

**City of Long Beach***Working Together to Serve***Memorandum****Office of the City Attorney**

DATE: September 14, 2022

To: Honorable Members of the Ethics Commission

FROM: Taylor M. Anderson, Deputy City Attorney

SUBJECT: Resolution to Amend and Restate Resolution No. E.C. 01-2020 to include the Ethics Commission's Disclosure Policy

Please see attached Resolution to Amend and Restate Resolution No. E.C. 01-2020 for consideration at your September 14th, 2022 meeting. If adopted, this Resolution will add Article 11 "Disclosure Policy" to the Rules and Procedures for the Ethics Commission.

If you have any questions regarding the enclosed Resolution, please contact our office.

TMA:ag

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Enclosures

Ethics Commission Disclosure Policy- DRAFT

The people of Long Beach depend on a city government that operates equitably, ethically, and transparently, and that works to promote public trust and confidence. The Ethics Commission strives to advance the public trust and confidence in the City's government through education and the development of policies and processes that promote each of the City's values of Accountability, Fairness, Impartiality, Diversity, Transparency, and Integrity.

In 2018, the voters approved Measure CCC, establishing procedures for an Ethics Commission independent of the City Council. To promote these values and mission, the Ethics Commission adopts the Disclosure Policy in this Article. This Article shall be effective from the date of adoption by the Commission.

- I. **Requirement to Disclose.** Commissioners and Commission Staff shall report, in writing to Commission Staff, any substantive information relevant to a matter within decision-making authority of the Commission, as outlined in City Charter Article XXIV, that Commissioners receive from sources outside a public meeting. For purposes of this policy, "sources" shall include, but is not limited to, any oral communications or written documents or communications with a person or entity regarding any matter within the decision-making authority of the Commission.

For purposes of this policy, "Commission Staff" shall be defined as the direct support staff assigned to the Commission and any staff assigned to work with the Commission on a temporary basis, including consultants and legal counsel. This policy shall not require legal counsel assigned to, or contracted to work with, the Commission to disclose any communications protected by the attorney-client privilege.

- II. **Format of Disclosure.** Within 10 calendar days of a contact, Commissioners and Commission Staff shall report any contacts subject to this requirement via email to Commission Staff in the following suggested format:

1. The name of the group and/or individual initiating the contact;
2. When the contact occurred;
3. The subject matter;
4. Short description of any oral contacts; and
5. If the contact person or individual is compensated for the communication, the party compensating them.

When reporting the contact to Commission Staff, Commissioners and Commission Staff shall forward originals or copies of written or electronic contacts to Commission Staff. Disclosures made by Commission members and staff are part of the public record and shall be posted on the Ethics Commission's website for the public to view.

III. **Communications Where No Disclosure is Required.** The requirements in this Section do not prohibit nor are disclosures required for the following:

1. Communications between Commissioners, Commission Staff, or consultants retained by the Commission that is otherwise permitted by State and City open meeting requirements; or
2. Commissioners, Commission Staff, or consultants retained by the Commission from discussing or advocating for any matter with City Departments, City elected and City appointed officials so long as the contact is not made with the purpose of influencing the decision-making authority of the Commission; or
3. Commissioners or Commission Staff from engaging in discussions with City elected officials, their staff, or City staff regarding budgetary and financial resources of the Commission.

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RESOLUTION NO.

A RESOLUTION OF THE ETHICS COMMISSION OF
THE CITY OF LONG BEACH AMENDING AND
RESTATING RESOLUTION NO. E.C. 01-2020 ADDING A
DISCLOSURE POLICY TO THE RULES AND
PROCEDURES FOR THE ETHICS COMMISSION

WHEREAS, the Ethics Commission was established by Long Beach voters
with the passage of Measure CCC, November 6, 2018; and

WHEREAS, on August 12, 2020, the Ethics Commission adopted the Rules
and Regulations for the Ethics Commission by Resolution No. E.C. 01-2020; and

WHEREAS, the Ethics Commission now intends to adopt the Disclosure
Policy to further promote transparency in government; and

NOW THEREFORE, the Ethics Commission of the City of Long Beach
resolves as follows:

Section 1. The Ethics Commission of the City of Long Beach hereby
adopts the following Rules and Procedures:

RULES AND PROCEDURES FOR THE ETHICS COMMISSION

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1 Long Beach Unified School District Board or the Long Beach Community College Board of
2 Trustees;

3 (b) Serve as an officer in any election campaign for or against a candidate
4 for any current elected office in the City of Long Beach, Long Beach Unified School District
5 or the Long Beach Community College District, or any City or District measure;

6 (c) Be an employee of the City;

7 (d) Employ or be employed as a person required to register as a lobbyist
8 with the City of Long Beach.

9 2.3 Vacancies. Appointments to fill vacancies on the Commission shall be made
10 within sixty (60) days of the position becoming vacant. A vacancy on the Commission shall
11 be filled by the same person (Mayor or Auditor) or the Commission who made the initial
12 appointment, using the same method and procedure utilized for the initial Commission
13 member appointment in Charter section 2401. Appointments to fill vacancies shall be for
14 the unexpired term of the member whom the appointee succeeds. A vacancy or vacancies
15 shall not impair the right of the remaining members to exercise the powers of the
16 Commission.

17 2.4 Quorum. A majority of members of the Commission shall constitute a
18 quorum, and the affirmative vote of at least a majority of members shall be required to take
19 any action.

20 In the event of the lack of a quorum at a meeting, the Chair or Vice Chair, or Chair
21 pro tem, in that order, shall adjourn the meeting to another time, place, and date. Such
22 order of adjournment shall serve as sufficient notice thereof to all members not present, it
23 shall be the duty of the Designee to employ such reasonable means as may be necessary
24 to notify the absent members. The Designee may adjourn a meeting where no
25 Commissioners are present, provided that if the meeting is adjourned to a time other than
26 the next regular meeting, notice of the meeting shall be given as if the meeting were a
27 special meeting.

28 2.5 The Chair shall preside at all meetings and hearings of the Ethics

1 Commission and shall have the duties normally conferred on such an officer. Consistent
2 with these rules and procedures, the Chair shall have the privilege of discussing all matters
3 before the Ethics Commission and to vote thereon.

4 2.6 The Vice Chair shall act for the Chair in the Chair's absence.

5 2.7. In the absence of both the Chair and Vice Chair, the members present at
6 such meeting may elect a Chair pro tem who shall serve only for the duration of the
7 meeting in which the appointment was made and shall have all powers of the Chair for that
8 particular meeting.

9 2.8 The Designated Staff Person ("Designee") shall be responsible for keeping
10 minutes of the Ethics Commission proceedings and transactions, preparing the agenda of
11 the regular and special meetings, arranging proper and legal notice of the hearings,
12 attending to correspondence, and performing such other duties for the Ethics Commission
13 as are normally carried by a secretary to a legislative body. Where this resolution refers to
14 duties of the Designee, the Designee may delegate such duties as deemed appropriate.

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16 ARTICLE 3

17 COMMISSION ACCESS TO STAFF

18 3.1. Commission or Commissioner requests for assistance or research by staff,
19 other than simple requests for information or clarification, shall require the consent and
20 approval of the Designee.

21
22 ARTICLE 4

23 ELECTION OF OFFICERS

24 4.1 The Chair and Vice Chair shall be elected by and from the members of the
25 Ethics Commission. Election of the Chair and Vice Chair shall be held at the meeting of
26 July each year. The newly elected officers shall assume their offices in the first regular
27 meeting of August

28 4.2 The terms of office for Chair and Vice Chair shall be for one (1) year, and

1 thereafter until their respective successors are elected and qualified.

2 4.3 Vacancies in offices shall be filled immediately by regular election procedure,
3 but for the unexpired term only.

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ARTICLE 5

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MEETINGS

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5.1 Regular Meetings. Regular meetings of the Ethics Commission shall be held
8 on the second Wednesday of the month. If the regular meeting dates falls on a City
9 holiday, then the meeting may be rescheduled by the Ethics Commission.

10

5.1.1 All regular meetings of the Ethics Commission will be called to order at
11 3:00 p.m., unless properly noticed otherwise, canceled, or rescheduled. No Ethics
12 Commission meeting shall be canceled or rescheduled unless the Designee first confers
13 with the Chair regarding the rationale for canceling or rescheduling.

14

5.1.2 The Commission shall endeavor to adjourn its meetings not later than
15 5 p.m. If necessary, business not completed by 5 p.m. will be continued to the next regular
16 or special meeting as determined by the Ethics Commission.

17

5.2 Meeting Breaks. The Chair shall, with the concurrence of the Commission,
18 recess the meetings as necessary to grant relief to the Commissioners, staff and audience.

19

5.3 Emergency or Special Meetings. An Emergency or Special Meeting may be
20 called at any time by the Chair of the Ethics Commission, or by a majority of its
21 membership, on its own motion or at the direction of the City Council. The call, notice and
22 conduct of such emergency or special meeting shall comply with the Ralph M. Brown Act,
23 Government Code section 54950, *et seq.*

24

5.4 Study Sessions. The Ethics Commission may hold study sessions as part of
25 a regular, adjourned or special meeting. No action may be taken by the Commission at
26 such a study session. When a matter is set for a study session, public testimony may be
27 barred or limited to particular persons at the discretion of the Chair, with the concurrence of
28 a simple majority of the Commission.

1 5.5 Standing Committees or Sub-Committees. Standing committees or sub-
2 committees may be used in open and public meetings to study Commission business in
3 greater depth than what is possible in the time allotted for Commission meetings.

4 (a) Quorum. A majority of the committee membership shall constitute a
5 quorum of the committee or sub-committee.

6 (b) Referrals. Only the Commission shall make referrals to the standing
7 committees. Referrals will generally be directed to only one standing committees. Items
8 may be withdrawn from the committee and taken up for consideration by the Commission
9 with the consent of a majority of the Commission, and subject to any applicable noticing or
10 agenda posting requirements.

11 (c) Function of committees. The purpose and intent of committee
12 meetings is to provide for more thorough and detailed discussion and study of prospective
13 or current Commission agenda items, to the end that Commission action will be expedited.
14 Actions of the committee shall be advisory recommendations only.

15 (d) Standing Committees are subject to the Brown Act.

16 5.6. Ad Hoc Committees. Ad Hoc Committees may be used on a limited basis
17 where necessary to study Commission business in greater depth than what is possible in
18 the time allotted for Commission and Standing Committee meetings. An Ad Hoc
19 Committee is an advisory committee composed solely of less than a quorum of members
20 of the Commission. The work of an Ad Hoc Committee is limited to a single finite purpose.
21 By contrast, a Standing Committee has continuing subject matter jurisdiction extending for
22 a lengthy time period and/or a meeting schedule fixed by formal action of the Commission.

23 (a) Brown Act. Ad Hoc Committees do not constitute legislative bodies
24 and are not subject to the requirements of the Brown Act.

25 (b) Appointment. The Commission may appoint three (3) or fewer
26 members of the Commission to serve on an Ad Hoc Committee. The Chair will publicly
27 announce any Ad Hoc Committee created by the Chair, its membership and stated
28 purpose and post it on the City website.

1 (c) Duration. Ad Hoc Committees are created for a finite period of time. If
2 an Ad Hoc Committee does not complete its task by the end of the calendar year, it shall
3 not continue unless reappointed.

4 (d) Members. Ad Hoc Committees shall consist of less than a quorum of
5 Commission members only, and shall not include any other persons such as members of
6 other legislative bodies.

7 (e) Termination of Ad Hoc Committee by Majority of Commission. A
8 majority of the Commission may vote to terminate any Ad Hoc Committee following
9 placement of the issue on an agenda.

10 5.7 Open and Closed Sessions. All meetings of the Ethics Commission shall be
11 open and public. All persons are welcome to attend. The Ethics Commission may, upon
12 the advice of the City Attorney and pursuant to the Ralph M. Brown Act, Government Code
13 Section 54950, *et seq.*, hold a closed session during a regular or special meeting.

14 ARTICLE 6

15 PARLIAMENTARY PROCEDURE

16 6.1 Robert's Rules of Order shall govern in the conduct of Commission meetings
17 in all cases to which they are applicable and in which they are not inconsistent with these
18 Rules and Procedures or any other applicable statutes, ordinances, resolutions or
19 regulations of the City.

20 6.2 If properly agendized, the Rules and Procedures may be amended at any
21 regular or special meeting of the Commission by an affirmative simple majority vote of a
22 Commission quorum.

23 6.3 The Ethics Commission may suspend any of these Rules and Procedures for
24 the duration of the meeting or for a particular item only by an affirmative simple majority
25 vote of a Commission quorum.

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ARTICLE 7

AGENDA

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3 7.1 A written agenda shall be prepared for each meeting of the Ethics
4 Commission.

5 7.2 The agenda must contain a brief general description of each item of business
6 to be discussed at the meeting.

7 7.3 The agenda shall be posted as required by law and made available through
8 the office of the City Clerk.

9 7.4 The Ethics Commission may not take action on an item not appearing on the
10 posted agenda unless an exception is made as permitted under applicable law.

11 7.5 The Chair, in sole discretion, and with the consent of the Ethics Commission,
12 or upon the request of any Commissioner, may rearrange the order of the presentation of
13 any items appearing on the agenda. No person should rely upon the order in which public
14 hearing items appear on the posted agenda.

15 7.6 Any public hearing on any agenda item may commence upon the opening of
16 the meeting.

17 7.7 No written documentation submitted to the Ethics Commission after 12:00
18 p.m. on the scheduled meeting date shall be considered. The reason for this rule is to
19 allow complete consideration of the documentation and to avoid unnecessary distractions
20 once the meeting is called to order.

21 7.8 Staff Reports. Staff reports shall be prepared with recommendations and the
22 basis for those recommendations. To the extent possible, alternate positions and their
23 justifications should be included as well. Staff reports are included in the hearing record.

24 7.9 Agenda Packets. Staff shall endeavor to provide the entire agenda packet to
25 each member of the Ethics Commission no later than five (5) days prior to the regularly
26 scheduled meeting.

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ARTICLE 8

ORDER OF BUSINESS

8.1 Agenda Items. Agendas for regular meetings shall be organized in substantially the following order:

- a. Call to Order
- b. Roll Call
- c. Review and approval of Minutes
- d. Chair Addresses Audience (Outlines Meeting Procedure)
- e. Consent Calendar
- f. Carryover Items
- g. Regular calendar
- h. Matters from the Audience
- i. Matters from the Designee
- j. Matters from the Ethics Commission
- k. Adjourn.

ARTICLE 9

MOTIONS

9.1 Appearance of a Commissioner before the Ethics Commission. After a Commissioner has disqualified their self as a result of a potential conflict of interest, the Commissioner may appear before the Commission during hearing on the matter and present testimony regarding the matter, provided it is done with the advice of the City Attorney's office.

9.2 Motions.

9.2.1 Motion-Second. Action upon an order, resolution, ordinance or any other action of the Ethics Commission may be proposed by any member of a motion. The Chair may make a motion only after all other members of the Ethics Commission present have had an opportunity to make a motion on the question. Before a motion can be

1 considered or debated it must be seconded at which time it shall be on the floor and must
2 be considered. If not seconded, the motion is lost for lack of a second and shall be so
3 declared by the Chair. The Chair may second a motion.

4 9.2.2 Amendment of Motion or Substitute Motion. A motion on the floor may
5 be amended or a substitute motion offered at any time before adoption or rejection of the
6 main motion. When a motion to amend or substitute motion is made and seconded, the
7 Ethics Commission will debate and take action on the amendment or substitute before
8 acting on the main motion. If the amendment or substitute is not adopted, the main motion
9 will be considered. If the amendment is adopted, the main motion, as amended, will then
10 be considered. If the substitute is adopted, no further action is necessary.

11 9.2.3 Withdrawal of Motion or Second. A motion may be withdrawn by the
12 maker at any time before adoption or rejection. A second to a motion may be withdrawn by
13 the seconding member at any time before adoption or rejection of the motion. The motion
14 will then be lost for lack of a second and so declared by the Chair unless seconded by
15 another person.

16 9.2.4 Tabling a Motion. Tabling a motion is not a procedure utilized by the
17 Ethics Commission. Motions should be voted upon or continued to a date certain.

18 9.2.5 Discussion, Closure, and Question. After a motion has been
19 seconded, any member, including the Chair, may discuss or comment on the subject
20 motion. The Chair shall recognize any and all members of the Ethics Commission who
21 desire to speak, beginning with the motion's maker, and will protect each speaker from
22 disturbance or interference. When no member wishes to discuss or comment further, the
23 Chair will call for a vote on the motion. Any member of the Ethics Commission may at any
24 time move to close the debate.

25 9.2.6 Motions for Reconsideration. Motions for reconsideration of a matter
26 may be made by any member who voted with the prevailing majority on the matter to be
27 considered. Any member of the Ethics Commission may second a motion to reconsider.
28 Motions to reconsider shall be made at the same meeting as the original motion. If the

1 matter to be reconsidered required a public hearing, the public hearing will be reopened
2 pursuant to these Rules and Procedures before additional evidence is received.

3 9.3 Decision-making.

4 9.3.1 Voting. Approval of any motion before the Ethics Commission shall
5 require the affirmative vote of a majority of the members present, unless otherwise
6 specified by law.

7 9.3.2 Tie Votes. Any tie vote shall constitute a denial of the motion and may
8 be reconsidered by a motion offered by any member who voted on the matter. If there is
9 no subsequent affirmative vote, the result is denial.

10 9.3.3 Abstentions. Except when a conflict exists and abstention is required,
11 every member of the Commission who is present, when a roll call is called, shall vote for or
12 against the question, unless excused by a majority of the Commission members present
13 prior to the calling of the roll on such question.

14 9.3.4 Roll Call. Voting upon a motion may, at the discretion of the Chair,
15 and shall, upon the request of any member, be by roll call. When voting is not by roll call,
16 the Chair may, in the absence of objection by any member of the Ethics Commission,
17 declare an item to be unanimously approved.

18 9.3.5 Motions Include Staff Recommendations. A motion to adopt or
19 approve staff recommendations or simply to approve the action under consideration shall,
20 unless otherwise particularly specified, be deemed to include adoption of all proposed
21 findings and execution of all additions recommended in both the written staff report on file
22 on the matter and any oral staff report presented during the hearing.

23 9.3.6 Absentees. Ethics Commission members who are absent from any
24 portion of a meeting conducted by the Ethics Commission may vote on the matter at the
25 time it is acted upon provided they have either reviewed the approved minutes of the
26 meeting or listened to the tape recording of the entire portion of the hearing from which
27 they were absent, provided that a tape recording exists, and if they have examined the
28 Staff Report and evidence presented during the portion of the hearing from which they

1 were absent. In such a case, the Commission members shall state for the record that they
2 are familiar with the record and with the evidence presented at the meeting.

3 9.3.7 Recommendation. In those matters involving a recommendation to the
4 City Council, the recommendation shall be transmitted in a timely manner to the City
5 Council for its consideration. In the event that staff has a recommendation that is different
6 from that of the Ethics Commission, the staff recommendation may also be presented to
7 the City Council for its consideration. However, the staff report presented to the City
8 Council shall make clear the precise nature of the Ethics Commission recommendation
9 and shall further articulate staff's rationale for providing a different recommendation.
10 Before providing a recommendation to the City Council that is different from that of the
11 Ethics Commission, the Designee shall first inform the Ethics Commission Chair of the
12 intended course of action. The Chair shall have the right to appear at any scheduled
13 meeting of the City Council for the purpose of presenting the Ethics Commission's position
14 relative to its recommendation to the City Council.

15 9.4 Consent Items. Items that require little or no discussion by the Ethics
16 Commission may be considered as consent items. The Ethics Commission will act on
17 these items in one motion at the beginning of the meeting. Approval by the Ethics
18 Commission of consent items means that the staff recommendation was approved along
19 with the findings and conditions set forth in the staff report. Any member of the Ethics
20 Commission may request that consent items be considered in their regular order on the
21 agenda. Removal of an item from the consent calendar is subject to approval by a majority
22 the Commission members present.

23 9.5. Continuances. Upon a showing of good cause and by request of a member
24 of the Ethics Commission, the Chair, at the time set for a hearing on a particular item may
25 order the hearing to be continued to a specified date and time. Upon the request of any
26 member of the Ethics Commission, continuance decisions shall be made by a motion and
27 roll call vote of all members present.

28 9.6 Construction. These procedural rules shall be construed and applied so as to

1 ensure a full and fair hearing of relevant evidence which is offered on a land use matter
2 and to facilitate an orderly analysis of evidence and issues by the Ethics Commission.

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4 ARTICLE 10

5 COMMISSION AUTHORITY

6 10.1 Failure of the Commission to follow the procedures established by this
7 Resolution shall not invalidate or otherwise affect any action of the Commission.

8 10.2 These rules and procedures in no way modify, amend or suspend the
9 Commission's or individual Commissioner's obligations pursuant to the Political Reform
10 Act, Open Meeting Law or other applicable statute of statewide concern. These rules and
11 procedures shall be construed to remain consistent with such statutes, as they may be
12 amended from time to time.

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14 ARTICLE 11

15 DISCLOSURE POLICY

16 11.1 The people of Long Beach depend on a city government that operates
17 equitably, ethically, and transparently, and that works to promote public trust and
18 confidence. The Ethics Commission strives to advance the public trust and confidence in
19 the City's government through education and the development of policies and processes
20 that promote each of the City's values of Accountability, Fairness, Impartiality, Diversity,
21 Transparency, and Integrity.

22 11.2 In 2018, the voters approved Measure CCC, establishing procedures for an
23 Ethics Commission independent of the City Council. To promote these values and mission,
24 the Commission adopts the Disclosure Policy in this Article. This Article shall be effective
25 from the date of adoption by the Commission.

26 11.3 Requirement to Disclose. Commissioners and Commission Staff shall report,
27 in writing to Commission Staff, any substantive information relevant to a matter within
28 decision-making authority of the Commission, as outlined in City Charter Article XXIV, that

1 Commissioners receive from sources outside a public meeting. For Purposes of this policy,
2 “sources” shall include, but is not limited to, any oral communications or written documents
3 or communications with a person or entity regarding any matter within the decision-making
4 authority of the Commission.

5 11.4 For purposes of this policy, “Commission Staff” shall be defined as the direct
6 support staff assigned to the Commission and any staff assigned to work with the
7 Commission on a temporary basis, including consultants and legal counsel. This policy
8 shall not require legal counsel assigned to, or contracted to work with, the Commission to
9 disclose any communications protected by the attorney-client privilege.

10 11.5 Format of Disclosure. Within 10 calendar days of a contact, Commissioners
11 and Commission Staff shall report any contacts subject to this requirement via email to
12 Commission Staff in the following suggested format:

- 13 A. The name of the group and/or individual initiating the contact;
- 14 B. When the contact occurred;
- 15 C. The subject matter;
- 16 D. Short description of any oral contacts; and
- 17 E. If the contact person or individual is compensated for the
18 communication, the party compensating them.

19 11.6 When reporting the contact to Commission Staff, Commissioners and
20 Commission Staff shall forward originals and copies of written or electronic contacts to
21 Commission Staff. Disclosures made by Commission members and staff are part of the
22 public record and shall be posted on the Ethics Commission’s website for the public to
23 view.

24 11.7 Communications Where No Disclosure if Required. The requirements in this
25 Section do not prohibit nor are disclosures required for the following:

- 26 A. Communications between Commissioners, Commission Staff,
27 or consultants retained by the Commission that is otherwise permitted by
28 State and City open meeting requirements; or

1 B. Commissioners, Commission Staff, or consultants retained by
2 the Commission from discussing or advocating for any matter with City
3 Departments, City elected and City appointed officials so long as the contact
4 is not made with the purpose of influencing the decision-making authority of
5 the Commission; or

6 C. Commissioners or Commission Staff from engaging in
7 discussions with City elected officials, their staff, or City staff regarding
8 budgetary and financial resources of the Commission.

9 Section 2. The Designee shall transmit a copy of this resolution to the City
10 Clerk and to each member of the Ethics Commission.

11 Section 3. This resolution shall take effect immediately upon its adoption
12 by the Ethics Commission, and the Ethics Commission Secretary shall certify to the vote
13 adopting this resolution.

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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I hereby certify that the foregoing resolution was adopted by the Ethics Commission of the City of Long Beach at its meeting of _____, 2022, by the following vote:

Ayes: Commissioners: _____

Noes: Commissioners: _____

Absent: Commissioners: _____

Recusal(s): Commissioners: _____

Secretary

San Diego

Operating Policies – Article XI: Standards of Conduct

Section 1: Standards In accepting the Oath of Office, Commissioners shall maintain the highest standards of professional and personal conduct. They shall support the mission, goals, and objectives of the City of San Diego Ethics Commission; instill in the public a sense of confidence about the Commissioners' conduct and intentions; uphold all laws and regulations; and refrain from using their official positions to secure special advantage or benefit for themselves or others. In order to set the highest standards of conduct, including the appearance of propriety in the operation of government, and in order to assure public confidence in governing institutions, the City of San Diego Ethics Commission commits itself to:

- (a) Encouraging and promoting integrity in government by education and example;
- (b) Fairly and objectively enforcing the city's ethics laws and regulations;
- (c) Being accountable for its rules of procedure and decisions, and stimulating accountability of all elected and appointed officials and government employees;
- (d) Treating all staff, members of the public, and colleagues with courtesy, respect, objectivity, and fairness;
- (e) Assuring honesty in all matters that come before the Commission, both individually and collectively; and, 5
- (f) Conducting all business in a timely manner and in public meetings, with full disclosure of policies, procedures, and decision-making processes, except in those matters as specified by the Brown Act that may be dealt with in closed session.

Oakland

Operations Policies – Article XI – Standards of Conduct

In addition to complying with the foregoing policies, each commissioner should aspire to:

A. Actively and diligently support the mission, goals and objectives of the Commission, for example, by thoroughly preparing for and attending Commission meetings; serving on committees; working cooperatively with Commission staff on officially-sanctioned projects; and attending civic events relevant to the Commission's purpose and jurisdiction.

B. Preserve public confidence in commissioners' conduct, intentions, and impartiality, for example, by fairly and objectively enforcing laws and regulations within the Commission's jurisdiction; refraining from conduct or statements that suggest personal bias; avoiding personal involvement in the investigation and prosecution of complaints (absent a recusal); and avoiding inappropriate political activity (endorsing, supporting, opposing, or working on behalf of a candidate or measure in an Oakland election).

C. Protect the independence and integrity of the Commission, for example, by working for the public good and not private interest in all matters related to city government; refraining from using their official positions to secure special advantages or benefits for self or others; declining to accept benefits

or to participate in activities that might influence or undermine their ability to fairly and objectively discharge their Commission duties; and, if speaking to the press or public about a Commission matter, clearly explaining that the commissioner's statements reflect the personal view of the commissioner and not the view of the Commission.

D. Set the highest example civil and efficient conduct of city government, for example, by recommending and adopting rules and procedures that promote transparency and fair process in city government; treating the public, Commission staff, Commission legal advisors, and fellow Tab L 12 commissioners with dignity and fairness; and conducting the Commission's business in an efficient and timely manner.

Sacramento

NOTE: Seems that Sacramento intentionally calls out a councilmember's ability to influence EC.

[Council Rules of Procedures – Chapter 3 Conduct of Members – G. Conduct with Boards and Commissions](#)

G. Conduct with Boards and Commissions

1. Members shall: a. treat all members of boards and commissions with appreciation and respect; and b. refrain from participation at board and commission meetings with the purpose of influencing the outcome of those meetings.

2. Rule 3.G.1.b does not apply to the Compensation Commission, Sacramento Ethics Commission, or Independent Redistricting Commission.

[Ethics Commission Operating Policies Bylaws](#)

In addition to complying with the foregoing policies, each commissioner should aspire to:

A. Actively and diligently support the mission, goals and objectives of the Commission, for example, by thoroughly preparing for and attending Commission meetings; serving on committees; working cooperatively with Commission staff on officially-sanctioned projects; and attending civic events relevant to the Commission's purpose and jurisdiction. Sacramento Ethics Commission Operating Policies / Bylaws Page 13 of 13

B. Preserve public confidence in commissioners' conduct, intentions, and impartiality, for example, by fairly and objectively enforcing laws and regulations within the Commission's jurisdiction; refraining from conduct or statements that suggest personal bias; avoiding personal involvement in the investigation and prosecution of complaints (absent a recusal); and avoiding inappropriate political activity (endorsing, supporting, opposing, or working on behalf of a candidate or measure in a City of Sacramento election).

C. Protect the independence and integrity of the Commission, for example, by working for the public good and not private interest in all matters related to city government; refraining from using their official positions to secure special advantages or benefits for self or others; declining to accept benefits or to participate in activities that might influence or undermine their ability to fairly and objectively

discharge their Commission duties; and, avoid speaking to the press or public about confidential Commission matters, to ensure a commission matter is not compromised by doing so.

D. Set the highest example of civil and efficient conduct of city government, for example, by recommending and adopting rules and procedures that promote transparency and fair process in city government; treating the public, Commission staff, Commission legal advisors, and commissioners with dignity and fairness; and conducting the Commission's business in an efficient and timely manner.

San Francisco

Article XI: Standards of Conduct – Section 1: Code of Ethics

In accepting the Oath of Office, Commissioners shall maintain the highest standards of professional and personal conduct. They shall support the mission, goals and objectives of the San Francisco Ethics Commission; instill in the public a sense of confidence about the Commissioners' conduct and intentions; uphold all laws and regulations; refrain from using their official positions to secure special advantage or benefit for themselves or others.

In order to set the highest standards of conduct, including the appearance of propriety in the operation of government, and in order to assure public confidence in governing institutions, the San Francisco Ethics Commission commits itself to:

Encouraging and promoting integrity in government by education and example

Fairly and objectively enforcing the city's ethics laws and regulations

Being accountable for its rules of procedure and decisions, and stimulating accountability of all elected and appointed officials and government employees

Creating reform within the political process to ensure fair and equitable consideration to public policy issues

Treating all staff, members of the public, and colleagues with courtesy, respect, objectivity, and fairness

Assuring honesty in all matters that come before the Commission, both individually and collectively

Conducting all business in a timely manner and in public meetings, with full disclosure of policies, procedures, and decision-making processes, except in those matters as specified by the Brown Act and the San Francisco Sunshine Ordinance that may be dealt with in closed session

Reviewing its actions, recommendations, and procedures periodically to determine if the Commission has adhered to its Code of Ethics and Mission in all respects

Berkeley

Commissioner's Manual: Chapter III – Coordination with Council, Staff, and Others

A. COORDINATION WITH CITY COUNCIL

1) Relationship to City Council

The role of a commission is to advise the City Council. The exception is for quasi-judicial commissions that can act under their authorized ordinances or advise the City Council as appropriate. The City Council is responsible for accepting, rejecting, or modifying commission recommendations. The Council relies on the various commissions to increase the variety of viewpoints and talents brought to bear on City problems. By concentrating on specific areas, commissioners use their expertise and conduct detailed analyses that the Council itself may not have the time to pursue. It is expected that commissions will adopt positions of advocacy within their specific purview. However, the City Council's role is to take into consideration the many varied and sometimes conflicting public needs and render its judgment of what will best serve the public good. The Council must weigh the effect of any given recommendation, not only on the particular area of interest but on all other City goals and programs. Just as the commissions advise the City Council concerning policy but do not create policy, the commissions advise the City Council concerning various programs run by the City but do not themselves operate programs. It is the responsibility of the City Manager and the City staff to operate programs authorized by the City Council. The exception to this rule is the Board of Library Trustees.

2) Referrals from the City Council

The Council may transmit referrals for information or action through formal action on an agenda item. These actions are recorded in the minutes of the Council meeting. The secretary notifies the commission of any such referrals from the Council. When appropriate, the Council may indicate a desired date for response and specify which commissions will be consulted. Each referral response presented to the City Council on the Council agenda, shall indicate to whom the item was referred, the date of referral, and any other responses. Each commission may elect to respond by means of a separate report or communication.

3) Communicating to the City Council

A commission transmits its findings, responses to referrals, and other recommendations to the Council through the Council agenda. Upon the final vote of a commission to send an item to Council, the secretary submits a completed commission report for the Council agenda to the agenda process no later than three weeks after receiving the final text from the commission. The commission is responsible for providing the content of the report to the secretary. The report will be placed on an upcoming Council agenda based on City Manager timelines and the Council Rules of Procedure for scheduling matters on the agenda. All reports are due to the City Clerk Department 33 days prior to the meeting date. Departments may have internal deadlines that require reports to be processed earlier. Commissions may also transmit their findings or recommendations to the Council in the form of a letter. This type of communication is more timely; however, the Council cannot take any official action based solely on a written communication from a commission. Sending a letter to the City Council requires the authorization of the commission. Once approved by the commission, the secretary submits the letter to the City Clerk. The chair, or an authorized representative of the commission, may officially speak on behalf of the commission at public comment on an issue before the City Council. Other commissioners may speak on the item as private citizens. As is the case with a written communication, the Council cannot take an official action based solely on verbal comments from the commission.

For more information on commission reports to Council, see Chapter VI.

[Berkeley Election Reform Act 2.12.196](#) (Part of enabling legislation for the Fair Campaign Practices Commission)

2.12.195 Members--Qualifications and restrictions.

Each member of the commission shall be a resident of Berkeley and registered to vote in Berkeley elections. No member of the commission, during his or her tenure, shall hold or seek election to any other public office, serve as an officer of any political party or partisan organization or participate in or contribute to a Berkeley municipal election campaign. No member of the commission shall endorse, support, oppose or work on behalf of or against any candidate or measure in a Berkeley election. **Each member of the commission shall use his or her best efforts to remain independent of candidates and measures in Berkeley elections.** (Ord. 4700-NS § 305, 1974)

[Berkeley Election Reform Act 2.12.196](#) (Part of enabling legislation for the Fair Campaign Practices Commission)

2.12.196 Avoidance of political conflict of interest.

In addition to the limitations imposed on members of the commission by Section 2.12.195, each member of the commission shall use his or her best efforts to be independent of and impartial in relation to any person during the time such person is the subject of an investigation by or proceeding before the commission. Such persons include elected officers, current and previous candidates, and committees, as well as any officers or employees of such persons. (Ord. 5574-NS § 2 (part), 1983)

Newport

[Ex-Parte Communication Policy](#)

NOTE: Note the same but language may be good to consider.

Members of the City Council, City Boards or Commissions, and City employees, agents and representatives shall not engage in any ex parte communication with any member of a Board or Commission regarding any quasi judicial matter pending, or reasonably expected to come, before that member's Board or Commission.

For purposes of this policy, the term ex parte communication shall mean any oral or written communication directed to a member which is intended, or is reasonably calculated, to influence the member's decision on any quasi judicial matter but does not include communications between members during deliberations preliminary to decision or communications where all interested parties or their representatives are present. The term quasi judicial matter shall mean the appeal of any discipline imposed on any City employee, the appeal of any grievance filed by a City employee or employee association, or a proceeding to revoke any license, permit or approval granted by the City Council, any Board or Commission, or any City employee and which is pending, or is reasonably expected to come, before any City Board or Commission.

The provisions of this policy do not apply to ex parte communications between City employees and any member of a Board or Commission regarding a quasi judicial matter which has been submitted to, or can reasonably be expected to be heard by, the Board or Commission when the ex parte communication is initiated by the member and requests only background information available to members of the general public. Adopted - November 10, 1997

Palo Alto

[Boards, Commissions, and Committees Handbook](#)

IV. Your Role as a Board, Commission, or Committee Member

Role of the Staff Liaison(s)

The staff liaison serves as the link between City staff, City Council, and BCC members. The City Manager assigns a staff liaison to each BCC to provide support, coordination, and guidance. The Staff Liaison makes sure that required BCC meetings occur and, in conjunction with the Chair, prepares the monthly meeting agendas. The staff liaison is also responsible for the coordination, distribution, and posting of all committee agendas pursuant to the Ralph M. Brown Act. Committee members should feel free to contact the staff liaison with questions or requests for support such as sharing City policy or program information and providing historical context to issue under review by the BCC. Staff liaisons will provide direction, guidance, and clerical, organizational, and administrative support to commissions on an as needed basis. The staff liaison also facilitates the transmission of BCC interests, concerns, and recommendations to the City Manager and City Council.

The staff liaison must be aware and advise the Commission of any potential Brown Act violations; the liaison must be present and attentive for the duration of the meeting. At the request of the Chair, and with the support of a majority of the BCC members, the Staff Liaison researches and investigates issues, prepares alternatives and recommendations for BCC and City Council review, and implements City Council policy decisions.

Other duties include facilitating the transmission of BCC interests, concerns, and recommendations to the City Manager and/or City Council; maintaining communication with the Chair regarding City Manager and/or City Council direction or requests; coordinating the annual selection of a Chair and Vice Chair in accordance with the City Council adopted policies and procedures, supporting annual workplan development, and keeping the City Clerk apprised of any resignations or other issues affecting the BCC.

During the BCC meeting Staff Liaisons will ensure there is a quorum prior to the Chair calling a Commission meeting to order and adjourn a Commission meeting in the event there is lack of a quorum 15 minutes after the start time of a meeting. In addition, the Staff Liaison will not allow the public to address the Commission during the 15 minutes while waiting for additional members to arrive to form a quorum. Staff may make announcements during this time; no agenda items shall be discussed among the members present. The Staff Liaison will advise the Commission to recess or adjourn the meeting if a quorum is not present at any point during the meeting.

Calabasas

[City Council Protocols: 17 – Commissions and Boards](#)

7. Councilmembers do not dictate the decisions of Commissioners and other board members. Commissioners and board members come to their own conclusions based on the evidence, the City's Municipal Code, and other governing and visioning documents. Substantial consideration is to be given by Commissioners to the recommendations of staff contained in the agenda reports.