states their work is “free from bias.” The key is to identify and address. See recommended language.

2. As a representative of the City, I will place the public’s trust before my personal interests.

3. As a representative of the City, I will be transparent.

3A. At times, City employees engage in confidential work to ensure best interest of the City or to protect individual’s privacy. How should this principle accommodate for these circumstances?

3B. There is currently no all-encompassing mechanism to disclose all interests or actions that may influence an employee.

3C. Can we expect an employee to perceive all conflict or any level of conflict, since they may not have all information available that pertains to a work product, or a work product where they have limited role in? This statement may expose an employee to a difficult to defend and potentially inappropriate accusations.

3D. Please consider circumstances where, to protect the best interest of the City, it may not be prudent for an employee or elected official to cooperate in inquiries, reviews, audits, or other investigations.

3E. Consider linking Brown Act information

3E. State “Comply with the Brown Act” and remove proceeding language since it is a sort of rephrasing of the Brown Act itself

4. As a representative of the City, I will be accountable.

4A. Does this point apply to the employee as an individual (i.e. the employee will follow all laws and regulations as they apply to them), or does this point apply to the employee as someone who is expected to enforce laws and regulations?

4A. Would it be an ethics violation if an employee does not enforce all regulations based on the foundation that a regulation may not be enforced due to historical or changing times?

4C. Seems duplicative of Principle 2, specifically point 2A. Suggest removing since mention activities are included in point 2A specifically and under the general phrase of “other improper influence.”

4D. It is not uncommon for a Council office to have unintended technical violations of procedures. Would an unintended violation trigger an ethics complaint during an election campaign?

5. As a representative of the City, I will safeguard all information, data (including electronic), and assets entrusted to my care.

5B. Would it be helpful to include examples of laws that need to be abided by, such as HIPAA and PCI?

6. As a representative of the City, I will support diversity and be inclusive in all my actions.

7. As a representative of the City, I will treat others with dignity.

7A. Perhaps consider moving under Principle 1.

7A. Similar reservations to comments for Principle 3, 3D where, during certain instances, it may be necessary to not participate or engage to protect the best interest of the City.

8. As a representative of the City, I will embrace excellence and innovation.

8A. What standards does this refer to?

8B. While compromising is generally a good thing, there may be instances where an employee should not compromise to protect the City and its best interest.

8B/8C. These two points have some similarities around innovation. Consider combining to form one point.

8C. Should innovation be encouraged in all City services? For example, would we want an employee with very technical work to innovate on a very specific procedure or task (i.e. mechanical and safety work)?

ATTACHMENT C

CITY OF LONG BEACH

ETHICS AND VALUES STATEMENT DRAFT

The City of Long Beach operates equitably, ethically, and with integrity, and promotes public trust and confidence in the people we serve and commits to the following values:

- Accountability—willingness to accept responsibility and account for one’s actions.
- Fairness—ensuring equity and due process.
- Impartiality—ensuring equal treatment and fairness for the public good.
- Diversity—embracing histories, values, and ideas from all backgrounds, and recognizing their contribution to improving the City’s operations, services, and programs.
- Transparency—ensuring policies and procedures are accessible to the public.
- Integrity—committing to being truthful, seeking truth, and keeping commitments.

CODE OF CONDUCT AND ETHICS

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- 1B. I will ensure that all completed work activities are accurate and that any biases have been identified and addressed.
- 1C. I will be accurate, courteous, civil, and honest in all interactions and communications with others.

2. As a representative of the City, I will place the public’s trust before my personal interests.

- 2A. I will be objective and impartial. I will never engage in acts of collusion, kickbacks, bribes, unlawful gifts, conflict of interest, or other improper influence, nor will I condone such acts by others.
- 2B. I will not permit personal interests to impair my judgment or action.
- 2C. I will not use my position with the City for my private gain, or for private gain of relatives or friends.

- 2D. I will disclose any activities, dealings, and transactions on behalf of the City that may be related or be influenced by my personal, financial, or outside activities.

3. As a representative of the City, I will be transparent.

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- 3E. I will comply with the [Brown Act](#) and will observe all rules with respect to notice and public meetings.

4. As a representative of the City, I will be accountable.

- 4A. I will comply with all federal, State, and City laws and regulations as well as applicable policies and procedures.
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6. As a representative of the City, I recognize historic inequities and disparities and will support diversity and be inclusivity in all my actions.

- 6A. I will respect the diverse histories, values, and experiences represented in the City's various communities.

- 6B. I will anticipate effects of a decision on people in our City, especially if specific groups may be disproportionately harmed or helped.
- 6C. I will work to make sure that all the people in our City have the ability to actively participate and engage, and will work to eliminate barriers to public involvement in decisions, programs, and services.
- 6E. I will be mindful of our community's needs and be cognizant of their experience when interacting with City services.
- 6F. I will incorporate an [equity lens](#) to ensure all policies and procedures are developed to provide equitable and socially just programs and services for all residents and employees.

7. As a representative of the City, I will treat others with dignity.

- 7A. I will listen, be approachable, open-minded, ask questions, and participate when engaged.
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