

November 1, 2022

R-34

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to request the City Attorney to prepare an Ordinance to amend and restate Chapter 2.07 of the Long Beach Municipal Code to adopt a revised Code of Conduct and Ethics, as proposed by the Ethics Commission. (Citywide)

DISCUSSION

On December 9, 2020, the Ethics Commission (Commission) identified the need for a Commission Action Plan and the development of a Code of Conduct and Ethics (Code) for City of Long Beach (City) officials and staff. The Commission created an ad hoc committee to focus on the development of the Code to be included as an integral foundation for a formal Ethics Program.

The ad hoc committee worked with City staff to review the City's existing Code and gather best practices to present a draft of the updated Code to the full Commission for approval. The Code was approved by the full Commission.

On July 14, 2021, the Commission received feedback on the Code from City Departments and internal stakeholders. The Commission made additional edits based on the feedback, and on February 2022 the meet and confer process began with the City's labor organizations. On August 25, 2022 the City closed out the meet and confer process with the final labor organization. City staff provided additional information on the Ethics Education Program, which is currently under development. The Code did not change as a result of the Meet and Confer process. On September 14, 2022, the Commission approved the proposed Code and referred it to the City Council for an update to Long Beach Municipal Code (LBMC) Chapter 2.07 for codification.

Code of Conduct and Ethics

The Commission respectfully requests that the City Council directs the City Attorney to draft an Ordinance to replace the current Code of Ethics in LBMC Chapter 2.07 with the revised Code of Conduct and Ethics proposed by the Commission, and agreed upon by labor organizations. The proposed Code includes a values statement that highlights the importance of having a government that operates equitably, ethically, and that works to promote and preserve public trust and confidence. Further, the draft Code asks the City commit to the values of:

- Accountability—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—actions and practices that are open to public observation and scrutiny.
- Integrity—being truthful, seeking truth, and adherence to the City's values.

The proposed Code also includes a robust list of principles outlining actionable ethical conduct everyone in the City must adhere to. These values and principles set forth in the Code commit and encourage elected officials, employees, volunteers, and members of boards, commissions, and committees to undertake their duties with the highest ethical principles and to place the public interests in the forefront. The Code drafted by the Commission is included (Attachment).

This matter was reviewed by Principal Deputy City Attorney Richard F. Anthony on October 4, 2022 and by Budget Operations and Development Officer Rhutu Amin Gharib on September 29, 2022.

TIMING CONSIDERATIONS

City Council action is requested on November 1, 2022, to request the City Attorney draft an Ordinance to update the Code of Conduct and Ethics in LBMC Chapter 2.07 with the Code of Conduct and Ethics proposed by the Commission.

FISCAL IMPACT

The recommended action has no fiscal or local job impact. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



THOMAS B. MODICA
CITY MANAGER

Attachment

CITY OF LONG BEACH DRAFT

VALUES STATEMENT

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

The City of Long Beach commits to these values:

- Accountability—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—actions and practices that are open to public observation and scrutiny.
- Integrity—being truthful, seeking truth, and adherence to the City's values.

CODE OF CONDUCT AND ETHICS

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

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

- I will act with integrity and demonstrate courage in all dealings.
- I will ensure that all completed work activities are accurate and that any biases have been identified and addressed.
- I will be accurate and honest in all interactions and communications with others.

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

- I will be objective and impartial.
- I will never engage in acts of collusion, kickbacks, bribes, unlawful gifts, conflict of interest, or other improper influence, nor will I condone such acts by others.

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

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

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

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

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

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

- I will protect City data to promote cybersecurity and preserve confidentiality and privacy concerning the property, personnel, or other affairs of the City.

- I will handle and safeguard all non-public and proprietary information as protected under agreement or public law.
- I will protect all City assets, resources, and information to the best of my knowledge from loss, theft, and misuse.
- I will protect the interests of the City and those who have placed their trust in me.

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

- I will respect the diverse histories, values, and experiences represented in the City's various communities.
- I will anticipate effects of a decision on people in our City, especially if specific groups may be disproportionately harmed or helped.
- I will work to make sure that all the people in our City have the ability to actively participate and engage, and will work to eliminate barriers to public involvement in decisions, programs, and services.
- I will be mindful of our community's needs and be cognizant of their experience when interacting with City services.
- I will incorporate an equity lens consistent with City policy to ensure all policies and procedures are developed to provide equitable and socially just programs and services for all residents and employees.

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

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

8. As a representative of the City, I will make data-informed decisions, and embrace excellence and innovation.

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

- I will promote innovation that will enrich and transform the City's services, operations, and budget.

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

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

Name (Print)

Signature

Date

Fraud, waste, and abuse of City Funds or City property and materials must be reported to either the Department Director, City Manager, the City Auditor's Office, or anonymously through the City Auditor's Fraud Hotline at 1-888-327-8307.

Situations can be unique. If you have any questions or would like to make a disclosure you may reach out to your Department's Administrative Officer.