

Margo Morales, Chair
Barbara A. Pollack, Vice Chair
Raul Añorve, Commissioner
Lani De Benedictis, Commissioner



Luke Fiedler, Commissioner
J. P. Shotwell, Commissioner
Susan Wise, Commissioner

FINISHED AGENDA & DRAFT MINUTES

**ETHICS COMMISSION IN-PERSON/VIRTUAL HYBRID MEETING
PURSUANT TO AB 361 (GOV. CODE SECTION 54953(e)(1)-(2))**

CALL TO ORDER (3:04 PM)

At 3:04 PM, Chair Morales called the meeting to order.

ROLL CALL (3:04 PM)

Commissioners Raúl Añorve, Lani De Benedictis, J. P. Shotwell, Susan Wise,
Present: Barbara Pollack and Margo Morales

Commissioners Luke Fiedler

Excused:

Also present: April Walker, Administrative Deputy City Manager; Julian Cernuda, Assistant to the City Manager; Heather Van Wijk, Ethics Officer; Taylor Anderson, Deputy City Attorney; Jonathan Nagayama, City Clerk Analyst.

REGULAR AGENDA (3:05 PM)

1. 23-001EC Recommendation to approve the minutes of the Ethics Commission Special Meeting on Wednesday, December 14, 2022.

A motion was made by Commissioner De Benedictis, seconded by Commissioner Añorve, to approve recommendation. The motion carried by the following vote:

Yes: 5 - Raúl Añorve, Lani De Benedictis, Susan Wise, Barbara Pollack and Margo Morales

Excused: 1 - Luke Fiedler

Absent: 1 - J. P. Shotwell

2. 23-002EC Recommendation to request the Chair and Vice Chair to prepare an annual report with the assistance of staff for transmission to Mayor and Members of the City Council on the Ethics Commission activities for 2022.

Commissioner Shotwell joined the meeting.

Chair Morales spoke.

A motion was made by Commissioner De Benedictis, seconded by Commissioner Wise, to approve recommendation. The motion carried by the following vote:

Yes: 5 - Raúl Añorve, Lani De Benedictis, Susan Wise, Barbara Pollack and Margo Morales

Abstain: 1 - J. P. Shotwell

Excused: 1 - Luke Fiedler

3. 22-089EC Recommendation to provide staff with recommended changes to the draft Vendor's Code of Conduct.

Chair Morales spoke.

Commissioner De Benedictis spoke.

Taylor Anderson, Deputy City Attorney, spoke.

A dialogue ensued between Commissioner De Benedictis and Taylor Anderson, Deputy City Attorney.

Commissioner Shotwell spoke.

Taylor Anderson, Deputy City Attorney, spoke.

A dialogue ensued between Commissioner Shotwell and Taylor Anderson, Deputy City Attorney.

Chair Morales spoke.

Commissioner Añorve spoke.

Taylor Anderson, Deputy City Attorney, spoke.

Commissioner Wise spoke.

Vice Chair Pollack spoke.

Chair Morales spoke.

A dialogue ensued between Chair Morales and Vice Chair Pollack.

Taylor Anderson, Deputy City Attorney, spoke.

Chair Morales spoke.

A dialogue ensued between Chair Wise and Taylor Anderson, Deputy City Attorney.

Commissioner Shotwell spoke.

Chair Morales spoke.

Julian Cernuda, Assistant to the City Manager, spoke.

A motion was made by Chair Morales, seconded by Commissioner De Benedictis, to approve recommendation, as amended, to receive and file the comments and changes and create an Ad Hoc Committee on the draft Vendor's Code of Conduct whose members are Commissioner De Benedictis and Commissioner Shotwell. The motion carried by the following vote:

Yes: 6 - Raúl Añorve, Lani De Benedictis, J. P. Shotwell, Susan Wise, Barbara Pollack and Margo Morales

Excused: 1 - Luke Fiedler

4. 23-003EC

Recommendation to receive and file a presentation on the 2022 Biennial Conflict of Interest Code review for departments and commissions.

Phillip McGowan, City Clerk Specialist, spoke; and provided a PowerPoint presentation.

Vice Chair Pollack spoke.

Phillip McGowan, City Clerk Specialist, spoke.

A dialogue ensued between Vice Chair Pollack and Phillip McGowan, City Clerk Specialist.

Commissioner Wise spoke.

Chair Morales spoke.

Phillip McGowan, City Clerk Specialist, spoke.

A dialogue ensued between Chair Morales and Phillip McGowan, City Clerk Specialist.

Taylor Anderson, Deputy City Attorney, spoke.

Chair Morales spoke.

A dialogue ensued between Chair Morales and Taylor Anderson, Deputy City Attorney.

Commissioner Wise spoke.

Chair Morales spoke.

A dialogue ensued between Chair Morales and Commissioner Wise.

Phillip McGowan, City Clerk Specialist, spoke.

Commissioner Wise spoke.

A dialogue ensued between Commissioner Wise and Phillip McGowan, City Clerk Specialist.

Vice Chair Pollack spoke.

Phillip McGowan, City Clerk Specialist, spoke.

A dialogue ensued between Vice Chair Pollack and Phillip McGowan, City Clerk Specialist.

Monique De La Garza, City Clerk, spoke.

Vice Chair Pollack spoke.

A dialogue ensued between Vice Chair Pollack and Monique De La Garza, City Clerk.

Chair Morales spoke.

Commissioner Wise spoke.

Unidentified person spoke.

Chair Morales spoke.

A motion was made by Chair Morales, seconded by Commissioner Wise, to approve recommendation, as amended, to accept City Clerk's recommendation on how the Commission can participate in the ongoing process amendments to the code of conduct. The motion carried by the following vote:

Yes: 6 - Raúl Añorve, Lani De Benedictis, J. P. Shotwell, Susan Wise, Barbara Pollack and Margo Morales

Excused: 1 - Luke Fiedler

5. 22-081EC Recommendation to continue the study session to discuss the October 12, 2022 memorandum titled "Notice of Alleged Violations of the City's Ethics Policy" regarding the conduct of certain Councilmembers.

Chair Morales spoke.

Commissioner De Benedictis spoke.

Taylor Anderson, Deputy City Attorney, spoke.

A dialogue ensued between Commissioner De Benedictis and Taylor Anderson, Deputy City Attorney.

Commissioner Wise spoke.

Taylor Anderson, Deputy City Attorney, spoke.

A dialogue ensued between Commissioner Wise and Taylor Anderson, Deputy City Attorney.

Chair Morales spoke.

Vice Chair Pollack spoke.

Taylor Anderson, Deputy City Attorney, spoke.

Commissioner Shotwell spoke.

Taylor Anderson, Deputy City Attorney, spoke.

A dialogue ensued between Commissioner Shotwell and Taylor Anderson, Deputy City Attorney.

Commissioner Wise spoke.

Taylor Anderson, Deputy City Attorney, spoke.

A dialogue ensued between Commissioner Wise and Taylor Anderson, Deputy City Attorney.

Chair Morales spoke.

Commissioner Wise spoke.

A dialogue ensued between Chair Morales and Commissioner Wise.

Taylor Anderson, Deputy City Attorney, spoke.

Commissioner Wise spoke.

A dialogue ensued between Commissioner Wise and Taylor Anderson, Deputy City Attorney.

Vice Chair Pollack spoke.

Taylor Anderson, Deputy City Attorney, spoke.

Commissioner Wise spoke.

Chair Morales spoke.

A dialogue ensued between Chair Morales and Commissioner Wise.

Commissioner Shotwell spoke.

Vice Chair Pollack spoke.

Commissioner Wise spoke.

Chair Morales spoke.

Vice Chair Pollack spoke.

A dialogue ensued between Chair Morales and Vice Chair Pollack.

Commissioner De Beneditis spoke.

Commissioner Añorve spoke.

Taylor Anderson, Deputy City Attorney, spoke.

Commissioner Shotwell spoke.

Commissioner De Benedictis spoke.

Commissioner Wise spoke.

Unidentified person spoke.

Chair Morales spoke.

Chair Morales declared a recess at 4:53 PM.

Chair Morales called the meeting back to order at 4:57 PM.

Chair Morales spoke.

Taylor Anderson, Deputy City Attorney, spoke.

Commissioner Añorve spoke.

Taylor Anderson, Deputy City Attorney, spoke.

Commissioner Wise spoke.

A substitute motion was made by Commissioner Wise, seconded by Commissioner Shotwell, to approve recommendation, as amended, to recommend the City Council consider taking action on the alleged violations by Councilmember Austin and then Vice Mayor Richardson regarding the PSAs and in speaking on behalf of the City Council without authorization and creating the impression that the City supported their candidacy. The motion failed by the following vote:

Yes: 3 - J. P. Shotwell, Susan Wise and Barbara Pollack

No: 3 - Raúl Añorve, Lani De Benedictis and Margo Morales

Excused: 1 - Luke Fiedler

A motion was made by Chair Morales, seconded by Commissioner De Benedictis, to approve recommendation, as amended, to [1] based on the information provided to the Commission and under the Commission’s limited authority, to recommend to the City Council that Mayor Richardson and Councilmember Austin are censured for violating the City’s Ethics Policies in speaking on behalf of the City Council without authorization of the City Council and because such communications by candidates in advertisements and public service announcements during an election cycle create the impression that the City supports the Councilmember’s respective candidacies; and [2] recommend to amend Long Beach Municipal Code 1.26 to add a prohibition on public service announcements from the time that an incumbent candidate files their nomination paperwork. The motion carried by the following vote:

Yes: 4 - Lani De Benedictis, J. P. Shotwell, Barbara Pollack and Margo Morales

No: 2 - Raúl Añorve and Susan Wise

Excused: 1 - Luke Fiedler

6. 22-090EC Recommendation to receive and file a report on an Overview of the Powers and Authorities of Local California Ethics Commissions.

Chair Morales spoke.

A motion was made by Chair Morales, seconded by Commissioner De Benedictis, to approve recommendation, as amended, that the item be continued to the Ethics Commission meeting of Wednesday, February 8, 2023. The motion carried by the following vote:

Yes: 6 - Raúl Añorve, Lani De Benedictis, J. P. Shotwell, Susan Wise, Barbara Pollack and Margo Morales

Excused: 1 - Luke Fiedler

7. 23-004EC Recommendation to receive and file a presentation on the City of Long Beach employee Intranet Portal.

Heather Van Wijk, Ethics Officer, spoke; and provided a PowerPoint presentation.

Commissioner Shotwell spoke.

Heather Van Wijk, Ethics Officer, spoke.

Vice Chair Pollack spoke.

Heather Van Wijk, Ethics Officer, spoke.

A dialogue ensued between Vice Chair Pollack and Heather Van Wijk, Ethics Officer.

Commissioner Shotwell spoke.

Taylor Anderson, Deputy City Attorney, spoke.

A dialogue ensued between Commissioner Shotwell and Taylor Anderson, Deputy City Attorney.

A motion was made by Commissioner Añorve, seconded by Commissioner Shotwell, to approve recommendation. The motion carried by the following vote:

Yes: 6 - Raúl Añorve, Lani De Benedictis, J. P. Shotwell, Susan Wise, Barbara Pollack and Margo Morales

Excused: 1 - Luke Fiedler

8. 23-005EC Recommendation to receive and file a monthly update from the Ethics Officer.

Heather Van Wijk, Ethics Officer, spoke; and presented the staff report.

Vice Chair Pollack spoke.

Commissioner Wise spoke.

Heather Van Wijk, Ethics Officer, spoke.

A dialogue ensued between Commissioner Wise and Heather Van Wijk, Ethics Officer.

Commissioner Añorve spoke.

Commissioner De Benedictis spoke.

Chair Morales spoke.

A motion was made by Chair Morales, seconded by Commissioner Shotwell, to approve recommendation. The motion carried by the following vote:

Yes: 6 - Raúl Añorve, Lani De Benedictis, J. P. Shotwell, Susan Wise, Barbara Pollack and Margo Morales

Excused: 1 - Luke Fiedler

9. 23-006EC Recommendation to receive and file a report from the Ad Hoc Committees; and, if necessary, take appropriate action to dissolve or create Ad Hoc Committees.

Chair Morales spoke; and presented a report.

Vice Chair Pollack spoke.

A motion was made by Chair Morales, seconded by Vice Chair Pollack, to approve recommendation. The motion carried by the following vote:

Yes: 6 - Raúl Añorve, Lani De Benedictis, J. P. Shotwell, Susan Wise, Barbara Pollack and Margo Morales

Excused: 1 - Luke Fiedler

10. 23-007EC eComments and emails received for the Ethics Commission meeting of Wednesday, January 11, 2023.

This EC-Agenda Item was received and filed.

PUBLIC COMMENT (5:23 PM)

There was no public comment.

ANNOUNCEMENTS (5:23 PM)

Chair Morales spoke.

April Walker, Administrative Deputy City Manager, spoke.

ADJOURNMENT (5:24 PM)

At 5:24 PM, there being no objection, Chair Morales declared the meeting adjourned.

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NOTE:

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