

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

1 RESOLUTION NO. E.C. 01-2022

2
3 A RESOLUTION OF THE ETHICS COMMISSION OF
4 THE CITY OF LONG BEACH AMENDING AND
5 RESTATING RESOLUTION NO. E.C. 01-2020 ADDING A
6 DISCLOSURE POLICY AND THE CAMPAIGN
7 CONTRIBUTION POLICY TO THE RULES AND
8 PROCEDURES FOR THE ETHICS COMMISSION
9

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

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

14 WHEREAS, the Ethics Commission adopted a Campaign Contribution Policy
15 via Resolution E.C. 01-2021 at its meeting on August 11, 2021; and

16 WHEREAS, the Ethics Commission now intends to adopt the Disclosure
17 Policy to further promote transparency in government and to include its Campaign
18 Contribution Policy to the Rules and Procedures for the Ethics Commission; and

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

21 Section 1. The Ethics Commission of the City of Long Beach hereby
22 amends and restates the following Rules and Procedures:

23
24 RULES AND PROCEDURES FOR THE ETHICS COMMISSION

25
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2 RULES AND PROCEDURES FOR THE ETHICS COMMISSION

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4 ARTICLE 1

5 PURPOSE

6 1.1. The Ethics Commission of the City of Long Beach (“Ethics Commission” or
7 “Commission”) is established by the Long Beach City Charter.

8 1.2. It is the responsibility of the Ethics Commission to advise the City Council on
9 all matters relating to ethics in the City and to perform such other related functions as may
10 be authorized by the City Council. All actions of the Ethics Commission shall be advisory
11 only, except for those matters where final authority has been assigned to the Ethics
12 Commission by Charter or action of the City Council.

13 1.3. In order to effectively and efficiently perform its duties as assigned by the City
14 Charter and the City Council, the Ethics Commission desires to specify procedural rules to
15 govern the conduct of its meetings and hearings.

16 1.4. The following procedural rules shall, consistent with the State Constitution,
17 applicable statutes, including the Brown Act, the City Charter and City ordinances and
18 resolutions, govern the conduct of all business before the Ethics Commission.

19
20 ARTICLE 2

21 MEMBERS

22 2.1 The Ethics Commission consists of seven (7) regular members.

23 2.2 Terms. The term of office for members of the Commission shall be four (4)
24 years. No member shall serve for more than two (2) consecutive terms. The two (2)
25 members first appointed by the Mayor and the two (2) members first appointed by the City
26 Auditor shall serve for an initial two (2) year term. Members serving an initial two (2) year
27 term shall be eligible for re-appointment to one (1) additional four (4) year term.

28 2.3 Restrictions. No member of the Commission, during their term, shall:

1 A. Currently hold elective office in the City of Long Beach, including the
2 Long Beach Unified School District Board or the Long Beach Community College Board of
3 Trustees;

4 B. Serve as an officer in any election campaign for or against a
5 candidate for any current elected office in the City of Long Beach, Long Beach Unified
6 School District or the Long Beach Community College District, or any City or District
7 measure;

8 C. Be an employee of the City;

9 D. Employ or be employed as a person required to register as a
10 lobbyist with the City of Long Beach.

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

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

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

1 meeting of August

2 4.2 The terms of office for Chair and Vice Chair shall be for one (1) year, and
3 thereafter until their respective successors are elected and qualified.

4 4.3 Vacancies in offices shall be filled immediately by regular election procedure,
5 but for the unexpired term only.

7 ARTICLE 5

8 MEETINGS

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

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

16 5.1.2 The Commission shall endeavor to adjourn its meetings not later than
17 5 p.m. If necessary, business not completed by 5 p.m. will be continued to the next regular
18 or special meeting as determined by the Ethics Commission.

19 5.2 Meeting Breaks. The Chair shall, with the concurrence of the Commission,
20 recess the meetings as necessary to grant relief to the Commissioners, staff and audience.

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

26 5.4 Study Sessions. The Ethics Commission may hold study sessions as part of
27 a regular, adjourned or special meeting. No action may be taken by the Commission at
28 such a study session. When a matter is set for a study session, public testimony may be

1 barred or limited to particular persons at the discretion of the Chair, with the concurrence of
2 a simple majority of the Commission.

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

6 A. Quorum. A majority of the committee membership shall constitute a
7 quorum of the committee or sub-committee.

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

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

17 D. Standing Committees are subject to the Brown Act.

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

25 A. Brown Act. Ad Hoc Committees do not constitute legislative bodies
26 and are not subject to the requirements of the Brown Act.

27 B. Appointment. The Commission may appoint three (3) or fewer
28 members of the Commission to serve on an Ad Hoc Committee. The Chair will publicly

1 announce any Ad Hoc Committee created by the Chair, its membership and stated
2 purpose and post it on the City website.

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

6 D. Members. Ad Hoc Committees shall consist of less than a quorum
7 of Commission members only, and shall not include any other persons such as members
8 of other legislative bodies.

9 E. Termination of Ad Hoc Committee by Majority of Commission. A
10 majority of the Commission may vote to terminate any Ad Hoc Committee following
11 placement of the issue on an agenda.

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

17 ARTICLE 6

18 PARLIAMENTARY PROCEDURE

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

23 6.2 If properly agendized, the Rules and Procedures may be amended at any
24 regular or special meeting of the Commission by an affirmative simple majority vote of a
25 Commission quorum.

26 6.3 The Ethics Commission may suspend any of these Rules and Procedures for
27 the duration of the meeting or for a particular item only by an affirmative simple majority
28 vote of a Commission quorum.

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3 ARTICLE 7

4 AGENDA

5 7.1 A written agenda shall be prepared for each meeting of the Ethics
6 Commission.

7 7.2 The agenda must contain a brief general description of each item of business
8 to be discussed at the meeting.

9 7.3 The agenda shall be posted as required by law and made available through
10 the office of the City Clerk.

11 7.4 The Ethics Commission may not take action on an item not appearing on the
12 posted agenda unless an exception is made as permitted under applicable law.

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

17 7.6 Any public hearing on any agenda item may commence upon the opening of
18 the meeting.

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

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

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

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ARTICLE 8

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ORDER OF BUSINESS

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8.1 Agenda Items. Agendas for regular meetings shall be organized in

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substantially the following order:

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A. Call to Order

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B. Roll Call

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C. Review and approval of Minutes

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D. Chair Addresses Audience (Outlines Meeting Procedure)

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E. Consent Calendar

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F. Carryover Items

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G. Regular calendar

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H. Matters from the Audience

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I. Matters from the Designee

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J. Matters from the Ethics Commission

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K. Adjourn.

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ARTICLE 9

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MOTIONS

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9.1 Appearance of a Commissioner before the Ethics Commission. After a

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Commissioner has disqualified their self as a result of a potential conflict of interest, the

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Commissioner may appear before the Commission during hearing on the matter and

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present testimony regarding the matter, provided it is done with the advice of the City

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Attorney's office.

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9.2 Motions.

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9.2.1 Motion-Second. Action upon an order, resolution, ordinance or any

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other action of the Ethics Commission may be proposed by any member of a motion. The

1 Chair may make a motion only after all other members of the Ethics Commission present
2 have had an opportunity to make a motion on the question. Before a motion can be
3 considered or debated it must be seconded at which time it shall be on the floor and must
4 be considered. If not seconded, the motion is lost for lack of a second and shall be so
5 declared by the Chair. The Chair may second a motion.

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

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

18 9.2.4 Tabling a Motion. Tabling a motion is not a procedure utilized by the
19 Ethics Commission. Motions should be voted upon or continued to a date certain.

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

27 9.2.6 Motions for Reconsideration. Motions for reconsideration of a matter
28 may be made by any member who voted with the prevailing majority on the matter to be

1 considered. Any member of the Ethics Commission may second a motion to reconsider.
2 Motions to reconsider shall be made at the same meeting as the original motion. If the
3 matter to be reconsidered required a public hearing, the public hearing will be reopened
4 pursuant to these Rules and Procedures before additional evidence is received.

5 9.3 Decision-making.

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

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

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

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

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

25 9.3.6 Absentees. Ethics Commission members who are absent from any
26 portion of a meeting conducted by the Ethics Commission may vote on the matter at the
27 time it is acted upon provided they have either reviewed the approved minutes of the
28 meeting or listened to the tape recording of the entire portion of the hearing from which

1 they were absent, provided that a tape recording exists, and if they have examined the
2 Staff Report and evidence presented during the portion of the hearing from which they
3 were absent. In such a case, the Commission members shall state for the record that they
4 are familiar with the record and with the evidence presented at the meeting.

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

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

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

1 roll call vote of all members present.

2 9.6 Construction. These procedural rules shall be construed and applied so as to
3 ensure a full and fair hearing of relevant evidence which is offered on a land use matter
4 and to facilitate an orderly analysis of evidence and issues by the Ethics Commission.

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6 ARTICLE 10

7 COMMISSION AUTHORITY

8 10.1 Failure of the Commission to follow the procedures established by this
9 Resolution shall not invalidate or otherwise affect any action of the Commission.

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

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16 ARTICLE 11

17 COMMISSION POLICIES

18 11.1 Campaign Contributions

19 To create public trust and confidence in the decisions and recommendations of the
20 Long Beach Ethics Commission, Commission members during their term(s) of service on
21 the Commission shall not:

22 A. Make or solicit contribution(s), including endorsements, to a
23 candidate for City elective office, including the offices of Mayor, City Council, City Attorney,
24 City Auditor, City Prosecutor, Long Beach Unified School Board Member, and Long Beach
25 Community College Trustee. This shall not apply to contributions in the name of the
26 Commission member's spouse or registered domestic partner, as long the non-participant
27 spouse makes the contribution from a) a bank account which is not jointly owned or
28 community property; and specifically indicates that the contribution is not being made by

1 Commission member.

2 B. Perform campaign-related work, whether remunerated or volunteer,
3 for any candidate for City elective office, including the offices of Mayor, City Council, City
4 Attorney, City Auditor, City Prosecutor, Long Beach Unified School Board Member, and
5 Long Beach Community College Trustee.

6 C. Act as a principal officer of an active campaign committee domiciled
7 in the County of Los Angeles that has made expenditures on candidate elections for a City
8 elective office including the offices of Mayor, City Council, City Attorney, City Auditor, City
9 Prosecutor, Long Beach Unified School Board Member, and Long Beach Community
10 College Trustee.

11 11.2 Disclosure Policy

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

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

22 A. Requirement to Disclose. Commissioners and Commission Staff
23 shall report, in writing to Commission Staff, any substantive information relevant to a matter
24 within decision-making authority of the Commission, as outlined in City Charter Article
25 XXIV, that Commissioners receive from sources outside a public meeting. For purposes of
26 this policy, "sources" shall include any oral communications or written documents or
27 communications with a person or entity regarding any matter within the decision-making
28 authority of the Commission.

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

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

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

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

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

- 23 1. Commissioners, Commission Staff, or consultants
24 retained by the Commission from engaging in communications with each other that
25 is otherwise permitted by State and City open meeting requirements; or
- 26 2. Commissioners, Commission Staff, or consultants
27 retained by the Commission from discussing or advocating for any matter with City
28 Departments, City elected and City appointed officials so long as the contact is not

1 made with the purpose of influencing the decision-making authority of the
2 Commission; or

3 3. Commissioners or Commission Staff from engaging in
4 discussions with City elected officials, their staff, or City staff regarding budgetary
5 and financial resources of the Commission.

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

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

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1 I hereby certify that the foregoing resolution was adopted by the Ethics
2 Commission of the City of Long Beach at its meeting of October 12, 2022, by the
3 following vote:

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5 Ayes: Commissioners: Añorve, De Benedictis, Fiedler,
6 Shotwell, Wise, Pollack, Morales.

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9 Noes: Commissioners: None.

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11 Absent: Commissioners: None.

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13 Recusal(s): Commissioners: None.

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Secretary

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664