

Date: October 12, 2022

To: Honorable Members of the Ethics Commission

From: Heather Van Wijk, Ethics Officer

Subject: **Ethics Commission Monthly Action Plan Update**

The Ethics Commission (Commission) requested that staff update the Commission's Action Plan (Plan) monthly and bring the Plan back to the Commission.

The Plan (Attachment A) contains staff updates in green in the "Notes/Next Steps" column. Timeline adjustments were also made and are shown in blue in the "Timeline Priority" column. The Action Plan Deliverables Timeline-Anticipated Monthly Schedule (Attachment B) has also been updated and includes the Plan Workstream deliverable assignment for reference.

If you have any questions, please contact me at (562) 570-7443.

ATTACHMENTS:

A – ETHICS COMMISSION ACTION PLAN
B – ACTION PLAN DELIVERABLES TIMELINE ANTICIPATED MONTHLY SCHEDULE

Cc: APRIL WALKER, DEPUTY CITY MANAGER
JULIAN CERNUDA, ASSISTANT TO THE CITY MANAGER
TAYLOR ANERSON, DEPUTY CITY ATTORNEY
JT NAGAYAMA, CITY CLERK ANALYST

**CITY OF LONG BEACH ETHICS COMMISSION
DRAFT ACTION PLAN – Updated 10.12.22**

*Capstone Recommendations are indicated in blue

* Deliverables updates in green

Workstream	Deliverable	Timeline Priority*	Audit Ref.	Additional Budget Needed	Authority / Additional Authority Needed	Notes / Next Steps
Ethics Office Structure & Staff						
1.1.	Assess/Propose Roles and Responsibilities: Structure, Staffing, Leadership and Reporting	Q4 FY21	Rec. #1 (p. 13)	Need budget analysis then EC makes recommendation to Mayor and City Council delegates authority to EC	2,3,4/No	<p>Where within the city should the Ethics Commission report? City Manager? Define relationship between Commission and City Manager. How should the Ethics Commission be organized? Should there be an Ethics Office under the Commission? Should the Ethics Commission/Office be supported by a dedicated director? What is the optimal size of the Ethics Commission/Office Staff?</p> <p>The Ethics Commission provides recommendations on policy direction pertaining to the City Ethics Program. The Commission is supported by the City Manager's Office, lead department, and the City Attorney's Office and City Clerk's Office. The Ethics Officer (EO) joined the team in April 2022.</p> <p>The City Attorney's Office provided direction on how to make recommendations to departments on April 13, 2022.</p>
1.2.	Publish Annual Report on Ethics in the City with achievements of the EC in the past year	Q2 Annual	Rec. #3 (p. 14); Rec. #10 , (p. 30)	No	3,4/No	<p>A 2020 Annual Report was published in early 2021. A 2021 Annual Report was published in March of 2022.</p>

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1.3.	Establish a Values Statement for Ethics Commission	Q3 FY21	Rec. #5 (p. 18-19)	No	1,2,3,4,5/No	<p>The Commission has established the following values:</p> <ul style="list-style-type: none"> • Accountability—the willingness to accept responsibility and account for one’s actions. • Equity – ensuring fairness 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.
1.4.	Compile and Issue Quarterly Ethics Reports	Q2 FY22 then quarterly	Rec. #10 (p. 30)	No	1,2,3,4/Yes	<p>City auditor to present annual fraud report to EC when ready. Quarterly reports to include City Auditor hotline and cases handled through other channels and Hotline metrics. Additional authority required to access Corrective Action Matrix for auditor findings and results of other City conducted Ethics investigations. Need to determine what else should be reported to EC and the public periodically.</p> <p>In September 2021, the City Auditor presented on the case handling process and provided a report on the Fraud Hotline aimed to deter, detect, and disclose fraud within the City.</p>
Ethics Resources						
2.1.	Develop and Deploy Ethics Media Site with resources for City Employees	Q1 FY23 Then maintain	Rec. #3 (p. 14)	No	3,4/No	Create/revamp digital home for all ethics and policy resources for City employees. Consider e-blast to employees re availability of resources. Site will be available to the public.

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						<p>Staff has created a Disclosure Reports and Ethics Portal webpage that brings together various reporting resources and forms for the public, staff, and elected officials to access with ease.</p> <p>The media site with staff resources will be built with initial launch of the 30-minute ethics training. Expected website launch will be coordinated with training rollout in early 2023. Work will also continue to be ongoing as new training is developed. Staff is currently working to migrate Ethics webpage from City Clerk website to the City Manager website.</p>
2.2.	Develop and Deploy Ethics Media Site with additional resources intended for the Public	Q2 FY23 Then maintain	Rec. #6 (p. 21) Rec. #7. (p. 24)	No	3,4/No	<p>Create/revamp digital home for ethics resources for public.</p> <p>Staff has created a Disclosure Reports and Ethics Portal webpage that brings together various reporting resources and forms for the public, staff, and elected officials to access with ease.</p> <p>This work, along with reviewing ethics resources on the Intranet (staff portal), is ongoing.</p>
2.3.	Develop “ Code of Conduct ” for city officials and staff (all departments)	Q4 FY22 (to send to Council)	Rec. #5 (p. 18-19)	No	1,2,3,4,5/No	<p>Research model versions of other municipalities. Code to communicate a definition of “Ethics” for LB (Audit Rec. #6; p. 21) Consult with the City Attorney and City Manager to ensure Code is in sync with existing City policies. Goal is to establish clear expectations for all City officials, employees, and the public. See Item 2.5 for timeline to adoption.</p> <p>Define what ethics means in simple terms, on an individual level, as part of a definition that aligns with the organization’s mission, values, and code.</p> <p>Use the definition to create an ethics-related motto.</p> <p>Update the Code to include the new definition.</p>

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						On August 25, 2022, the Meet and Confer process for the Code of Conduct and Ethics concluded. On September 14, 2022, the Commission recommended that Council amend and restate Chapter 2.07 of the LBMC to adopt the Code as drafted by the Commission. There is a recommendation on the October 18, 2021 Council agenda for Council to direct the City Attorney to draft an Ordinance to adopt the new Code.
2.4.	Create comprehensive Companion Document to the Ethics Code to replace current "Ethics Guide"	Q1 FY23	Rec. #3, Rec #4 (pp. 14-16)	No	1,2,3,4,5/No	<p>Document to include citation to source regulations, policies, and procedures. Collaborate with City Attorney, City Auditor, Human Resources, and City Manager as needed. New ethics documents should include: Current Ethics Guide information; Information on pathways to report alleged violations; method(s) to obtain additional information and advice on ethics issues; anti-retaliation protection policy; reference to any additional adopted ethics policies, ordinances, and regulations</p> <p>Update the City's Ethics Handbook, under the name "Ethics Regulations" and only include legal requirements and policies.</p> <p>The Commission has been and will continue to review pertinent City policy to provide recommendations to staff. This work will also draw from the recommendations provided by the Ethics Capstone Team to ensure alignment with the City's ethics educational program. Work is ongoing.</p>
2.5.	Implement new Code and Guide to all City Employees	Q4 FY22		No	1,2,3,4,5/Yes	Collaborate with the City Manager and Human Resources regarding implementation. Function as subject matter experts in any dialogue with unions as may be necessary. Communicate with City Council and semi-independent Commissions (Harbor, etc.); work with non-City Manager departments to obtain buy-in and adoption of new

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						ethics document; time issuance with bargaining unit negotiations. Submit final Code to City Council for adoption and work with City Attorney to draft communication re expectations around adherence to Code of Ethics. The Guide awaits completion of foundation deliverables.
2.6.	Develop Supplier Code of Conduct	Q4 FY22	Rec. #16 (p. 34); Rec #18 (p. 34)	No	1,2,5/No	Assess current requirements, standards and policies applicable to procurement and contracts and incorporate into useful document for vendor employees. Consider financial disclosures by consultants involved in decision making positions. Work with City Manager. Financial Management staff presented on the current procurement process and Supplier's Code work in February 2022. This project is currently being led by a Management Assistant. Research has been conducted and a draft Supplier Code is under review by various departments. Supplier Code will be brought before the Commission in November 2022.
2.7.	Review, consolidate, and modify (if appropriate) Anti-Retaliation Protection Policy , as needed	Q1 FY22 (for final draft to begin process for adoption if substantive changes recommended)	Rec. #20 (p. 39)	No	1,2,3/No	Human Resources presented on these policies to the Commission in March 2022. This item is now complete.
2.8.	Establish process to provide Advice and Information to City employees and the public on Ethics related Issues	Q1 FY23	Rec. #8 (p. 26)	Yes	1,2,3,4/No	Website and/or anonymous email / phone. Place all ethics-related documents online for transparency and accessibility. Staff has identified a vendor in coordination with the City Auditor's Office and a contract is under review

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						and being finalized. Helpline launch is expected by December 2022.
2.9.	Review, consolidate, and propose modification or update, if needed, Conflict of Interest policies	Q2 FY23 (for final draft to begin process for adoption of any recommended changes)	Rec. #5 (p. 18-19; Rec. #13 (p. 33)	Yes	1,2,5/Yes	Review process for oversight of outside employment by City employees; Develop a policy for adoption by the City Council requiring certification of absence of conflict at each City Council meeting (Audit Rec. #13; p. 33). Advocate / obtain compliance by non-CM departments. City Attorney's Office will provide initial Conflict of Interest information to the Commission in July 2022 and follow up with an additional presentation in August 2022. <i>An item on the biennial departments conflict of interest code will be on the Commission agenda for December 2022.</i>
2.10.	Require that newly elected officials and City staff sign Disclosure of Any Members of Their Immediate Family on Staff with the City	Q4 FY22	Rec. #14 (p. 34)	No	1,2/No	Draft amendment to Policy 32-1 and submit for adoption. (Does City Manager have authority to change administrative regulation or must this go to City Council?). Recommend process for monitoring. <i>Human Resources presented on this policy during the September 14, 2022 meeting. Staff will be updating this Administrative Regulation (AR) as part of the AR review process. A timeline for this review is forthcoming.</i>
2.11.	Create an Ethics Motto	TBD	N/A		No	<i>Discuss best approach to create motto. Ensure that City staff has ownership over motto.</i> <i>The Ethics Officer conducted and received motto ideas from staff in September 2022 and is currently working with an Ad Hoc to identify top choices to share with the Commission during the October 12, 2022 meeting. Next steps to be determined by the Commission with assistance from staff.</i>

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Engagement & Outreach						
3.1.	Integrate Ethics Program language clearly in City's Municipal Code ; draft language and identify where in Municipal code to insert.	Ongoing (case-by-case)	Rec. #5 (pp. 18-19)	No	1,2,3,4,5/ Need approval of the changes	<p>Identify best practices. May include: City's ethics principles; high-level rules and regulations; specification that Program covers City elected, appointed officials, and City employees, including those that do not report to the City Manager. Language of the City's broad ethical values. Specific requirements pertaining to: Campaign finance; Lobbying; Conflict of Interest; Anti-corruption; Governmental Ethics.</p> <p>The City Attorney's Office actively provides guidance on the most effective manner to incorporate emerging ethics recommendations on a case-by-case basis.</p>
3.2.	Create Ethics Training Program based on Code of Conduct, plan roll-out, and oversee deployment. Provide tracking / reporting mechanism for compliance oversight	Q4 FY22	Rec. #12, Rec. #19 (pp. 33 & 37)	Yes	1/No	<p>Annual training specifically targeted for Elected & Appointed; Leaders; all others. To include tracking of mandatory sexual harassment prevention training. Support from Human Resources and other departments will be needed.</p> <p>Design a training that is no more than 30 minutes in length, with content that is engaging and inspiring. Training may include compliance, specific policies, and reporting procedures. Training should also cover how ethics applies to departments and individual roles. The training should include real-world examples and case studies that help participants think critically through scenarios that they may encounter.</p> <p>New hires to receive training within 30 days from being brought onboard. All staff to receive training annually.</p>

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						<p>Create a series of ethics “refresher” training methods, such as holidays, elections, and other events.</p> <p>Develop and incorporate engaging and even entertaining training methods, such as videos demonstrating an ethical dilemma. Can also include use of games, contests, and marketing.</p> <p>Update training material annually to reflect the latest issues, and updated policies and procedures. Keep content fresh and interesting.</p> <p>Identify short-term and long-term program goals. These could include training completion rates, incoming questions by staff, response to follow-up opinion changes.</p> <p>Staff has identified a training platform in coordination with Human Resources to launch Phase I Training, which will be a Citywide 30-minute ethics training video. Staff will also include a survey to understand the effectiveness of the training and will begin to benchmark ethics training through the percent of training completion by staff. Training is expected to be launched in early 2023.</p>
3.3.	Incorporate Supplier Code of Conduct into contracting; develop communications/ outreach to vendors	Q1 FY23	Rec. #16 (p. 34)	No	1,2,5/No	<p>Work with City Staff to incorporate into contracting (at issuance or renewal); include reporting and oversight mechanism. Require consultants to submit financial disclosures, where appropriate. (Audit Rec. #18; p. 34).</p> <p>Staff is meeting with Financial Management and City Attorney’s Office through October 2022 to determine best manner to conduct outreach and introduce to City vendors.</p>
3.4.	Create and execute Outreach	Q4 FY22	Rec. #6,	No	1,3,4/No	<p>Utilize existing City communications platforms and encourage ethics messaging from leadership</p>

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	Plan to City employees, elected and appointed officials		Rec. #7 (pp. 21 & 24)			<p>because they have the ability to strongly influence tone.</p> <p>Create branding material and a campaign to appeal to public service motivation, mission valence, and civic pride. Materials should include FAQ, contact info to receive help, and motto.</p> <p>Create an ethics communications plan</p> <p>An outreach plan is being developed alongside the 30-minute training.</p>
3.5.	Create and execute Public Outreach Plan with resources for public on ethics issues, including penalties	Q2 FY23	Rec. #6 (p. 21)	No	4/No	<p>Establish website (per 2.2 above) to house all materials, processes; include a guide with questions to understand what might be a conflict; look to use FPPC advice line and resources; other modes.</p> <p>Create branding material and a campaign to appeal to public service motivation, mission valence, and civic pride. Materials should include FAQ, contact info to receive help, and motto.</p> <p>EO is currently focused on developing a Citywide training, staff resources webpage, outreach plan, and marketing plan. The EO will pivot to public-facing outreach after training and other resources have launched for staff.</p>
3.6.	Establish Citywide Ethics Liaison	TBD				<p>Issue a policy directive for all City departments to designate an ethics liaison.</p> <p>The Ethics Officer and City Manager staff will begin to work with City Manager and Non-City Manager departments to begin to establish ethics liaisons. Administrative Officers have been introduced to the Ethics Program and are provided Program updates as needed.</p>

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Intake & Investigation						
4.1.	Identify and if needed establish Clear Paths for Reporting of Ethics Violations , including an anonymous reporting tool (hotline and on-line) and a city-wide database (to be used regardless of the reporting path)	Q1 FY23	Rec. #7 (p. 24)	?	1,2,5/No	<p>Identify current paths for reporting certain offenses and identify gaps; assess how investigations are assigned / conducted and identify gaps; identify other resources to receive complaints. Include sexual harassment and discrimination policies. What does accountability look like?</p> <p>Create an ethics helpline to encourage audiences to proactively reach out with ethics related questions, concerns, or report.</p> <p>Civil Service and Human Resources Departments presented information on reporting pathways to the Commission as well as violation outcomes from 2019.</p> <p>The Ethics Capstone Team recommendations will be reviewed for potential next steps on best ways to educate staff on reporting pathways. This deliverable will also be part of the Education Program.</p>
4.2.	Obtain necessary authority to work with City Auditor to implement process of Audits and Effectiveness Checks	Q2 FY22	Rec. #1 (p. 13)		1,2,5/Need access to info without broader publication	
4.3.	Establish / enhance Investigation Function within city and develop guidelines for City conducted	Q3 FY23	Rec. #1 (p. 13)	Yes	1,2,5/Yes: If EC takes on investigative function.	Prepare matrix of investigative authorities, including FPPC. Charter Amendment will be needed if EC to take on investigations.

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	investigations. Establish EC Role in Investigatory Process					
Oversight of City Ethics Program						
5.1.	Implement Proactive Measures and Checks for Ethics Program effectiveness	Q2 FY22	Rec #1, Std #1 (pp 11-13)	No	1,2,5/Yes, if centralized in EC	Who is responsible for what? Consider centralization to ensure program consistency and effectiveness. Work with City Manager, City Attorney, and City Auditor on process for receiving reports, data and information on Ethics issues.
5.2.	Identify Penalties and Discipline that can be imposed for violations. Assess possible changes.	Q1 FY23	Rec. #9 (p. 28)	No	1,2,3/ Potentially yes	Consult with Human Resources and the City Attorney any proposed changes. Establish Corrective Action Guidelines Develop a clear, responsive action plan for managing ethical transgressions with accountability. The plan should include penalties or disciplinary actions for ethical misconduct and information on how retaliation is addressed at the City. Create a reporting chart showing the processes, once determined, and post online.
5.3.	Implement Annual Certification of Compliance with City's Ethics Code	Q3 FY22	Rec. #11 (p. 33)	No	1,2,5/No	May have different certs for employees, managers, and City Council. Collaborate with City Clerk, City Attorney, HR, City Manager, etc. as needed. May need amendment to Municipal Code. The recommended Code of Conduct and Ethics language will require staff to acknowledge receipt of the Code as well as complete a yearly 30-minute training.
5.4.	Improve Form 700 Compliance ,	Q3 Annually	Rec. #21 (p. 44)	No	2,5/No	Request updated report on status of Form 700 filings. May include recommendation of local fines and/or other penalties for adoption by City Council.

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	enforcement, and investigation					City Clerk will provide periodic updates and an annual report.
5.5.	Review existing Gift Disclosure policy and propose, if needed, improved process for Review of Gift Disclosures and Donors against City contracts, development projects to ensure there is no conflict of interest	Q2 FY23	Rec. #22 , Rec #23 ; (p. 47)	No	1,2,5/No	Draft and recommend language and process that increases timely submission compliance of all applicable gift disclosure forms prior to or within 10 days of gift receipt; AR8-2 and AR2-5 . The City Attorney's Office provided a presentation on the City's gift disclosure policies in May 2022. This item is now complete.
5.6.	Direct appropriate staff to Periodically Audit City Buyers' Activities	Q3 FY22	Rec. #17 (p. 34)	No	1,2,5/Yes	Charter Amendment may be needed as well as assistance from City Auditor's Office. Financial Management presented on the new procurement process and its measures that deter, reduce, or eliminate unethical behavior during the procurement process during their presentation on February 2022.
5.7.	EC to conduct Proactive Audits on Select Campaign Contributions and Expenditures	Q2 FY23	Rec. #15 (p. 34)	Yes, f conducted by EC	1,2,5/Yes	Charter Amendment may be needed. Once process has been established, would EC hire a consultant/outside auditor?
Lobbying & Campaign Financing Requirements						
6.1.	Create Action Plan for Lobbying	Q2 FY23	Rec. #5 (p. 18)	No	No	Consider retention of external expert to conduct workshop with EC re best practices. For reference,

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	& Campaign Financing Requirements workstream					resources and code LBMC 2.08 relating to Lobbying can be found here: http://www.longbeach.gov/cityclerk/services/lobbyist/ This deliverable is currently under consideration by the Ad Hoc Committee on the Lobbyist Ordinance and work is ongoing. The Ad Hoc Committee is working with staff and will share finding and recommendations with the full Commission as progress is made in this area. Ad Hoc update expected in November 2023.
6.2.	Review City Lobbying & Campaign Financing Requirements and recommend changes, as needed	Q2 FY23	Rec. #5 (p. 18)	No	2/No	Benchmark; review distinction between advocacy and lobbying; non-profits/charitable organizations City Clerk presented on this issue in February 2022. This deliverable is currently under consideration by the Ad Hoc Committee on the Lobbyist Ordinance and work is ongoing. The Ad Hoc Committee is working with staff and will share finding and recommendations with the full Commission as progress is made in this area. Ad Hoc update expected in November 2023.
6.3.	Review sample of Mayor and City Council Visit Logs and Calendars to identify lobbyists and ensure compliance with requirements	Q4 FY22	Rec. #24 (p. 49)	No	1,2,5/If needed to get access to the records	Calendars to be included in definition of public records. The Ad Hoc Committee on the Lobbyist Ordinance has received all electeds' calendars that are available for review that were available for the timeline requested. This item is now complete.
6.4.	Oversight of City Revolving Door Regulations	Q1 FY23	Rec. #25 (p. 49)	No	1,2,5/Yes	City Manager's Office is working with City Attorney's Office to determine appropriate time to bring this item before the Commission.
6.5.	<i>Workstream deliverables to be expanded</i>					

Potential new workstream/deliverable:

- Incorporate new ethics-related language and questions in all city job postings, interview questions and the job performance evaluation process.

Duties of Ethics Commission

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

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

Q1: October 1 to December 31

Q2: January 1 to March 31

Q3: April 1 to June 30

Q4: July 1 to September 30

**City of Long Beach
Action Plan Deliverables Timeline
Anticipated Monthly Schedule**

2022

January	Workstream
Capstone Report on Ethics Education Program review	3.2
February	
Supplier's Code: Commission receives presentation from Financial Management on current supplier code work	3.3
Lobbying	6.2
March	
Anti-Retaliation/Anti-Harassment Policy presentation and review	2.7
April	
Immediate Family Disclosure Presentation and Review	2.10
Staff receives and synthesizes bargaining organizations feedback on Code and updates Code with any changes to present to Commission	2.3
May	
Commission's Disclosure Policy is brought back for review and adoption	
Gift Disclosure Policies presentation and review	5.5
June	
Form 700 Yearly Report	5.4
Commission's Disclosure Policy is brought back for review and potential adoption	
Discussion on District Attorney letter regarding campaign violations	6.2
Ethics Officer Report	
June Study Session	
Lobbying – Ad Hoc on Lobbyist Ordinance presentation and recommendations	6.2

July	
Commission Chair and Vice Chair elections	1.1
Ethics Officer Report	1.1
Procurement and accounts payables presentation	
Conflict of Interest Handbook and Gov. Code Section 87306.5 Presentation (Department COI due to Council no later than October 1, 2022)	2.9
Immediate Family Disclosure Presentation and Review	2.10
Action Plan Update	1.1
August	
Ethics Officer Report	1.1
Code of Conduct is shared with Commission and may be sent to Council for review and adoption as an ordinance	2.3
Lobbying	6.2
Conflict of Interest Handbook and Gov. Code Section 87306.5 Presentation (Department COI due to Council no later than October 1, 2022)	2.9
Report on Campaign Violations for Primaries	6.2
September	
Immediate Family Disclosure policy presentation and review	2.10
Disclosure Policy – Ad Hoc on Commission Disclosure Policy – Dual recommendation (1) Study session + (2) action item to adopt resolution amending the Commission’s rules regulations and bylaws	
Code of Conduct and Ethics to Council	2.3
Ethics Officer Report	1.1
October	
Ethics Officer Report	1.1
Disclosure Policy – Ad Hoc on Commission Disclosure Policy – Dual recommendation (1) Study session + (2) action item to adopt resolution amending the Commission’s rules regulations and bylaws	
Ethics Commission Website - Resources	
Ethics Program Motto	2.3

November	
Ethics Officer Report	1.1
Supplier's Code draft presentation and review	3.3
Hiring Process Overview – Civil Service	
Ethics Program Motto	2.3
California Cities Ethics Commission Authority Report	
Lobbying – Ad Hoc on Lobbyist Ordinance presentation and recommendations	6.2
December	
Ethics Officer Report	1.1
Ethics Guide Review	2.4
Biennial Departments Conflict of Interest Codes	
Public Records Request Act (PRA) presentation – City Attorney/City Manager	
Intranet (staff website portal) Overview Presentation	