


Date: June 13, 2025

To: Mayor and Members of the City Council

From: Thomas B. Modica, City Manager 

Subject: **Ethics Commission Recommendation: Ethics and Good Government Act**

On [March 10, 2025](#), the Ethics Commission (Commission) approved a motion to forward the Ethics and Good Government Act to Mayor and City Council for consideration. This recommendation is the culmination of 16 months of work by the Commission's Ad Hoc Committee on Updated Policies (Ad Hoc). Throughout the process, the Ad Hoc worked with staff, including the Office of Ethics and Transparency and the City Attorney's Office. The Commission's proposal was also reviewed by staff in the City Auditor's Office and Human Resources Department. Feedback was considered by the Ad Hoc and included when they were in agreement, but the final proposal is the Ethics Commission's.

In 2020, the City Auditor's [Ethics Survey and Program Performance Audit](#) identified the need for a centralized, comprehensive ethics framework, as current standards are dispersed across multiple departments. Since then, the Office of Ethics and Transparency (OET) has prioritized building an accessible ethics program for both employees and the public, and in alignment with this goal, the Commission recommends adopting Title IV of the Long Beach Municipal Code, the *Ethics and Good Government Act* (EGGA). The proposed ordinance consolidates existing ethical standards and introduces best practices to promote transparency, accountability, and public trust.

Staff Comments and Recommendations

Staff appreciates the Ethics Commission's extensive work over the past year to develop the EGGA. This recommendation reflects a deep commitment to public trust, transparency, and efficiency. To support a productive and informed review of this proposal, staff has prepared an annotated version in **Attachment A**, highlighting new provisions (in yellow); identifying alignment with existing State laws, local laws, and City administrative regulations (in green); as well as offering specific recommendations and edits to language found in the Commission's proposed ordinance (in orange). This annotated version is offered as a resource to ensure clarity and consistency, flag potential implementation issues, and recommend options to support successful integration of the EGGA into City operations. The Commission's recommendation and draft ordinance is included as **Attachment B**.

As an ordinance, the proposal would codify many existing administrative policies that impact City employees into law, making violations misdemeanors, and would require meet and confer before moving forward. These proposals, though well-intentioned, would be more appropriately implemented through administrative and progressive discipline rather than prosecution. One suggested approach is to align the ordinance with FPPC requirements, with it applying to Form 700 filers, so there are not two different ethics rules for City employees.

Other key staff recommendations include:

- Addressing ethics training deadlines and outside activity restrictions through administrative regulations.
- Replacing or clarifying terms (e.g., substituting “agency” with “appointing authority” or “Ethics Office” with “appropriate reporting mechanism”) for accuracy and consistency.
- Revising the language around post-employment restrictions to include executive leadership in the Harbor and Utilities departments.
- Recommending refinements to conflict-of-interest and nepotism language to enhance applicability and clarity.
- Clarifying that the City Attorney’s advisory role should not be extended into areas governed by the Fair Political Practices Commission (FPPC).
- Suggesting that donation and fundraising provisions be governed by administrative policy to avoid redundancy and enhance manageability.
- Identifying items that may require further legal review, including enforcement responsibilities for civil penalties and department-level discretion over fundraising activities.

In addition to these staff recommendations for further refinement, the proposed EGGA also includes *Chapter 4.09, Lobbyists*, related to the Ethics Commission’s recent recommendations to develop a lobbying ordinance. These recommendations were originally shared with Mayor and Council in an [August 26, 2024, memorandum](#) and are included as **Attachment C**. City Council may consider whether to move the existing lobbyist provisions in the Long Beach Municipal Code, Chapter 2.08, into the broader EGGA framework or to incorporate new or revised lobbying provisions.

Furthermore, if there is interest in moving forward with the EGGA proposal, staff recommends providing the City Attorney authority to conduct an additional review to ensure the final recommendations align with the City Charter, State law, and City policies, and to prepare a formal draft ordinance incorporating any necessary changes and corrections.

Next Steps

Should the Mayor and City Council wish to proceed with the adoption of the EGGA, the next step is to agendaize an item at a future City Council meeting to provide direction on developing the proposed ordinance. Based on that direction, staff will initiate the meet and confer process to review potential changes that impact City bargaining units and then work with the City Attorney to refine the draft ordinance and return to City Council for further review and input.

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For more information, please contact Heather Van Wijk, Ethics Officer at - heather.vanwijk@longbeach.gov or (562) 570-7443.

ATTACHMENTS: A – STAFF ANNOTATED VERSION
B – ETHICS COMMISSION'S PROPOSED ORDINANCE
C – ETHICS COMMISSION LOBBYIST ORDINANCE RECOMMENDATIONS

CC: DAWN MCINTOSH, CITY ATTORNEY
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DEPARTMENT HEADS

TITLE 4

ETHICS AND GOOD GOVERNMENT ACT (**Staff Annotated Version**)

- Chapter 4.01 – General Provisions
- Chapter 4.02 – Code of Conduct and Ethics
- Chapter 4.03 – Conflict of Interest
- Chapter 4.04 – Use of City Resources
- Chapter 4.05 – Gifts, Meals, and Entertainment
- Chapter 4.06 – Outside Activities
- Chapter 4.07 – Political Activities
- Chapter 4.08 – Ex Parte Contacts and Fair Hearings
- Chapter 4.09 – Lobbying
- Chapter 4.10 – Donations, Sponsorships, and Fundraising

Chapter 4.01

GENERAL PROVISIONS

4.01.010 – Act.

This title shall be known as “The Ethics and Good Government Act.”

4.01.020 - Findings, purpose, and intent.

- A. This Act is intended to provide a clear, comprehensive, and locally enforceable framework of ethical principles and laws that apply to all City departments, public servants, and City boards and commissions, and to ensure that Long Beach City government operates with integrity.
- B. This Act is based on the premises that:
 - 1. A public servant’s loyalty to City residents, laws, and ethical principles are placed before private gain or interests; and
 - 2. The integrity of City government depends upon public servants who are entrusted by the public to be transparent and always act in the public’s

best interest, using City resources efficiently, effectively and in a legal and ethically responsible manner; and

3. All individuals and groups who interact with the City should have a fair and equal opportunity to participate in government.
4. City resources and the City's authority shall be used by public servants solely for the benefit of the public and not for private or individual gain.

C. This Act is intended to:

1. Assure that individuals and interest groups in the City have a fair and equal opportunity to participate in the governmental process;
2. Assure that the governmental process itself promotes fairness and equity for all residents of the City regardless of race, color, creed, religion, national origin, age, sex, marital status, sexual orientation, or disability;
3. Require designated public servants to disclose investments, interests in real property, and income when entering office, leaving office, and annually to prevent conflicts of interests;
4. Prevent public servants from receiving outside earned income that creates a potential or actual conflict of interests;
5. Assure that current and former public servants observe lobbying regulations, including for specific periods of time after they separate from City service;
6. Increase understanding of the City Charter and ordinances, the roles of public servants, and the roles of City agencies; and
7. Foster participation and strengthen public participation, confidence and trust in the City's government process.

D. Enforcement authority established by this Act shall not be applied to alleged violations occurring prior to the effective date of this Act, except as to continuing violations after proper notice.

E. The provisions in this Act are in addition to other local, State and Federal laws, some of which are cited by and incorporated into this Act.

4.01.030 – Definitions.

Unless the term is specifically defined in this Act, or the definition is stated or clearly appears from the context, the definitions set forth in the state (e.g., the California Political Reform Act) or local law that is cited as the source of each relevant provision in this Act shall govern the interpretation of that provision.

- A. "Appointing authority" means the body, department head, group of persons, or person having the power by lawful delegated authority to make appointment to or removal from an established position in the City service.
- B. "Business partner" means an individual or entity in which the public servant benefits financially "Business partner" includes any individual or entity who is in a legal relationship between the public servant and one or more individuals and/or entities where said individuals and/or entities invest their money, resources, or time in the business, and each partner benefits from any profits and sustains part of any losses and also includes any individual that owns real property jointly with a public servant.
- C. "City" or "City of Long Beach" means and includes the City of Long Beach, any affiliated agency created or activated by the Long Beach City Council and the City Charter, and all departments, boards, commissions, committees thereof. "City" does not include the Long Beach Unified School District.
- D. "City board or commission" refers to all advisory boards, commissions and committees established by the City Council and City Charter, and any advisory board, commission, and committee established by a City Department that is advisory to said department.
- E. "City Council" means the City Council as defined in Article 2, Section 200 of the Long Beach City Charter.
- F. "City's Conflict of Interest Code" means the Conflict of Interest Code adopted by a resolution of the City Council, as it reads on the date this ordinance is adopted and as it made be amended from time to time.
- G. "City employee" means all full, part-time, temporary, and seasonal employees of the City.
- H. "City resources" means any property or asset owned by the City, including but not limited to land, buildings, facilities, funds, equipment, supplies and services, telephones, computers, vehicles, travel, and City-compensated time.
- I. "Close personal relation" or "Close personal relationship" means an intimate partner, a business partner, and an immediate family member.
- J. "Conflict of interest" is when a public servant is engaged in an activity or has a personal interest, including financial, that may conflict or appear to conflict with the public servant's objectivity or ability to perform the one's official responsibilities.
- K. "Compensation" means the receipt of any monetary or non-monetary payment for the services or time of a person. "Compensation" includes, but is not limited to, salary, wages, fees, and any discount or economic opportunity not made available in the regular course of business to members of the public. "Compensation" does not include a stipend paid to a board member of a public non-profit corporation to which the City is the sole member.

- L. "Confidential information" means information to which any of the following apply:
1. At the time of the use or disclosure of the information, the disclosure is prohibited by a statute, regulation, or rule which applies to the City; or
 2. The information is not general public knowledge and will have, or could reasonably be expected to have, a material financial effect on any source of income, investment, or interest in the real property of a public servant; or
 3. The information pertains to pending contract, labor, or real property negotiations and disclosing the information could reasonably be expected to compromise the bargaining position of the City; or
 4. The information pertains to pending or anticipated litigation and disclosing the information could reasonably be expected to compromise the ability of the City to successfully defend, prevail in, or resolve the litigation.
- M. "Designated filer" means a person holding a position listed in the City's Conflict of Interest Code.
- N. "Doing business with the City" means entering into or performing pursuant to a contract with the City. "Doing business with the City" includes soliciting, entering into, or performing contracts for goods, equipment, services, or financial assistance (e.g., grant funding).
- O. "Ethics Officer" means the Ethics Officer of the City.
- P. "Financial interest" means anything of monetary value, including but not limited to compensation, equity, gifts, and intellectual property of a public servant or a person with a close personal relationship with a public servant. Financial interests include, but are not limited to, a business entity, real property, income, gifts, and personal finances as those terms are defined by the PRA.
- Q. "Form 700" means Statement of Economic Interest form required to be filed by certain public servants by the FPPC and the City's Conflict of Interest Code.
- R. "FPPC" means the Fair Political Practices Commission.
- S. "Gift" means any payment that confers a personal benefit on the recipient, to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public. Any person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value. The value of a gift shall be as determined by title 2, section 18946 of the California Code of Regulations.

- T. "Honorarium" means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. For purposes of this Subsection:
1. A "speech given" means a public address, oration, or other form of oral presentation, including participation in a panel, seminar, or debate.
 2. An "article published" means a nonfictional written work:
 - a. That is produced in connection with any activity other than the practice of a bona fide business, trade, or profession; and
 - b. That is published in a periodical, journal, newspaper, newsletter, magazine, pamphlet, or similar publication.
 3. "Attendance" means being present during, making an appearance at, or serving as host or master of ceremonies for any public or private conference, convention, meeting, social event, meal, or like gathering.
- U. "Influencing a municipal decision" means affecting or attempting to affect any action by a public servant on one or more municipal decisions by any method, including promoting, supporting, opposing, participating in, or seeking to modify or delay such action. "Influencing a municipal decision" also includes providing information, statistics, analysis or studies to a public servant.
- V. "Intimate partner" means a spouse, domestic partner, or any person who regularly cohabits with or uses the domicile of a public servant as their residence.
- W. "Immediate family" means a public servant's intimate partner and dependent children.
- X. "Loan" means the temporary transfer of money or goods for the personal use of an individual with the expectation that the money or goods will be returned.
- Y. "Lobbying" has the same meaning as proscribed in Chapter 4.09 of this Code.
- Z. "Lobbyist" has the same meaning as proscribed in Chapter 4.09 of this Code.
- AA. "Ministerial act" means an act that does not require a public servant to exercise discretion concerning any outcome or course of action.
- BB. "Municipal decision" means any governmental decision that is not a ministerial act.
- CC. "Officeholder" means the Mayor, City Councilmembers, City Attorney, City Auditor, and City Prosecutor.
- DD. "On the public record" means, disclosure made on the minutes of a public meeting at which the governmental decision is being made, or if the

governmental decision is not being made in a public meeting, a memorandum kept on file at the offices of the public servant's department, board or commission, or agency.

EE. "Political Reform Act" means the Political Reform Act of 1974 and any regulations promulgated thereunder, as said Act reads on the date this ordinance is adopted and as it may be amended from time to time.

FF. "Private business" means any organization, partnership, corporation, or entity that is not a public agency.

GG. "Public Agency" means the United States or any of its agencies; the State of California; the City; any political subdivision of the State, including counties and districts; or any public corporation, agency, or commission.

HH. "Public hearing" means any meeting as defined by the Ralph M. Brown Act where a public record is kept of who spoke and who was represented by a lobbyist testifying at that hearing.

II. "Public servant" includes:

1. All elected or appointed officials of the City, including any such official elected but not yet sworn in; and
2. All City board, commission, and committee members, including Charter Commissions, such as the Board of Harbor Commissioners, Board of Utilities Commissioners, and the Civil Service Commission; and
3. All City employees, and interns; and
4. All consultants of the City who are required to file a Form 700 pursuant to the City's Conflict of Interest Code and the California Political Reform Act; and
5. All officers, members, and employees of any other affiliated agency created or activated by the Long Beach City Council, and all departments, boards and commissions thereof, such as, the Housing Authority, the Successor Agency of the Redevelopment Agency of the City, Long Beach Housing Development Company, Long Beach Transit, Long Beach Community Investment Company, Long Beach Unified School District, Arts Council, Convention Visitors Bureau.

JJ. "Relative" means any child, parent, sibling, sibling-in-law, child-in-law, parent-in-law, sibling of a parent, niece, nephew, stepparent, step-child, grandparent, any similar relationship created by adoption, a person who has a child in common with the public servant regardless of whether they have been married or have lived together at any period of time; and a person who regularly cohabits with or uses the domicile of a public servant as their residence.

KK. "Restricted source" means:

1. A lobbyist; or
2. A person doing business with or seeking to do business with the City; and
3. A person who communicated with a public servant pertaining to a municipal decision which would have a material financial effect on such person; or
4. A person who is a party to a municipal decision which within the prior twelve (12) months was pending before the public servant, and for twelve (12) months following the date a final decision is rendered in the proceeding.

A "restricted source" does not include an individual (other than a lobbyist) who is employed by a restricted source if they are not acting on behalf of their employer. "Restricted source" includes any affiliate of an entity identified in this Subsection.

4.01.040 – Compliance with laws.

Public servants must comply with all applicable Federal, State, county, and City laws, ordinances, regulations, policies, and rules while employed by, or appointed or elected to service to, the City.

4.01.50 – Required ethics and other mandatory trainings.

- A. All public servants must complete ethics training related to the ethical values, principles, and conduct expected of public servants outlined in this Act annually. Public servants shall have one hundred and twenty (120) days from the date of enrollment in the training to complete such annual ethics training. (Please note that adding a timeframe for compliance will require meet & confer, especially if there are consequences for not complying. Staff recommends that this requirement for City employees would be better addressed through an administrative regulation).
- B. If a member of a City board or commission fails to complete the ethics training required by California Government Section 53234 et seq. within the time period specified therein, that person must automatically be removed from membership from the body to which they are appointed.
- C. In addition to the requirements in Sections A and B, public servants shall complete all other trainings mandated by local, City, State, or Federal law, regulations, policies, or the like within the time periods specific therein.

4.01.060 – Duty to report.

- A. Public servants have a duty to, and must, report information evidencing a violation of any law or regulation; gross mismanagement; fraud, waste, or abuse of City resources; an abuse of authority; or a substantial and specific danger to public health or safety of themselves or another public servant (**Government Code Section 8547 (CA Whistleblower Protection Act)**). Reports of fraud, waste, or abuse of City resources shall be made to either the public servant's department director, the City Auditor, or anonymously through any helpline established by the City Auditor or City Ethics Office, or its equivalent.
- B. Reports of fraud, waste, or abuse of City resources shall be referred to the City Auditor.
- C. No person shall knowingly and intentionally furnish false or fraudulent evidence, documents, or information to any authority investigating an alleged violation of this Chapter, or knowingly and intentionally misrepresent or omits any material fact, or conceal any evidence, documents, or information relevant to an investigation of an alleged violation of this Chapter. In addition to the penalties provided by Section 4.01.100 of this Act, any person that violates this Subsection is guilty of a misdemeanor pursuant to Section 1.32.010 of this Code.

4.01.070 – Duty to cooperate in investigations.

Public servants have a duty to, and must, cooperate fully with any internal and external investigations, including audits, conducted by a City department or an outside entity. Public servants must respond to questions posed during an investigation upon being informed that their statement will not be used to incriminate them in a criminal proceeding.

4.01.080 - Prohibition against retaliation for reporting Violations. (Whistleblower protection)

- A. In addition to the provisions of **California Labor Code Section 1102.5 and 41 U.S. Code § 4712**, as they may be amended from time to time, a public servant shall not use or threaten to use any official authority or influence to discourage, restrain, or interfere with any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention the appropriate agency, office, or department any information which, if true, would constitute.
 - 1. A work-related violation by a public servant of any law or regulation; or
 - 2. A gross waste of City funds; or
 - 3. A gross abuse of authority; or
 - 4. A conflict of interest of a public servant; or

5. A specific and substantial danger to public health or safety due to an act or omission of a public servant, use of a City office or position, or use of City resources for personal gain.
- B. A public servant shall not use or threaten to use any official authority or influence to effect any action as a reprisal against a public servant who reports or otherwise brings to the appropriate agency, office, or department any information regarding the subjects described in Subsection (A).
 - C. Any person who believes they have been subjected to any action prohibited by this Section may file a complaint with the City Ethics Officer. The Ethics Officer shall refer the complaint to the appropriate agency (recommend replacing with 'appointing authority') for investigation and said agency (recommend replacing with 'appointing authority') shall thereupon investigate the complaint. Upon the conclusion of its investigation, the agency (recommend replacing with 'appointing authority.') may take appropriate action as allowed under its enforcement authority.

4.01.090 – Relationship to other ordinances and City policies or regulations.

- A. These provisions are not intended to abrogate or impair the provisions of any other section of this Code that does not conflict with the provisions of this Chapter. However, in the event of a conflict between the provisions of this Chapter and the provisions of any other ordinance, the provisions of the Code that establish the more stringent, superior or higher standards shall control.
- B. These provisions are intended to set consistent ethical regulations for all public servants and all City departments (recommend adding 'including Appointed (Clerk and Police Oversight), Elected (Attorney, Auditor, City Council, Mayor, and Prosecutor), Harbor, and Utilities). Except as otherwise provided by this Act, this Act, and procedures established to implement this Act, supersede and replace any conflicting City policies and procedures relating to government ethics in this Act in place as of the effective date of this ordinance. City departments may consult with the City Attorney to obtain a determination as to whether a City policy or procedure in existence at the time of adoption of this ordinance or thereafter conflicts with this Act.
- C. City departments may adopt regulations that are more restrictive than the provisions in this Act. However, where there is a conflict between a City policy or procedure and this Act, the more restrictive provision shall control.
- D. Where there is a conflict between this Act and any provisions required by State or Federal law, the most restrictive provision shall govern.

4.01.100 – Enforcement and penalties.

- A. The provisions of this Chapter express standards of ethical conduct expected of public servants. As an expression of such standards, the provisions of this

Chapter are intended to be self-enforcing for the most part. As individuals, public servants have the primary responsibility to ensure that these ethical standards and ethical standards required by law are understood and met and that the public can continue to have full confidence in the integrity of government. This Chapter will be most effective when public servants are thoroughly familiar with the expressed standards and embrace them.

- B. A violation of the provisions of this Act shall not be considered and shall not constitute a basis for challenging the validity of any decision by the City Council or any other body, department, agency of the City, or any other affiliated agency created or activated by the City Council, and all departments, boards and commissions thereof.
- C. Alleged violations of this Act that also pertain to provisions of the California Political Reform Act must be reported to the Fair Political Practices Commission of the State of California.
- D. Alleged violations of this Act that may constitute a misdemeanor criminal offense pursuant to Chapter 1.32 of this Code, including those outside of the purview of the Fair Political Practices Commission, should be reported to the Long Beach City Prosecutor. The City Prosecutor may remedy such violations of this Act pursuant to Chapter 1.32 of this Code (This section allows the Act to be enforced by Misdemeanor Prosecution).
- E. Alleged violations of this Act that may constitute a felony criminal offense independently from this Chapter under State or Federal law, including those outside of the purview of the Fair Political Practices Commission, should be reported to the Los Angeles County District Attorney's Office (This section allows Federal or State felony criminal prosecution).
- F. Except as otherwise expressly provided by this Act, failure to comply with a provision of this Act is considered a violation of this Act and enforceable by Subsection G.
- G. Except as otherwise expressly provided by state law and this Act, the following shall constitute the exclusive means and procedures of enforcing the provisions of this Act:
 - 1. Alleged violations of this Act by a public servant ~~should~~ shall be reported to an approved reporting mechanism or the Ethics Officer. If a matter is reported to City approved reporting mechanism other than the Ethics Officer, Upon receipt of the report, the Ethics Officer shall be notified of refer the complaint matter to ensure that the appropriate appointing authority or their designee is assigned for investigation.

2. For alleged violations of this Act by an officeholder upon receipt of the report, the City Attorney shall discuss the matter with the public servant who is the subject of the allegation, advising such person of the alleged violation and endeavoring to avoid future violations in the event one has occurred. In the event the officeholder is the City Attorney, the Assistant City Attorney shall refer the matter to a third party. The City Attorney or Assistant City Attorney shall present the matter to the City Council for review in a manner consistent with the highest level of transparency possible, to the extent consistent with state law (This provides that any issues resolutions related to allegations against Council Members shall be discussed in Open Session at City Council. This is codifying a procedure that did not previously exist) Further, upon a finding by a majority of the City Council that any Council member or the Mayor has violated any provision prohibited by this Act, the City Council may impose any of the following sanctions on said Council member or the Mayor:

- a. Public apology by the public servant to the complainant;
- b. Recommendation for training;
- c. Removal from regional committees;
- d. Public censure; or
- e. Restrict from traveling to attend meetings or conferences outside the City limits.

3. Upon a finding by a majority of the City Council that any member of a board or commission has violated any provision prohibited by this Act, the City Council may impose any of the following sanctions on said member:

- a. Public apology by the public servant to the complainant;
- b. Recommendation for training;
- c. Referral to the board or commission of which the individual is a member for public censure;
- d. Public censure by the Mayor and City Council;
- e. Removal from Chair, Vice-chair, officer, or other leadership positions; or
- f. Removal from office as provided for by City Charter Section 510 or Chapter 2.18.

4. For alleged violations of this Act by the City Manager, the *Assistant City Manager* (Recommend removing *Assistant City Manager*; recommend adding *Director of Police Oversight*), and the City Clerk, upon receipt of the report, the City Attorney shall discuss the matter with the public

servant who is the subject of the allegation, advising such person of the alleged violation and endeavoring to avoid future violations in the event one has occurred. In the event the appointing authority, or their designee (this language may be confusing), determines that a violation of this Act has occurred the appointing authority, or their designee, may take appropriate action in accordance with applicable City rules, regulations, and procedures related to employment and/or discipline.

5. For alleged violations of this Act by a City employee, upon receipt of the report, the appointed authority, or their designee, shall commence an investigation to determine whether the alleged violation is substantiated. The appointed authority, or their designee, shall discuss the matter with the person who is the subject of the allegation, advising such person of the alleged violation. In the event the appointed authority, or their designee, determines that a violation of this Act has occurred, the appointed authority, or their designee may take appropriate action in accordance with applicable City rules, regulations, and procedures related to employment and/or discipline.

H. Any person who is either the complainant, or the subject of a complaint, filed pursuant to this Section is prohibited from participating in any deliberations or decision concerning any sanctions to be imposed pursuant to such complaint.

I. Penalties for violations involving close personal relations.

1. Any appointment made in violation of this Title is void and of no effect.

2. A court may void any governmental decision made by a public servant who fails to disclose a relationship as required by Chapter 4.03 if the court determines that:

- a. The failure to disclose was willful; and

- b. The public servant failed to render their decision with due diligence and primarily for the benefit of the City.

- c. No other penalties shall apply to a violation of this Subsection. Notwithstanding the foregoing, nothing in this Subsection shall prohibit an appointing authority from imposing discipline for a violation of this Subsection 4.030.010.

4.01.110 – CEQA.

This ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) because it is not a project within the meaning of 14 CCR § 15378 or alternatively, because it is covered by the general rule that CEQA applies only to projects which the potential for causing a significant effect on the environment (14 CCR

§ 15061(b)(3)). This ordinance implements regulations related to government ethics in the City that have no potential for direct or indirect changes to the environment.

4.01.120 – Severability.

In the event, any provision in this Act is deemed invalid, illegal, or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby and such provision is ineffective only to the extent of such invalidity, illegality, or unenforceability.

CHAPTER 4.02

CODE OF CONDUCT AND ETHICS

(LBMC Ch. 2.07)

4.02.010 – 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. Thus, the City commits to the following values:

- A. Accountability through the willingness to accept responsibility and account for one's actions.
- B. Equity by ensuring fairness and due process.
- C. Impartiality by being loyal to the public good.
- D. Diversity by embracing histories, values, and ideas from all backgrounds, and recognizing their contribution to improving the City's operations, services, and programs.
- E. Transparency in actions and practices that are open to public observation and scrutiny.
- F. Integrity by being truthful, seeking truth, and adherence to the City's values.

4.02.020– Written pledge.

It is incumbent for every representative of the City to uphold the City's Code of Conduct and Ethics. Public servants commit to undertaking their duties with the highest ethical principles and place the public's interest above their own.

Prior to assuming office, employment, or volunteering with the City, all public servants must pledge, in writing, to uphold the following principles

- A. To be truthful and honest, including:

1. Acting with integrity and demonstrating courage in all dealings.
 2. Ensuring that all completed work activities are accurate and that any biases have been identified and addressed.
 3. Being accurate and honest in all interactions and communications with others.
- B. To place the public's trust before their own personal interests, including:
1. Being objective and impartial.
 2. Never engaging in acts of collusion, kickbacks, bribes, unlawful gifts, conflict of interest, or other improper influence, nor condoning such acts by others.
 3. Not permitting personal interests to impair the individual's judgment or action.
 4. Not using the individual's position with the City for the public servant's private gain, for the endorsement of any product, person, or enterprise, or for private gain of relatives, close personal relationships, or business partners.
 5. Disclosing, and if necessary, recusing oneself from the decision-making process and any activities, dealings, and transactions on behalf of the City that may be related or be influenced by the individual's personal, financial, or outside activities.
- C. To be transparent, including:
1. Ensuring that all work products are completed in an open manner, with the knowledge that it may be subject to public inspection and/or release.
 2. Disclosing all personal, financial, or professional interests or outside activities that may relate to or influence the individual's role or official capacity.
 3. Promptly reporting any perceived or actual conflict of interest that may arise prior to rendering a decision, providing information, or offering a recommendation.
 4. Cooperating and supporting inquiries, reviews, audits, or other investigations that may be conducted by the City or other enforcement agencies.
 5. Complying with the Ralph M. Brown Act (California Government Code section 54950 et seq.) and observing all rules with respect to notice and public meetings.
 6. Committing to not discussing or communicating on matters to be voted on by the City Council or a City board, commission, or committee with another member of the body outside the public meeting in a manner inconsistent with the Ralph M. Brown Act commitment to transparency.
 7. Complying with the California Public Records Act (California Government Code section 54950 et seq.) including providing responsive records promptly to the public upon request.
- D. To be accountable, including:
1. Complying with all Federal, State, and City laws and regulations as well as applicable policies and procedures.

2. Being fiscally responsible with managing and overseeing City funds and resources, as it pertains to the individual's assigned responsibilities.
 3. Abiding by all applicable requirements pertaining to gifts and gratuities, including donations and honoraria.
 4. Adhering to all policy and procedures and contractual commitments to safeguard the integrity of the City's procurement and bidding and competitive processes.
- E. To safeguard all information, data, and assets entrusted to the individual's care, including:
1. Protecting City data to promote cybersecurity and preserve confidentiality and privacy concerning the property, personnel, or other affairs of the City.
 2. Handling and safeguarding all non-public and proprietary information as protected under agreement or public law.
 3. Protecting all City assets, resources, and information to the best of the individual's knowledge from loss, theft, and misuse.
 4. Protecting the interests of the City and those who have placed their trust in the individual.
- F. To recognize historic inequities and disparities and to support diversity and be inclusive in all the individual's actions, including:
1. Respecting the diverse histories, values, and experiences represented in the City's various communities.
 2. Anticipating effects of a decision on people in the City, especially if specific groups may be disproportionately harmed or helped.
 3. Working to ensure that all people in the City have the ability to actively participate and engage and work to eliminate barriers to public involvement in decisions, programs, and services.
 4. Being mindful of the community's needs and be cognizant of their experience when interacting with City services.
 5. Incorporating 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.
- G. To treat others with dignity, including:
1. Listening, being approachable, open-minded, asking questions, and participating when engaged.
 2. Treating all colleagues, the public, stakeholders, and anyone transacting business with the City with respect.
 3. Conveying the City's care for, and commitment to, its communities.
 4. Being courteous and civil in all interactions and communications with others.
- H. To make data-informed decisions, and embrace excellence and innovation, including:
1. Being 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.

2. Being proactive and innovative when setting goals and conducting the City's business.
 3. Promoting innovation that will enrich and transform the City's services, operations, and budget.
- I. To avoid even the appearance of impropriety and seek ethical guidance and immediately report a perceived Code of Conduct and Ethics violation, conflict of interest, fraud, waste or misuse of City resources, and inappropriate behavior to the appropriate authority for investigation.

4.02.030 – Enforcement.

The provisions of Chapter 1.32 of this Code and Section 4.01.100 shall not apply to this Chapter.

CHAPTER 4.03

CONFLICT OF INTEREST

4.03.010 - Duty to disclose conflict of interest (FPPC)

- A. Public servants shall disclose any situation that presents a conflict of interest through the disclosure process outlined in Subsections C and D, before consideration of a matter where said conflict is present.
- B. A public servant must disclose on the public record any close personal relation or outside activity with any individual or entity who is the subject of or has an ownership or financial interest in the subject of a governmental decision being made by the public servant where, because of the relationship, the ability of the public servant to act for the benefit of the public could reasonably be questioned.
- C. A public servant who has reason to believe another public servant has not disclosed a conflict of interest pursuant to this Chapter is required to promptly notify *the City Auditor's Office or the City Ethics Office* (recommend changing to '*appropriate reporting mechanism*' for the sake of consistency), **of the conflict** (this requirement may trigger a meet & confer process).

Any public servant who may have a conflict of interest under provisions of this Chapter, or who must recuse themselves from a proceeding under **California Government Code**

Section 84308, must immediately identify the circumstances that give rise to the conflict of interest in detail sufficient to be understood by the public in a writing with a copy provided to the City's Ethics Office (recommend changing to 'appropriate reporting mechanism' for the sake of consistency). Where the exact street address is required for a conflict analysis, said address may be redacted when provided to the City's Ethics Office and/or in response to a Public Records Act request.

1. Public servants required to recuse themselves pursuant to this Chapter shall not:
 - a. Discuss or act on the matter; or
 - b. Influence or participate in the creation, negotiation, review, or approval of the matter; or
 - c. Use their position to access information about the matter; or
 - d. Communicate about the matter in an official capacity.
2. Prior to the consideration of a matter in a public meeting, public servants who serve on public bodies, such as the City Council and City boards, committees and commissions, that have a conflict of interest shall in the public meeting of the body:
 - a. Publicly identify the circumstances that give rise to the conflict of interest in detail sufficient to be understood by the public provided that disclosure of the exact street address of a residence is not required; and
 - b. Recuse themselves from discussing or acting on the matter including abstaining from influencing or participating in the

creation, negotiation, review, or approval of the matter before the matter comes before them in the public meeting; and
 - c. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on and remains on the consent calendar.

D. Public servants who have a potential conflict of interest may choose to recuse

themselves from a decision pursuant to Subsection C or they may announce the potential conflict on the record of a public meeting to allow for the parties and the public to provide comment. For public servants that do not participate in a public meeting, the conflict must be disclosed to all parties affected by the decision.

4.03.020 - Decisions affecting personal interest.

- A. A public servant shall not make, participate in making, or in any way use their official position to influence a municipal decision in which they know or have reason to know they have a disqualifying financial interest.

- B. A public servant has a “disqualifying financial interest” in a municipal decision if that municipal decision will have a reasonably foreseeable material financial effect, distinguishable from the effect on the public generally, directly on the public servant or their immediate family, or on any of their financial interests in

business entities, real property, sources of income, sources of gifts, or their own personal finances.

- C. This Section shall be interpreted in a manner that is consistent with the provisions of California Government Code sections 87100 through 87105 and title 2, sections 18700 through 18709 of the California Code of Regulations. In this regard, these provisions of state law are hereby adopted by reference and incorporated into this Act as if fully set forth herein.

4.03.030 - Decisions involving relatives and close personal relations (this term is defined to include a business partner, which may not be applicable to some of the provisions in this section).

- A. A public servant shall not make, participate in making, or otherwise seek to influence a decision of the City regarding hiring, promotion, discipline, or administrative control of a City employee involving a relative or close personal relation.

- B. A public servant shall not have a relative or close personal relation (this term is defined to include a business partner, which may not be applicable to some of the provisions in this section). assigned to an activity over which the public servant has decision-making authority, nor shall a public servant have supervising authority or influence that could affect or appear to affect or favor a relative or close personal relation. Employment and assignment of individuals

shall not create or result in a conflict of interest or circumvent any normal selection or hiring process, including reorganization, promotion and advancement. For purposes of this Subsection:

1. "Decision-making authority" includes situations where a public servant audits, approves, evaluates, or otherwise reviews the work product,

timekeeping, travel and expense, funding, budget, or other disbursement- related items.

2. "Supervising" in this Subsection is limited to any regularly assigned employment relationship wherein a public servant is in a position to affect the terms and conditions of another individual's employment, including making decisions about an employee's work assignments, compensation, award, grievances, advancement, or performance.

- C. Public servants shall not recommend the appointment of, appointing, voting for or electing to any office, position or employment, a relative or close personal relation for any department or board or commission of the City. "Appointment" as used in this Section shall be liberally construed, so that the personal relation of a public servant is not employed within their department even if the public servant does not personally sign the letters and official forms which constitute the appointment.

- D. The Ethics Commission may adopt regulations setting forth the types of close personal relations that must be disclosed pursuant to this Section (this falls under Section 2404 of the Charter as amended since it involves regulation pertaining to conflicts of interest, subject to City Council approval).

4.03.040 - Disqualifications from decisions involving benefactors.

- A. A public servant shall not participate in any municipal decision where a party to a municipal decision has, within the previous twelve (12) months:
1. Given the public servant or their immediate family an opportunity for compensation; or
 2. Promised to give the public servant or their immediate family an opportunity for compensation; or

3. Acted as an intermediary for the public servant or their immediate family to have an opportunity for compensation.
- B. When an opportunity for compensation is provided to a member of the public servant's immediate family, the public servant shall not participate in a municipal decision involving a party to the municipal decision as described in Subsection A. unless the public servant had no knowledge of or involvement in securing the opportunity for compensation.
- C. This Section does not apply to opportunities for compensation provided by a public agency.

4.03.050 - Disqualifications from decisions involving contracting.

- A. A public servant shall not be financially interested in any contract made by them in their official capacity.
- B. A contract shall not be made by City Council, or any City board or commission, if any member of the body has a financial interest in the contract.
- C. A public servant shall not participate in any procurement action, including the evaluation or performance of the contract, either directly or as an advisor, involving a firm in which the public servant or the public servant's close personal relation has financial interest or other personal or business connections which could influence or appear to influence the public servant's participation.
- D. Public servants shall not recommend or exert influence or attempt to exert any influence on any contractor or business which has a business relationship with the City to employ a public servant's close personal relation.
- E. This Section must be interpreted in a manner that is consistent with California Government Code sections 1090 through 1099. In this regard, such provisions of state law are hereby adopted by reference and incorporated into this Act as fully set forth herein.

4.03.060 - Outside activities (City of Long Beach Collateral Employment Policy).

- A. Any public servant who receives compensation from the City shall not engage

in any employment, activity, or enterprise for compensation which is inconsistent with, incompatible with, in conflict with, or inimical to, their duties as a public servant. Refer to Chapter 4.06 for additional guidance on outside activities.

4.03.070 - Incompatible offices.

- A. Except as otherwise provided in this Section, a public servant shall not simultaneously hold two (2) public offices that are incompatible.

- B. Offices are incompatible when any of the following circumstances are present, unless simultaneous holding of the particular offices is compelled or expressly authorized by law:
 - 1. Either of the offices may audit, overrule, remove members of, dismiss employees of, or exercise supervisory powers over the other office or body or over a multimember body that includes that other office.

 - 2. Based on the powers and jurisdiction of the offices, there is a possibility of a significant clash of duties or loyalties between the offices.

 - 3. Public policy considerations make it improper for one (1) person to hold both offices.

- C. When two (2) public offices are incompatible, the public servant is deemed to have forfeited the first office upon acceding to the second.

- D. This Section does not apply to:
 - 1. A position of employment, including a civil servant position.

 - 2. Any governmental body that has only advisory powers.

- E. This Section must be interpreted in a manner that is consistent with California Government Code sections 1099. In this regard, such provisions of state law are hereby adopted by reference and incorporated into this Act as if fully set

forth herein.

4.03.080 - Future employment.

- A. A public servant shall not make, participate in making, or use their official position to influence a decision involving the interests of a person with whom the public servant, or a member of the public servant's immediate family, is seeking, negotiating, or securing an agreement concerning future employment.
- B. Any person who has a matter pending before the City shall not negotiate, directly or indirectly, knowingly or willfully, the possibility of future employment of a public servant, or a member of the public servant's immediate family, if that public servant is making, participating in making, or using their official position to influence, a decision concerning that matter.
- C. The prohibitions set forth in Subsections A and B do not apply to a public servant's prospective employment with a public agency.

4.03.090 - Lobbying activities of former public servants (LBMC 2.09).

- A. A former public servant who personally and substantially participated in a specific municipal decision during their City service shall not receive compensation to attempt to influence City action on that municipal decision, either personally or through an agent, on behalf of a person other than the City.
 - 1. "Personal and substantial participation" includes, but is not limited to, making or voting on a decision, making a recommendation, rendering advice, and conducting research, or an investigation.
 - 2. This prohibition applies as long as the municipal decision is still pending before the City or the City is a party to the municipal decision.
 - 3. This prohibition does not apply when the former public servant participated in the municipal decision in solely a

ministerial capacity.

B. For a one-year period immediately following termination of service with the City or for a two-year period (this would increase from the current one-year period) if they are a former officeholder or former City Manager (recommend including Executive Director of the Harbor Department and General Manager of the Utilities Department), a former public servant who received compensation from the City to work on a particular project during their City service shall not engage in direct communication with the City, for compensation, with regard to any pending application for discretionary funding or discretionary entitlements before the City relating to that particular project on behalf of any person.

1. For purposes of this section, “work on a particular project” means

to take part personally and substantially in the project by rendering a decision, approval, or disapproval; by making a formal written recommendation; by conducting an investigation; by rendering advice on a significant basis; or by using confidential information.

2. For purposes of this section, “project” means any matter where an individual or entity has made an application to the City for

discretionary funding or discretionary entitlements, or where the City exercises discretion to enter into a lease, agreement, or contract with a private business.

C. For a one-year period immediately following termination of service with the City, or for a two-year period (this would increase from the current one-year period) if they are a former officeholder or former City Manager (recommend adding ‘Executive Director of the Harbor Department and General Manager of the Utilities Department’) a former public servant shall not knowingly counsel or assist any person in connection with an appearance or communication in which the

former public servant is prohibited from engaging for compensation pursuant to Subsection A.

D. As a means of facilitating compliance with Subsections B and C in instances where long-term projects may change in character and scope over time and where large projects have discrete components or phases, any former public official may seek a written determination from the City Attorney Office regarding whether prospective direct communication on a

particular project would constitute a violation of this Section.

- E. A former public servant shall not to engage in direct communication for the purpose of lobbying the City if all of the following circumstances apply:
1. The former public servant served as a public servant within the previous year, or **within the previous two years (this would increase from the current one-year period) if they are a former officeholder or a former City Manager (recommend adding 'Executive Director of the Harbor Department and General Manager of the Utilities Department')**; and
 2. The former public servant received compensation from the City for their service as a public servant; and
 3. The former public servant is receiving compensation to engage in the direct communication with the City.
- F. Except as set forth in Subsection F, which governs former officeholders and former City Managers, the prohibitions contained in Subsections A, B, and D do not apply:
1. To prevent a former public servant from making or providing a statement, based on the former public servant's own special knowledge in the particular area that is the subject of the statement, provided that no compensation is thereby received other than that regularly provided for by law or regulation for witnesses; or
 2. To prevent any former public servant from representing themselves, or any member of their immediate family, in their individual capacities, in connection with any matter pending before the City; or
 3. To the activities of any former public servant who is an officer, employee, or independent contractor of any public agency when that former public servant is solely representing that agency in their official capacity as an officer, employee, or

independent contractor of the agency; or

4. To any ministerial act; or
5. To any individual appearing as a speaker at, or providing written statements that become part of the record of a public hearing; or
6. To any communication among attorneys representing a party or potential party to pending or actual litigation brought by or against the City, an agent of the City, or other active public servant.

- G. Former officeholders and former City Managers (recommend adding 'Executive Director of the Harbor Department and General Manager of the Utilities Department') are subject to the provisions of California Government Code section 87406.3 and any amendments

thereto, which is hereby adopted by reference and incorporated into this Act as if fully set forth herein. Accordingly:

1. The exceptions in Subsections E.1, E.5, and E.6 do not apply to a former officeholder or to a former City Manager (recommend adding 'Executive Director of the Harbor Department and General Manager of the Utilities Department'); and
2. The exception in Subsection E.3 does not apply to a former officeholder or to a former City Manager (recommend adding 'Executive Director of the Harbor Department and General Manager of the Utilities Department'); for a period of two years (this would increase from the current one-year period) after leaving City service and for a period of one year after leaving City service, when such individuals are communicating on behalf of a public agency as an independent contractor.

4.03.100 – Enforcement for failing to file disclosures required by the City's Conflict of Interest Code.

- A. Subject to Civil Service provisions of the City Charter and any applicable Civil Service Rules and Regulations, a designated filer who fails to file any

statement required by the City's Conflict of Interest Code within 30 days after receiving

notice from the City Clerk of a failure to file such a statement may be subject to disciplinary action by their appointing authority.

B. The Ethics Commission may issue a letter to the appointing authority recommending the following actions when a designated filer fails to file a

statement required by the City's Conflict of Interest Code if said filer has not filed the required statement within 30 days of receiving notice from the City Clerk of their failure to file (This is within the Ethics Commission's authority under Charter section 2402(a)):

1. Suspension or removal of the designated filer from a separate legal entity or board that is not otherwise within the City's control, such as, Long Beach Transit, the Arts Council for Long Beach, and any Business Improvement District board.
2. Disciplinary action for any nonelected public servants excluding City board, commission, and committee members.

C. Members of City Boards and Commissions.

1. Except as provide by Subsection D.2, if a member of any City Charter Commission or City advisory body fails to file a statement required by the City's Conflict of Interest Code within 30 days after receiving notice from the City Clerk of a failure to file such a statement shall be automatically removed from membership from the body in which they are appointed to.
2. If a member fails to file any statement required by the City's Conflict of Interest Code within 30-days of a notice from the Clerk of their failure to file prior to the deadline, the member may request a waiver for good cause from the Mayor or their appointing authority pursuant to provisions of this Subsection.
 - a. A member may seek a waiver for good cause from the Mayor or the appointing authority excusing their failure to file any statement required by the City's Conflict of Interest Code within 30 days of receiving notice from the City Clerk of their failure to

file. The Mayor or the appointing authority may require documentation from the member requesting a waiver to prove good cause. The fact that a member has made multiple requests for a waiver to be excused for their failure to file any statement required by the City's Conflict of Interest Code shall be taken into consideration by the Mayor or the appointing authority when granting a waiver authorized by this Subsection. If the Mayor or the appointing authority grants such a waiver, said member may not be removed for failure to file any statement required by the City's Conflict of Interest Code within the calendar year the waiver was issued.

- b. A waiver for good cause may be granted pursuant to this Subsection for any of the following reasons: incapacitation for medical reasons; hospitalization; accident involvement; loss or unavailability of records; serious illness or death of a close personal relation; or any other good cause shown.
- c. A waiver for good cause may not be granted pursuant to this Subsection for any of the following reasons: the member was on vacation; the member was too busy; another person failed to file any statement required by the City's Conflict of Interest Code on the member's behalf; the member needed additional time to gather information to file; the member is waiting on professional assistance from another person, such as, a financial advisor, Certified Public Accountant, or the Fair Political Practices Commission; the member promises to file on time in the future; or the member did not receive an annual reminder to file the City's Conflict of Interest Code.
- d. Any member removed pursuant to this Subsection D shall not serve on any City board, commission, or committee for one (1) year from the date of removal.

D. Consultants for any City department or agency covered by the City's Conflict of Interest are deemed designated employees for the purposes of the City's Conflict of Interest Code. However, the director of the department or agency for which a consultant works may request in writing the Ethics Officer's approval (Recommend changing to 'concurrence' as this does not fall under the purview of the Ethics Officer) that the consultant is not required to comply with the disclosure requirements described in this Section because the consultant performs a range of duties that are limited in scope. Any determination by a director must include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. Such a determination is a public record and must be retained for public inspection.

- E. Any designated filer that fails to file a statement required by the City's Conflict of Interest Code within 30 days after receiving notice from the City Clerk of a failure to file such a statement shall be referred to the FPPC for enforcement by the City Clerk.

4.03.110 – Conflict of interest – City Attorney Opinion.

- A Any public servant or City body may request the City Attorney to render an opinion concerning the obligation said body or public servant, under applicable laws, to refrain from voting or acting upon any matter, contract, sale or transaction to which the body or the public servant may be a party, or concerning any situation where it would violate state law or where it may not be in the public interest for the body or public servant to act in a particular matter, contract, sale or transaction. Likewise, any elected City officer may request an opinion with respect to any board member
- B If the City Attorney receives such a request, the City Attorney shall render a written opinion. If the request is made by an elected City officer concerning a board member, the opinion shall be rendered within ten days of the City Attorney's receipt of the request; provided, however, that if the City Attorney determines that the request does not contain sufficient information upon which to render an opinion, the City Attorney shall notify the person making the request, and the time within which the City Attorney must render the opinion shall not commence until that information has been provided to the City Attorney.

CHAPTER 4.04

USE OF CITY RESOURCES

4.04.010 – Use of City resources (Combines existing CA Government Code Section 8314 sections).

A public servant shall use City resources for the conduct of City business and the performance of work-related duties. Public servants shall not use their position or prospective position, or the power or authority of their office or position, in any manner intended to induce or coerce any person to provide, directly or indirectly, anything of value which accrues to the private advantage, benefit, or economic gain, of the public servant or their immediate family or close personal relation. In addition, public servants shall not engage in activities that may amount to fraud, waste or other abuse of City resources.

Reports of allegations of fraud, waste and abuse that relate to or impact City resources may be made to the City Auditor ([CA GOV § 53087.6](#)) or the City's Ethics Office.

As used in this chapter, the following terms apply:

- A. The term “resources” include all facilities, grounds, monies, property, equipment, vehicles, electronic assets including accounts, software, intellectual property work time, and City services.
- B. The term “private advantage, benefit, or economic gain” means any advantage, benefit, or economic gain, distinct from that enjoyed by the public without regard to official status or not resulting naturally from lawful and proper performance of duties.
- C. The term electronic information resources include personal computers, telephones, photocopy and scanning equipment. The term “limited and incidental” refers to a public servant’s use of electronic information resources for personal, non-City purposes as long as the use does not adversely affect the performance of official duties, is reasonable in duration and frequency, and does not violate intellectual property rights, state or Federal law.
- D. The term “fraud, waste, or abuse” means any activity by a local agency or public servant that is undertaken in the performance of the public servant’s official duties, including activities deemed to be outside the scope of the public servant’s employment, that is in violation of any local, state, or federal law or regulation relating to corruption, malfeasance, bribery, theft of government property, fraudulent claims, fraud, coercion, conversion, malicious prosecution, misuse of government property, misappropriation, or willful omission to perform duty, is economically wasteful, or involves gross misconduct.

4.04.020 – Security and expectations of privacy

- A. Passwords and other authentication mechanisms or devices created by or issued to users are for their use only and are not to be shared with others.
- B. Users of City electronic resources should not have an expectation of privacy with respect to their use of these resources or any of the data, files, or other records generated by, stored, or maintained on them. For cybersecurity and other lawful purposes, the City may collect, store, and analyze the use of the City’s electronic information resources and any data or communications transmitted to or from, received or printed from, or created, stored, accessed, or recorded on the City’s electronic information resources.
- C. The City retains the right to inspect, review, and retain the content of electronic messages or other data, files, or records generated, stored, or maintained on City resources at any time without prior notification.

4.04.030 – Incidental Use of City Electronic Information Resources.

Limited and incidental use of electronic information resources is allowed, as long as no City resources are used for the following purposes:

- A. Promoting, selling, or trading goods or services for any personal fundraising, business, promotional or profit-making endeavor or otherwise engaging in any activity in which the public servant intends to profit.
- B. Utilization of City electronic information resources for campaign purposes.
- C. Sharing personal views or taking positions on political, religious or social policy issues outside the public servant's official capacity.

4.04.040- Unauthorized representation on behalf of the City.

Public servants shall not hold themselves out as a representative of the City, or as an agent acting on behalf of the City, unless authorized to do so, including the use of City letterhead, title, e-mail, business card, or any other resource for any communication that may lead the recipient of the communication to think that the public servant is acting in an official capacity when the public servant is not (Seeks to codify an existing practice that is not memorialized anywhere.)

4.04.050 - Use of confidential or proprietary information.

- A. A current or former public servant shall not use or disclose any confidential, non-public or proprietary information they acquired in the course of their official duties, except as authorized by law or in advance by the City Attorney.
- B. When a public servant terminates employment, all non-public or proprietary knowledge, whether technical or administrative in nature, must be kept confidential, except as authorized by law or in advance by the City Attorney.

4.04.060 - Mass mailings.

- A. Except as provided in Section B.1 through 4, no mass mailing shall be prepared, produced, printed, sent, broadcast, transmitted, delivered, or distributed at public expense by, on behalf of, or at the behest of any officeholder.
- B. Mass mailings exempt pursuant to Section B.1 through 4 may be sent under the following conditions:
 - 1. The mailing contains only a single mention of the officeholder and the mailing does not contain the officeholder's photo or signature; and
 - 2. The mailing only includes information which is pertinent to the purpose of the public meeting or event, such as, the date, time and place, description of the subject matter, identification of speakers or participants, an explanation of any problems or issues, directions to the location of the meeting, and a telephone number to call for additional information; and

3. If the mailing is a notice or announcement, the officeholder's name may be included in the letterhead, and on the return address portion of the envelope or post card, as well as a single mention of the officeholder's name in the body of the notice or announcement. Where multiple officeholders are named in the letterhead, the names of all officeholders must appear in the same size, font type, color, and location.
4. Mailings exempt pursuant to Section B.1 through 4 of this Chapter shall not be prepared, produced, printed, sent, transmitted, delivered or distributed within sixty (60) days preceding an election by, on behalf of, or at the behest of a candidate for any local, State or federal office whose name will appear on the ballot at that election.

A. For purposes of this Section, the following definitions apply:

1. "Mass mailing" means two hundred (200) or more substantially similar tangible items that mentions an officeholder or is prepared or sent in cooperation with, on behalf of, or at the behest of an officeholder. "Mass mailing" does not include e-mails, website or social media postings, text messages, and recorded telephone messages or robocalls. "Mass mailing" does not include any of the following mailings so long as the mailing complies with the requirements in this Section:
 - a. Mail which is sent in response to an unsolicited letter or other inquiry; or
 - b. Any announcement, notice or invitation to an officeholder's constituents concerning a public meeting which is directly related to the officeholder's incumbent governmental duties, which is to be held by the officeholder and which the officeholder intends to attend; or
 - c. Any announcement, notice or invitation to any official City event or events for which the City is providing its facilities, its employee or other financial support; or
 - d. Business cards that do not contain more than one mention of the officeholder's name.
2. "Mention" includes, but is not limited to, the officeholder's name, office, social media handle, pronouns referencing the officeholder such as "I", "we", or "us", or any other icon or image intended to represent the officeholder. "Mention" does not include an e-mail address or website that contains the officeholder's name or office (Recommend enhancing language to address the potential for materials to be printed).

4.04.070 – Use of City media during election by officeholders.

- A. Except as otherwise provided for by this Section, no radio program or podcast, television program, video, social media video or livestream, or similar form of media shall be prepared, produced, printed, sent, broadcast, transmitted, delivered or distributed at public expense by, on behalf of, or at the behest of any officeholder after any such officeholder has filed the nomination documents as defined in this Section or Section 333 of the California Elections Code, whichever is applicable, for any local, State or federal office.
- B. Notwithstanding the provisions of Section A, any officeholder may appear on a radio program or podcast, television program, video, social media video or livestream, or similar form of media prepared, produced, sent, broadcast, transmitted, delivered or distributed at public expense after said officeholder has filed nomination documents for local, State, or federal office only if:
 - 1. The appearance is at a noticed public meeting, such as, a City Council meeting or a meeting of any of its subcommittees; or
 - 2. The appearance is at an event open to the public for which the City is providing its facilities, employee, or other financial support; the event is not held by, on behalf of, or at the behest of one or more officeholders who have filed nomination documents for elective office, or their office(s); and half or more of the officeholders speaking at and/or participating in the event have not filed nomination documents elective office; or
 - 3. The communication is necessary to protect the health, safety, and/or welfare of the public due to a state of emergency.
- C. Any violation of this Section shall be deemed to constitute an infraction as provided in Section 17 of the California Penal Code, and penalties for such infraction shall be as set forth in Subsection 19.8 of the Penal Code.

CHAPTER 4.05

Gifts, Meals and Entertainment (includes Tickets and Passes) (FPPC)

4.05.010 – Restriction on benefits to other public servants.

Public servants shall not:

- A. Accept gifts from a restricted source.
- B. Accept an honorarium from any source if that individual would be required to report the receipt of income or gifts from the source of the honorarium on their Form 700.
- C. Solicit, coordinate, facilitate, or accept, any gift for themselves or for any other public servant from a person who the public servant knows or has reason to know is a restricted source for themselves or for the recipient of the gift.

- D. Solicit or accept a gift from any person, including any gift obtained through a City department, if the official knows or has reason to know that the gift was funded, provided, or directed by a restricted source.
- E. Solicit or accept any gift from a restricted source for their immediate family, close personal relation or their relatives.

4.05.020 – Restriction on benefits to officeholders and certain public servants.

The regulations in this Section shall be in addition to the gift limits, prohibitions, and reporting requirements imposed by the Political Reform Act and this Act and any subsequent amendments thereto.

Officeholders, the City Manager, (recommend adding 'CFO/Director of Finance' whom the City Treasurer reports to) the City Treasurer, the City Auditor, Investment Officers, Planning Commissioners, Harbor Commissioners, and Utilities Commissioners, any candidate for an elective office of the City, and any other individual whose position is specified in California Government Code section 87200 shall not:

- A. Accept gifts from a single source in any calendar year with a total value of more than the gift threshold set by the FPPC.
- B. Accept honorarium.
- C. Accept a loan that exceeds \$250 at any given time from a public servant or a restricted source.
- D. Accept a loan that exceeds \$500 unless:
 - 1. The loan is made in writing and clearly states the terms of the loan; and
 - 2. The loan document includes the names of the parties to the loan agreement, as well as the date, amount, interest rate, and term of the loan; and
 - 3. The loan document includes the date or dates when payments are due and the amount of the payments.

4.05.030 – Gift to influence official act.

No person shall offer, and no public servant shall offer, solicit or accept, any benefit or anything of value or contribution from any person, including any bribes and kickbacks, with the intent to influence the performance of any official act.

4.05.040 – Gifts from lobbyists.

No lobbyist may offer or make a gift to any public servant, or any of the public servant's immediate family or close personal relation, nor direct the offer or making of any gift by any other person. For purposes of this Subsection, a person who is required to register as a lobbyist and file disclosures but fails to do so shall be considered a lobbyist for any official for whom, had the person properly registered and file disclosures, the person would be considered a lobbyist and therefore restricted source.

4.05.050 – Gifts from public servants.

No public servant shall solicit or accept any gift or loan, either directly or indirectly, from any public servant under their supervision or from any candidate in the position as a public servant under their supervision. The Ethics Commission may issue regulations implementing this Section, including regulations exempting voluntary certain gifts that are given or received for special occasions or ~~under (delete)~~ other ~~under (delete)~~ circumstances in which gifts are traditionally given or exchanged (Regarding the Ethics Commission, this is directly related to government ethics so would fall under Charter section 2404, but would require City Council approval. However, 4.05.050 can become problematic as it is often the practice that colleagues gift each other during holidays/birthdays. Staff recommends that if this section is kept as is, there's accompanying language in the form of mentioned "regulations").

4.05.060 – Aggregation of gifts.

For purposes of this Chapter, gifts shall be aggregated as set forth in [California Code of Regulations, Title 2, Section 18945.1](#), as amended from time to time.

4.05.070 – Use of prestige of office.

Public servants shall not engage in the use of any marker (including without limitation a badge, uniform, or business card), prestige, or influence of the public servant's position for private gain or advantage.

4.05.080 – Tickets and Passes

- A. Consistent with [Fair Political Practices Commission \("FPPC"\) Regulation 18944.1](#), this Chapter is intended to establish a procedure for the City to provide tickets and passes to public servants which will result in the tickets and passes not qualifying as gifts under the Political Reform Act (California Government Code section 81000 et seq.).
- B. This Chapter applies to all departments of the City.
- C. This Chapter applies to tickets and passes which provide admission to any facility or event for an entertainment, amusement, recreational or similar purpose and are either:
 - 1. Gratuitously provided to the City by any outside source; or
 - 2. Acquired by the City; or
 - 3. Acquired by the City as consideration pursuant to the terms of any contract; or
 - 4. Acquired and distributed by the City in any other manner.
- D. 4.05.080 does not apply to:
 - 1. A single ticket provided to and used by a public servant to an event at which the official performs, on behalf of the City, a ceremonial role or function, as those terms are defined in [FPPC Regulations, Section 18942.3 \(Act 2, Division 6, California Code of Regulations\)](#);
 - 2. Any other item of value provided to the City or any public servant, regardless of whether received gratuitously or for which consideration is provided, including, but not limited to, food, beverages, or other items of

- value that a public servant may receive at an event the tickets or passes of which were provided pursuant to this Chapter;
3. Tickets or passes for which the public servant pays the City the value of the ticket or pass; and
 4. Any item of value, including tickets or passes, provided directly to a public servant and that is considered a gift pursuant to the Political Reform Act which is required to be reported on said official's Form 700.
- E. Section 4.05.080, and procedures established to implement this section 4.05.080 supersede and replace any other City policies and procedures relating to tickets and passes provided to the City and then to public servant.

4.05.090 – Definitions related to Section 4.05.080

Unless otherwise expressly provided herein, words and terms used in Section 4.05.080 have the same meaning as set forth in the California Political Reform Act of 1974 (California Government Code section 81000 et seq., as the same may be amended from time to time) and the FPPC Regulations (Act 2, Division 6 of the California Code of Regulations, Sections 18110 et seq., as the same may be amended from time to time).

- A. "Fair value" for a ticket offered for sale to the general public, the "fair value" means the face value of the ticket or pass. The "fair value" of a ticket or pass that does not have a face value indicated, or has a face value that is not available to the general public, is the price at which the ticket or pass would otherwise be offered for sale to the general public by the operator of the venue or host of the event who offers the ticket for public sale. Where the price indicated on the ticket does not reflect the actual cost for a ticket in a luxury box or suite, the face value is determined by dividing the total cost of the box or suite by the number of tickets available for that box or suite.
- B. "Immediate family" means the spouse or registered domestic partner and any dependent children of a public servant, as defined in California Government Code section 82089 and Family Code section 297.5.
- C. "Pass" means a ticket that provides repeated access, entry, or admission to a facility or series of events and for which similar passes are sold to the public.
- D. "Ticket" means anything that provides access, entry, or admission to a specific future event or function and for which similar tickets are sold to the public to view, listen to, or otherwise take advantage of the attraction or activity for which the ticket is sold and includes any benefits that the ticket provides.
- E. "Ticket administrator" shall be the City Manager or designee who in their sole discretion has the authority to establish procedures for the distribution of tickets in accordance with this Chapter, and to implement the Chapter.

4.05.100 – General provisions of tickets and passes

- A. The use of complimentary tickets is a privilege extended by the City and not the right of any person to which the privilege may from time to time be extended.
- B. Unless otherwise provided herein, tickets distributed to a public servant pursuant to this Chapter shall not be transferred to any other person, except to members

of such public servant's immediate family solely for their personal use or no more than one guest solely for their attendance at the event.

- C. No person who receives a ticket pursuant to this Chapter shall sell or receive reimbursement for the value of such ticket.
- D. Tickets provided to outside entities, including non-profit organizations, shall not be raffled, auctioned, traded for anything of value, or otherwise sold to any person.
- E. The disproportionate use of tickets or passes by any public servant.
- F. This Chapter shall be maintained as a public record and is subject to inspection and copying under [Government Code Section 81008](#). The City shall post this Chapter on its website within 30 days of adoption or amendment and send to the FPPC by e-mail the City's website link that displays the Chapter so that the FPPC may post the link.
- G. If a recipient sells, receives reimbursement, raffled, auctioned, traded for anything of value for a ticket in violation of this Chapter, the recipient will be ineligible to receive tickets in the future.

4.05.110 – Ticket Administrator.

- A. The City Manager or designee shall be the Ticket Administrator for purposes of implementing the provisions of this Chapter ([Pursuant to Resolution 19-0098](#)).
- B. All requests for tickets which fall within the scope of this Chapter shall be made in accordance with the procedures established by the Ticket Administrator.
- C. The Ticket Administrator shall determine the fair value of tickets distributed by the City as necessary to implement this Chapter.
- D. The Ticket Administrator, in their sole discretion, may revoke or suspend the ticket privileges of any person who violates the provisions of this Chapter or the procedures established by the Ticket Administrator for the distribution of tickets in accordance with this Chapter.
- E. The Ticket Administrator shall determine in their sole discretion what constitutes the prohibited disproportionate use of tickets or passes.

4.05.120 – Conditions under which tickets may be distributed.

Subject to the provisions of this Chapter, complimentary tickets may be distributed by the Ticket Administrator, as available, to public servants under the following conditions:

- A. The public servant treats the tickets as income consistent with applicable federal and state income tax laws; or
- B. The public servant uses or behests such tickets for one or more of the following public purposes:
 - 1. If performing a ceremonial role or function representing the City at the event, the public servant may receive enough tickets for themselves and each member of their immediate family.
 - 2. If conducting oversight or inspection of facilities, the public servant receiving the ticket or pass shall promptly

provide a written inspection report of findings and recommendations.

3. The job duties of the public servant require their attendance at the event, for which the public servant may receive enough tickets for the public servant and their immediate family.
4. Promoting businesses, industries, resources, programs, facilities, and economic development in Long Beach.
5. Intergovernmental relations purposes, including but not limited to attendance at an event with or by elected or appointed public officials from other jurisdictions, their employee members and their guests.
6. Attracting or rewarding volunteer service.
7. Supporting or showing appreciation for programs or services rendered by non-profit organizations benefitting Long Beach residents.
8. Encouraging or rewarding significant academic, athletic or public service achievements by Long Beach students, residents or businesses.
9. Attracting and retaining highly qualified employees in City service.
10. As special recognition or reward for meritorious service by a City employee.
11. For use in connection with a City employee or resident competition or drawing.
12. Recognition of contributions made to the City by former public servants.
13. Encouraging Long Beach resident and business support for and attendance at local events.
14. Encouraging participants in City sponsored programs to attend local events.
15. Encouraging public servants to attend local events on City-recognized holidays by being accompanied by their

parents, children, grandchildren, siblings, nieces or nephews.

4.05.130 – Ticket requests by public servant.

- A. Subject to Section 4.06.050, tickets and passes subject to this Chapter must be received and distributed by the Ticket Administrator.
- B. Tickets distributed at the request (“behest”) of a public servant. Tickets may be distributed at the request of a public servant only for one or more public purposes, as set forth in Subsection 4.07.050.C, and subject to the following conditions:
 - 1. Only the following public servants shall have authority to request distribution of tickets: City Attorney, City Auditor, City Prosecutor, Mayor, City Council Members, City Manager, Assistant City Manager, (recommend adding ‘Utilities General Manager, Harbor Executive Director,’) City department heads.
 - 2. If tickets are distributed at the behest of a public servant, neither the servant or nor their immediate family shall use any of the tickets to attend the event.
 - 3. Tickets distributed pursuant to a public servant’s request are considered to be distributed at the behest of that public servant for FPPC reporting purposes.
 - 4. Ticket requests do not guarantee ticket distributions. The Ticket Administrator is responsible for selecting recipients.
- C. A public servant may only request tickets for personal use if the public servant reimburses the City for the face value of the ticket(s). Reimbursement must be made at the time the ticket(s) is/are distributed to the public servant. The Ticket Administrator shall, in their sole discretion, determine which event tickets, if any, shall be available to public servants for personal use pursuant to this Section.

4.05.140 – Disclosure requirements.

- A. Tickets distributed by the City to any public servant either: i) which the City official treats as income pursuant to Subsection 4.06.050.B , or ii) for one or more public purposes described in Subsection 4.06.050.C, shall be posted on a form provided by the FPPC in a prominent fashion on the City's website ("Ticket Policy Report Page") within thirty (30) days after distribution. Such posting shall include the following information:
 - 1. The name of the recipient, except that if the recipient is an organization, the City may post the name, address,

description of the organization and number of tickets provided in lieu of posting the names of each recipient; and

2. A description of the event; and
3. The date of the event; and
4. The fair value of the ticket; and

The number of tickets provided to each person or organization; and

5. If the ticket was distributed at the direction ("behest") of a public servant, the name of the public servant who provided such direction; and
6. A description of the public purpose(s) under which the distribution was made, or alternatively, that the public servant is treating the ticket as income; and
7. A written inspection report of findings and recommendations by the official receiving the ticket or pass if received for oversight or inspection of facilities.

B. Tickets distributed by the City for which the City receives reimbursement from the public servant as provided under Subsection 4.06.050.A, shall not be subject to the disclosure provisions of this Section.

4.05.150 – Disposition of tickets received.

Tickets received by a public servant other than pursuant to this Ticket Chapter must, within 30 days of receipt, either be:

- A. Returned to the source unused; or
- B. Provided to a 501(c)(3) organization for which the public official does not take a tax deduction; or
- C. Delivered to the Ticket Administrator for distribution and use consistent with this Chapter.
- D. If tickets are disposed of pursuant to Subsection A or B of this Section, the public servant must notify the Ticket Administrator of their disposition, including the name of the 501 (c)(3) organization, the number of tickets and the date of return or delivery.

4.05.160 – Income tax considerations.

Tickets which are provided free of charge or at a price below the fair market value may have tax consequences for the recipient and may be reportable and taxable as regular income or as taxable fringe benefits to a recipient. Recipients of tickets must consult with their tax advisors to determine the reporting requirements for income tax purposes, as well as the tax consequences of any tickets received.

4.05.170 – Caution.

Section 4.05.080 and any implementing guidelines are not a substitute for legal advice. Only the FPPC can provide immunity from prosecution for the legal advice that it offers. Public servants should consult the City Attorney's Office if they have questions about reporting, disclosure and disqualification requirements regarding tickets and passes, and the City Attorney's Office can assist in obtaining advice from the FPPC.

CHAPTER 4.06

OUTSIDE ACTIVITIES

(This chapter will have an impact on an employee's working conditions and require a meet & confer process)

4.06.010 – Duty to serve the City.

Any public servant who receives compensation from the City shall not engage in any employment, activity, or enterprise for compensation which is inconsistent with, incompatible with, in conflict with, or inimical to, their duties as a public servant.

4.06.020 – Prohibited outside activities.

A public servant shall not perform any work, with or without compensation, service, activity, or enterprise for private gain or advantage if it involves:

1. The consumption of time for which the public servant is receiving compensation by the City; or
2. The facilities, equipment, or supplies of the City; or
3. The public servant's use of their badge, uniform, prestige, or the influence of their position with the City; or
4. Compensation received or accepted by the public servant from anyone other than the City for the performance of an act which the public servant would be required or expected to render in the regular course or hours of their City employment or as a part of their duties as a public servant; or

5. The performance of an act in other than their capacity as a public servant which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other public servant; or
6. The consumption of the public servant's off-duty time would render the performance of their duties as a public servant less efficient.
7. The activity constitutes a conflict of interest as identified in Chapter 4.03

4.06.030 – Duty to disclose outside activities.

A public servant shall disclose and obtain authorization for each outside activity using their department's process. This section shall not apply to public servants serving on boards and commissions.

4.06.040 – No compensation for public servant's City duties for outside activities.

Public servants shall not receive or accept a payment from anyone other than the City for the performance of a specific service or act the public servant would be expected to render or perform in the regular course of their City duties or for advice about the processes of the City directly related to the public servant's duties and responsibilities or the processes of the public servant's department. This section shall not apply to public servants serving on boards and commissions.

4.06.050 – Outside activities and excessive time demands.

No public servant may engage in any activity that either imposes excessive time demands such that it materially impairs the public servant's performance of their City duties or that disqualifies the public servant from their responsibilities in service with the City on a regular basis.

4.06.060 – Board and commissions.

Board and commissions members, and officeholders must not engage in outside activities that create a conflict of commitment to the City or impairs their performance of their City duties. Otherwise, section 4.06.020(6) shall not apply to members of board and commissions and officeholders.

4.06.070 – Ethics Commission review of policies.

Any rules or policy implemented pursuant to Ca. Government Code Section 1126(c) by a City department shall be presented to the Ethics Commission for an opportunity to provide feedback before meet and confer and/or implementation of said rules. The Ethics Commission may review and provide feedback any policy pursuant to Ca. Government Code Section 1126(c) in place at the time of adoption of this Act without a request of a City department.

CHAPTER 4.07

POLITICAL ACTIVITIES

4.07.010 – No use of City resources for political activities.

No public servant or candidate for elective City office shall use, or permit others to use, City resources to support or oppose a ballot measure or candidate, or for non-City purposes not authorized by law.

4.07.020 – Political activities on City time, property, or in City uniform.

A. Public servants shall not engage in political activity in the following scenarios:

1. While on-duty for the City.
2. In any manner that implies the public servant is speaking on behalf of the City or communicating a City position. This may include but is not limited to engaging in political activity in the following scenarios:
 - a. While wearing a uniform or official City insignia;
or
 - b. Using a City title or position.

This Subsection does not prohibit a public servant from sharing factual information or reiterating a position the City Council took on a matter in a regularly scheduled Brown Act noticed meeting where the public was afforded an opportunity to speak out in opposition or support.

3. In a room or building that is owned by the City or primarily paid for or used by the City. This does not include a City room or building that is available to the public for campaign activities as long as the public servant pays any fees and permits required, the public servant does not use the room or building during the official's City working hours and does not use other City resources for the activity.
 4. Using City equipment, vehicles, supplies, or resources, including but not limited to, mailing and distribution lists, electronic mail, phones, and electronic data.
- A. A person shall not induce or coerce or attempt to induce or coerce another person to engage in activity prohibited by Subsection A.
 - B. This Section does not prohibit the use of City resources to provide information to the public about the possible effects of a bond issue or ballot measure relating to City activities, operations, or policies when the use of City resources is otherwise legally authorized.
 - C. For purposes of this Section, "on-duty" means the following:

1. Hourly City employees and officials are considered “off-duty” before the beginning of, or at the end of, any standard or overtime hours in their shift or that they are otherwise required to work; on their approved lunch break; while on vacation; or during a public holiday.
2. Salaried City employees and officials do not have a regular shift or hours and are generally considered to be “off-duty” before the commencement of, or at the end of, the City’s normal business hours; on a lunch break; while on vacation; or during a public holiday. Notwithstanding the foregoing, if the salaried City employee or official performs part of their official duties outside of the City’s normal business hours (e.g., appearance at after-hours Council, committee and commission meetings) said employee or official is considered to be on-duty during such times.
3. No public servant or official shall engage in any personal or partisan political activity when conducting any other on-duty activities.

4.07.030 – Political influence prohibited.

A public servant shall not use or promise to use their influence or official authority to secure any appointment or prospective appointment to any position in the service of the City as a reward or return for personal or partisan political service.

4.07.040 – No payment for office.

A public servant shall not give or promise to give to any person any portion of their compensation or any money or thing of value in consideration of having been, or of being nominated, appointed, voted for, or elected to any office or employment.

4.07.050 – Solicitation of political campaign contributions.

- A. A public servant or their agent shall not solicit, directly or indirectly, a political campaign contribution from any City employee or from persons on employment lists of the City with knowledge that the person from whom the contribution is solicited is a City employee or from persons on employment lists of the City.
- B. A candidate for elective office of the City or their agent shall not solicit, directly or indirectly, a political campaign contribution from a City employee or from persons on employment lists of the City with knowledge that the person from whom the contribution is solicited is a City employee or from persons on employment lists of the City.
- C. Notwithstanding Subsections A and B, this section shall not prohibit a public servant or a candidate for elective office of the City from soliciting political campaign contributions from City employees if the solicitation is part of a solicitation made to a significant segment of the public which may include City employees or from persons on employment lists of the City.

- D. No public servant shall solicit uncompensated volunteer services from any City employee for a campaign for or against any ballot measure or candidate.
- E. Nothing in this section prohibits:
 - 1. A City employee or person on an employment list of the City from making a campaign contribution to a public servant or candidate for elective office; and
 - 2. A public servant or candidate for elective office from accepting a campaign contribution from a City employee or person on an employment list of the City.

4.07.060 – Penalties.

- A. Any person who intentionally or negligently violates this Chapter is liable for a civil penalty not to exceed one thousand dollars (\$1,000) for each day on which a violation occurs, plus three times the value of the unlawful use of City resources (It is not clear who enforces this chapter).
- B. If two or more persons are responsible for any violation, they shall be jointly and severally liable for the penalty.
- C. No civil action alleging a violation of this section may be commenced more than four years after the date the alleged violation occurred.

CHAPTER 4.08

EX PARTE CONTACTS AND FAIR HEARINGS

4.08.010 – Application

There are instances where the Council and certain City boards and commissions act in a quasi-judicial capacity or "like a judge" when they rule on various permits, licenses, and land use entitlements (This is not new legal advice from the city attorney's office. Ex parte contacts are communications that occur between government decision-makers and third parties outside of official public proceedings and off the record. City council members are required to remain 'impartial' and without bias when they make their governmental decisions).

The regulations in this Chapter apply when the City Council or a City board or commission acts in a quasi-judicial capacity, such as the Council or the body holds a hearing, takes evidence, determines what the evidence shows, and exercises its discretion in applying the facts to the law shown by the evidence.

4.08.020 - Restrictions on City Council ex parte contacts.

- A. To the extent feasible, members of the City Council and the Mayor shall refrain from receiving information and evidence on any quasi-judicial matter while the

matter is pending before the City Council or any agency, board, or commission thereof, except at the public hearing.

- B. If any Council member or the Mayor is exposed to information or evidence about a pending matter outside of the public hearing, through contacts by constituents, the applicant, or through site visits, the member shall disclose all such information and/or evidence acquired from such contacts, which is not otherwise included in the written or oral staff report, during the public hearing, and before the public comments period is opened orally on the record of the public meeting. Neither the occurrence of an ex parte contact nor the failure to provide disclosure of the communication shall provide a basis for the invalidation of any City action or decision.

4.08.030 - Restrictions on ex parte contacts of members of boards and commissions.

Members of boards and commissions who preside over quasi-judicial matters shall not engage in ex parte contacts with any person on that matter except as provided below, including but not limited to the following:

- A. Parties to the matter and their representatives;
- B. Public servants involved in the proceeding where the City or public servant is an applicant, complainant, appellant, advocate or one who makes a recommendation for action (Recommend this section be refined and clarified for a better understanding of what is allowed);
- C. Members of the public; and
- D. Staff of any agency conveying information from any of the persons identified Subsections A through C.

4.08.040 - Ex parte contacts of members of boards and commissions permitted in limited instances.

A member of a City board or commission may engage in ex parte contacts, where circumstances require, for scheduling, administrative purposes, or emergencies that do not deal with substantive matters, provided:

- A. The member reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte contact; and
- B. The member promptly notifies all other parties of the substance of the ex parte contact.

4.08.050 – Inadvertent ex parte contacts of members of boards and commissions.

If an ex parte contact prohibited by Subsections 4.08.030 and 4.08.040 inadvertently occurs, the board member or commissioner receiving the communication must disclose the fact of the communication and the substance of the communication on the record of the public meeting in which the matter is heard. Disclosure shall be made on the record of the public meeting setting forth the particulars of the communication, including the date, initiating party, all recipients and a summary of the substance. The parties will be given an opportunity to comment on the disclosure during the proceeding.

4.08.060 – Inadvertent ex parte contacts of members of boards and commissions.

For purposes of this Chapter, matters are "pending" when an application has been filed with the City. Information and evidence gained by Council members and the Mayor via their attendance at noticed public hearings before subordinate boards and commissions are not subject to this rule.

CHAPTER 4.09

Chapter 4.09 – LOBBYISTS - [RESERVED]

Current municipal code provisions related to lobbyists are located in Chapter 2.08. Chapter 4.09 shall be a reserved placeholder for any new or revised lobbying provisions recommended by the Ethics Commission and adopted by the City Council. If no changes result from the Commission's recommendations, the existing provisions in Chapter 2.08 shall be relocated to Chapter 4.09.

CHAPTER 4.10

DONATIONS, SPONSORSHIPS, AND FUNDRAISING (This chapter seeks to create management controls and limitations on the fundraising and solicitation by all public servants currently not covered by Form 801 or 802).

4.10.010 – Definitions

- A. "Donation" means a contribution made to the City without expectation of goods, services, or significant benefit or recognition in return. Donations may be offered in the form of money or contributions of real or personal property. A donation may be undesignated, where the donor has placed no limitation on its use, or designated, where the donor has designated its use to a specific purpose (e.g., City sponsored events). Donations that, if accepted, would obligate the City to enter into a service, procurement, or other agreement shall not be considered a donation.
- B. "Donor" any organization or individual who provides the City with a donation.
- C. "Donation Agreement" means an agreement between the City and the donor that details any restrictions on a donation as well as the respective obligations of the donor and the City.
- D. "Grant" means an award based on specific criteria that involves a reciprocal exchange of value with conditions such as funding a specific initiative or project.

4.10.020 – Donations to the City (Addresses lack of formal policy and process outside of the FPPC guidelines).

- A. Purpose. Donations of every type are offered to the City for general or specific purposes. Uniform criteria and procedures guide the review and acceptance of such donations and confirm that the City has relevant and adequate resources to administer such donations. This Section provides regulations for accepting gifts, grants and donations in a responsible, transparent, and accountable manner that is consistent with the City's strategic goals.
- B. General Provisions.
1. The City welcomes undesignated donations, and designated donations, that enhance City services, programs, activities, and/or events, reduce costs that the City would incur in the absence of the donation, or that otherwise provide a benefit to the City. The City may decline any donation without comment or cause.
 2. All donations shall be reported and evaluated by the City's Office of Ethics and Transparency prior to acceptance to determine whether the donation is in the City's best interest and is consistent with applicable City laws, policies, ordinances, and resolutions. Donations must be directly related to providing goods or services to the public or for another valid public purpose. Public servants must always consider the public trust and comply with all applicable laws when accepting donations (**Recommend considering an Administrative Regulation that provides guidelines to accepting donations instead of reporting to the Office of Ethics and Transparency**).
 3. Donations shall not be used for personal financial gain of any public servant or political activities.
 4. A donor may restrict a donation for a particular City department, location or purpose, but not designate the public servant who may use the donation.
 5. Public servants must follow the provisions in Section 4.05.040 and the City's Conflict of Interest Code as they relate to the receipt of gifts.
 6. Anonymous donations given to City employees shall be delivered to the employee's Department Head. Department Heads shall consult with the City's Office of Ethics and Transparency to ensure appropriate disposition and recordkeeping.
 7. Donors shall not expect, nor shall the City grant, any extra consideration to the donor in relation to City procurement, regulatory matters, or any other business, services, or operations of the City. To avoid the possible appearance of extra considerations, public servants and members of the Planning Commission, Cultural Heritage Commission and staff of the Community Development Department are not authorized to solicit donations to the City.

8. No public servant shall solicit donations in excess of \$500 in money or in-kind services for any City project, program, activity, or event (collectively “supported activity”) unless the City Council has approved a fundraising plan for the supported activity.
9. The net benefit of a donation should be considered when determining whether to accept a donation. Net benefit includes all lifecycle costs of ownership, including maintenance, repair, clean-up, administrative, and any potential liability or expenses that may be associated with the donation.
10. Donations shall not be used to implement new unbudgeted programs or programs unless a permanent source of revenue is identified to support the program.
11. Potential costs and liabilities should be considered if a donation of personal property or of a service does not include the same indemnification, insurance, bonding, or warranties that the City would normally receive through procurement of personal property or services.
12. Real property may be donated to the City provided that it will not expose the City to an unreasonable risk of litigation or liability, because of the physical condition of the property or existence of claims, liens, and encumbrances against the property.
13. The City does not provide legal, accounting, tax or other such advice to donors. Each donor is ultimately responsible for ensuring the donor’s proposed donation meets and furthers the donor’s charitable, financial, and estate planning goals. As such, each donor is encouraged to meet with a professional advisor before making any donation to the City.
14. The City shall comply with all applicable laws and regulations of the Internal Revenue Service regarding the acceptance of donations.

C. Procedures.

1. Unrestricted and restricted donations of \$5,000 or less may be accepted by the City Manager in consultation with the City Auditor and the City’s Office of Ethics and Transparency. Unrestricted and restricted donations of more than \$5,000 must be brought to the City Council for approval and acceptance. ~~The City Manager in consultation with the City Auditor and the City’s Office of Ethics and Transparency may accept or decline any donation in the City Manager’s sole discretion and may choose to request City Council consideration of any donation.~~ (This sentence seems redundant of the first sentence in this paragraph and recommend

deleting). The City Council may accept or decline any donation at its sole discretion.

2. All donations will receive appropriate recognition as determined by the City Manager at the time the donation is accepted, taking into consideration the nature and level of the donation. Upon request of the donor or if specified in a City-initiated request for donors, limited forms of promotional activity (e.g., logo or name placement on signs, flyers, and other materials related to a program or activity supported by the donation) are permitted. The appearance of traditional commercial advertising shall be avoided and the size of donor recognition should be in keeping with the size of non-recognition information used in the materials. The agreed upon form of recognition should be identified in the donor receipt or a donation agreement. Any naming of City parks, property, or facilities shall follow the guidelines set forth in the City Manager's Policy and Procedures for the Naming of City-Owned Land, Buildings, and Facilities.
3. When donations with a value in excess of \$100 are accepted or upon the request of the donor, the City will issue the donor a receipt indicating the amount of the donation or describing the goods or services donated within 30 days of receiving the donation. In accordance with the Internal Revenue Code the City shall not provide an estimated value of in-kind donations. The donation receipt shall also include the date of the donation, the name of the donor; the purpose of the donation, if restricted; a brief description of any public recognition that will be made by the City; and note that the donor received no goods or services in exchange. The original receipt shall be submitted to the donor and the City shall retain a copy in accordance with the City's record retention schedule for such records.
4. Before acceptance of a restricted or unrestricted donation valued at more than \$5,000, the respective obligations of the donor and the City shall be set forth in a donation agreement. The City Attorney may require a donation agreement for donations valued at any amount.
5. The City shall maintain records for the receipt of all donations in accordance with the City's record retention schedule for such records and shall comply with all reporting requirements and regulations including, but not limited to, FPPC Regulation 18944.2 Gifts to an Agency. For donations made at the behest of an officeholder, said official shall determine whether a Form 803 is required pursuant to the Political Reform Act. If a donation to the City is made at an officeholder's behest and the donation requires a filing under the Political Reform Act or its regulations, the officeholder must file a FPPC Form 803 (Behested Payments Report) with the City Clerk disclosing the required information.

4.10.030 – Donations to a third party on behalf of a public servant (Behests)

- A. Officeholders shall file a **Fair Political Practices Commission Form 803** Behested Payment Report if any person makes one or more payments totaling \$5,000 or more for a legislative, governmental, or charitable purpose at the behest of the official. A payment is made at the behest of an public servant if it is requested, solicited, or suggested by the official, or otherwise made in cooperation, consultation, coordination with, or at the consent of, the official.
- B. The officeholder must file the Form 803 with the City Clerk within thirty calendar days following the date on which a payment causes the total payments made by that person at the behest of the official to reach or exceed \$5,000 in the same calendar year.
- C. Once a person makes one or more payments totaling \$5,000 or more for a legislative, governmental, or charitable purpose at the behest of the official during a calendar year, each subsequent behested payment by that person in any amount during the same calendar year must be reported to the City Clerk on a Form 803 by said official within thirty (30) calendar days.
- D. A payment behested by an officeholder includes a payment behested by their agent or employee on behalf of the official.
- E. This section shall be interpreted in a manner consistent with the provisions of FPPC's regulations regarding the behested payments.

4.10.040 – Donations and sponsorships using Priority Funding.

- A. Any sponsorship and donations made to using Priority Funding, including sponsorships and donations to City projects, programs, events and activities, must be approved by the City Council.
- B. Before the City issues funding for the sponsorship and/or donation, the respective obligations of the donor and the City shall be set forth in an agreement. Pursuant to Section 2.84.010, the City Manager or their designee may issue a purchase order for sponsorships or donations not exceeding one hundred thousand dollars (\$100,000.00). Any sponsorship or donation that exceeds one hundred thousand dollars (\$100,000.00) shall be drafted and approved as to form by the City Attorney. The City Attorney may require an agreement for sponsorships or donations valued at any amount.
- C. Sponsorships and donations made using Priority Funding must be directly related to providing goods or services to the public or for another valid public purpose.

4.10.050 – Fundraising and solicitation by public servants.

A .City employees and officers are required to direct their attention to their duties and responsibilities during (recommend adding 'designated') work hours. **No City employee shall conduct or operate a personal business, which includes promotion, sales, scheduling or any related activity during work hours. Employees may be allowed to conduct limited sales, such as the sale of goods or services for third party charitable causes, such as school fundraisers, sports teams, Girl Scouts, Boy Scouts on a limited**

basis. Such fundraising activities must be conducted before or after work or during their break with approval of their department's management, on a non-interference basis such as limited common workspace or breakroom, and the fundraising must be limited in duration so as to not interfere with the operations of the City. Under no circumstances is a public servant to approach or solicit any person or entity doing business with the City regarding such activities (This description is problematic and further legal review is recommended. There is concern about the discretion of Department management and equity amongst employees being allowed to do this).

B. Trespassing, solicitation, or distribution of unauthorized literature by non-employees on City property is prohibited.

C. Unauthorized solicitation by any means for causes other than those mentioned above is prohibited.

**CITY OF LONG BEACH
ETHICS COMMISSION
Ad Hoc Committee on Updated Policies**

**Lani DeBenedictis, Commissioner
J.P. Shotwell, Commissioner**



March 12, 2025

Ethics Commission
City of Long Beach
411 West Ocean Boulevard
Long Beach, CA 90802

RE: Ethics and Good Government Act | Memorandum and Draft Recommendation from the Ad Hoc Committee on Updated Policies

On [November 8, 2023](#) the Ethics Commission approved the creation of the Ad Hoc Committee on Updated Policies (Ad Hoc). The purpose of this Ad Hoc was to review and assess the City of Long Beach’s Ethics Guide for Long Beach City Officials and Employees, ethics policies and laws, identify gaps in policies, and make recommendations to enhance existing policies and laws.

As highlighted in the City [Employee Ethics Survey and Ethics Program Performance Audit](#) released in 2020 by the City Auditor, there is no single comprehensive City document or policy that reflects the standards of its ethics program. Information is dispersed in documents prepared by the City Attorney, the City Auditor, and the Human Resources Department. Since its establishment, one priority of the Office of Ethics and Transparency (OET) is to build a centralized ethics program in which all its resources are accessible and digestible for the City government and its residents. After extensive research and benchmarking of other California municipalities, the Ad Hoc believes it to be in the best interest of the City to have an overarching ethics ordinance that centralizes all ethical standards, policies, and law. The Ad Hoc worked closely with the City Attorney’s Office and OET and recommends that the City Council adopt Title IV of the Long Beach Municipal Code (LBMC), also known as “the Ethics and Good Government Act” (herein the Act). In developing the Act, the Ad Hoc reviewed similar municipal code provisions in place in the cities of Los Angeles, Oakland, San Diego, and San Francisco.

By consolidating the City’s ethics policies and legal requirements into one comprehensive ordinance, the City will simplify the process of locating, understanding, and applying ethical standards for both employees and the public. A unified ordinance provides clarity and reduces confusion caused by overlapping or contradictory provisions scattered across various sources. It also ensures that employees and the public can easily access a single, authoritative source for all ethical guidelines to reinforce trust, accountability, and transparency in our government operations.

Moreover, creating a centralized ethics framework reflects the City’s commitment to fostering a culture of integrity and fairness. This proactive approach aligns with best practices observed in

other California municipalities, demonstrating that Long Beach is not only keeping pace with but also leading the way in ethical governance. By implementing the Act, the City positions itself as a model for effective ethical oversight, providing a foundation that promotes public confidence and operational efficiency.

Overview of Ethics and Good Government Act

The Act, attached hereto as Attachment A, outlines a comprehensive framework to enhance the integrity, transparency, and accountability of City governance. Spanning ten chapters, it codifies ethical standards for Long Beach public servants and establishes mechanisms to promote fairness, impartiality, and public trust. Much of what is contained in this recommendation reflects existing law, policies, and best practices. The Act sets forth clear guidelines addressing conflicts of interest, the use of City resources, and the acceptance of gifts and donations, to ensure all actions align with public interests. It emphasizes self-regulation and adherence to high ethical standards are essential to maintain public trust. Additionally, it continues to mandate annual ethics training as an opportunity to raise awareness, promote consistency, and incorporate “an ethical lens” in all that we do. Key chapters emphasize the prohibition of political activities during City duties, restrictions on ex parte communications, and regulations governing fundraising and sponsorships. The Act also includes whistleblower protections to safeguard those who report violations and encourages public servant accountability. By codifying these standards into one robust framework, the Act seeks to foster a culture of ethical governance, ensuring fair opportunities for all to engage with the City, promoting confidence in municipal operations.

The following is a high-level summary of the key provisions under The Act. These recommendations largely reflect the City’s existing administrative regulations and personnel policies and State standards under the California Political Reform Act, overseen by the Fair Political Practices Commission (FPPC). Some recommendations enhance existing FPPC regulations; the remaining recommendations are made in alignment with best practices in municipalities around the country, and to the best of our knowledge, are not memorialized in any City document.

4.01 – General Provisions

This chapter defines the scope, purpose, intent, enforcement and definitions of the Act. This Act is intended to provide a clear, comprehensive, and locally enforceable framework of ethical principles and laws and will apply to all City employees, elected and appointed officials, and consultants acting on behalf of the City. This Act requires mandatory trainings to be completed within a specified time period.

Chapter 4.01 provides the following:

- Public servants shall comply with all applicable laws and complete mandatory trainings within a specified time period.
- Public servants shall report violations, including fraud, waste, or abuse, to designated authorities and cooperate fully in investigations while adhering to whistleblower protections.
 - Departments may adopt stricter policies in consultation with OET.
- Alleged violations of this Act are subject to investigation and appropriate action, including public censure or removal from office.

- City Prosecutor may remedy violations pursuant to Chapter 1.32 of the City's Municipal Code.

4.02 – Code of Conduct and Ethics

This chapter will be a new location for the City's Code of Conduct and Ethics, written pledge, and training requirements previously adopted by the City Council under Long Beach Municipal Code Chapter 2.07. The existing enforcement provisions of Chapter 1.32 of the Municipal Code and newly proposed Section 4.01.100 shall not apply to this Chapter.

4.03 – Conflict of Interest

The California Political Reform Act requires a public servant to disclose any conflict of interest if it is reasonably foreseeable that a governmental decision will have a material financial effect on one or more of the public servant's interests. State law requires the disclosure of certain personal financial interests of the public servant or their immediate family. This chapter adds the requirement to disclose conflicts of interests of a public servant's business partner and intimate partner.

Chapter 4.03 requires the following:

- Disclosure and recusal when making decisions where the public servant has a conflict.
- Reporting where close personal relationships or financial interests could influence the public servant's decisions and recusal from related matters.
- Restricts employment, assignments, or contracting decisions involving relatives, benefactors, or entities with which a public servant has ties.
- Prohibits outside activities and future employment that conflict with City duties.
- Restricts former public servants from lobbying and influencing decisions tied to their prior roles.

Chapter 4.03 addresses penalties as follows:

Noncompliance with disclosure requirements may result in disciplinary action or removal.

- City Attorney to provide advisory opinions on potential conflicts to ensure decisions align with ethical and legal standards.
- Any filer that fails to file a statement required by the City's Conflict of Interest Code within 30 days after receiving notice from the City Clerk of a failure to file such a statement shall be referred to the FPPC for enforcement.

4.04 – Use of City Resources

This chapter combines existing California Government Code Section 8314 standards and establishes guidelines to ensure the ethical and proper use of City resources.

Chapter 4.04 provides the following:

- Prohibits misuse of City resources for personal gain.

- Outlines privacy and security expectations for City electronic information systems and allowances for incidental personal use.
- Restricts unauthorized representation of the City by all public servants.
- Mandates the confidentiality of sensitive information.
- Imposes specific rules regarding mass mailings and media use during elections.

4.05 – Gifts, Meals, and Entertainment

This chapter establishes comprehensive guidelines and establishes more management controls for the acceptance, solicitation, and distribution of gifts, meals, entertainment, tickets, and passes by City public servants. Consistent with FPPC Regulation 18944.1, this Chapter establishes a procedure for the City to provide tickets and passes to public servants that are not considered gifts under the Political Reform Act (California Government Code section 81000 et seq.) The City's Ticket Policy remains unchanged and addresses how the City distributes tickets and discloses the tickets on the Form 802.

Chapter 4.05 provides the following:

- Defines restrictions on accepting benefits from restricted sources, subordinates, and lobbyists, and specifies reporting and disclosure requirements.
- Regulates the use and distribution of tickets and passes to ensure they are used for legitimate public purposes.
- Violations can lead to a revocation of ticket privileges from the City.

4.06 – Outside Activities

This chapter addresses collateral employment and outside activities that conflict with responsibilities owed to the City, interfere with duties, compromise performance, create conflicts of interest, or raise ethical concerns and is derived from California Government Code Sections 1125-1129 and the City's HR Policy 1.7.

Chapter 4.06 provides the following:

- Prohibits misuse of City resources or prestige.
- Prohibits outside activities that have excessive time demands or impair job performance and requires authorization and disclosure for certain outside activities.
- Special provisions apply to board and commission members.
- The Ethics Commission to review departmental policies related to outside activities.

4.07 – Political Activities

Pursuant to California Government Code Sections 3201-3209, regulations of political activity by public servants and candidates for City office are to be codified to ensure neutrality and compliance with ethical standards. Consistent with California Government Code Section 8314, a prohibition on the use of City resources, positions, or influence for political purposes, and campaign restrictions and solicitations from City employees are outlined.

Chapter 4.07 requires the following:

- No use of City resources for political activities or non-City purposes unless legally authorized.
- No political activity on City time or in City uniform.
- No political influence or coercion.

Chapter 4.07 provides penalties as follows:

- Any person who intentionally or negligently violates this Chapter is liable for a civil penalty not to exceed one thousand dollars (\$1,000) for each day on which a violation occurs, plus three times the value of the unlawful use of City resources.
- If two or more persons are responsible for any violation, they shall be jointly and severally liable for the penalty.

4.08 – Ex Parte Contacts and Fair Hearings

This chapter creates a process for disclosure and prohibitions for certain ex parte communications in quasi-judicial proceedings conducted by the City Council, boards, and commissions.

4.09 – Lobbying

Current municipal code provisions related to lobbying are located in Chapter 2.08. Chapter 4.09 shall be a placeholder for any lobbying provisions that the City Council approves in response to the memorandum from the Ethics Commission to the City Council dated August 14, 2024. (See Attachment B)

4.10 – Donations, Sponsorships, and Fundraising

This chapter seeks to establish guidelines and management controls for the acceptance, management and reporting of donations, sponsorships, and fundraising activities by all public servants and the City to ensure that compliance with the laws and maintenance of public trust is codified. These are new provisions that are added to provide transparency and a process surrounding donations that are made to the City but are not currently covered by Form 801 or 802. This chapter seeks to create limitations on the fundraising and solicitation by all public servants.

Next Steps

The Ethics Commission recommends the City Council to consider the content and intent of the attached draft Ethics and Good Government Act and, if it wishes to adopt, to direct the City Attorney to finalize the ordinance to ensure the Act complies with applicable laws, regulations, and legal standards. Upon final review, the City Attorney will submit an ordinance for first and second reading for City Council review and approval.

If you have any questions, please contact Heather Van Wijk, Ethics Officer at heather.vanwijk@longbeach.gov or (562) 570-7443.

ATTACHMENTS

ATTACHMENT “A”

TITLE 4

ETHICS AND GOOD GOVERNMENT ACT

Chapter 4.01 – General Provisions

Chapter 4.02 – Code of Conduct and Ethics

Chapter 4.03 – Conflict of Interest

Chapter 4.04 – Use of City Resources

Chapter 4.05 – Gifts, Meals, and Entertainment

Chapter 4.06 – Outside Activities

Chapter 4.07 – Political Activities

Chapter 4.08 – Ex Parte Contacts and Fair Hearings

Chapter 4.09 – Lobbying

Chapter 4.10 – Donations, Sponsorships, and Fundraising

Chapter 4.01

GENERAL PROVISIONS

4.01.010 – Act.

This title shall be known as “The Ethics and Good Government Act.”

4.01.020 - Findings, purpose, and intent.

- A. This Act is intended to provide a clear, comprehensive, and locally enforceable framework of ethical principles and laws that apply to all City departments, public servants, and City boards and commissions, and to ensure that Long Beach City government operates with integrity.
- B. This Act is based on the premises that:
 - 1. A public servant’s loyalty to City residents, laws, and ethical principles are placed before private gain or interests; and
 - 2. The integrity of City government depends upon public servants who are entrusted by the public to be transparent and always act in the public’s

best interest, using City resources efficiently, effectively and in a legal and ethically responsible manner; and

3. All individuals and groups who interact with the City should have a fair and equal opportunity to participate in government.
4. City resources and the City's authority shall be used by public servants solely for the benefit of the public and not for private or individual gain.

C. This Act is intended to:

1. Assure that individuals and interest groups in the City have a fair and equal opportunity to participate in the governmental process;
2. Assure that the governmental process itself promotes fairness and equity for all residents of the City regardless of race, color, creed, religion, national origin, age, sex, marital status, sexual orientation, or disability;
3. Require designated public servants to disclose investments, interests in real property, and income when entering office, leaving office, and annually to prevent conflicts of interests;
4. Prevent public servants from receiving outside earned income that creates a potential or actual conflict of interests;
5. Assure that current and former public servants observe lobbying regulations, including for specific periods of time after they separate from City service;
6. Increase understanding of the City Charter and ordinances, the roles of public servants, and the roles of City agencies; and
7. Foster participation and strengthen public participation, confidence and trust in the City's government process.

D. Enforcement authority established by this Act shall not be applied to alleged violations occurring prior to the effective date of this Act, except as to continuing violations after proper notice.

E. The provisions in this Act are in addition to other local, State and Federal laws, some of which are cited by and incorporated into this Act.

4.01.030 – Definitions.

Unless the term is specifically defined in this Act, or the definition is stated or clearly appears from the context, the definitions set forth in the state (e.g., the California Political Reform Act) or local law that is cited as the source of each relevant provision in this Act shall govern the interpretation of that provision.

- A. "Appointing authority" means the body, department head, group of persons, or person having the power by lawful delegated authority to make appointment to or removal from an established position in the City service.
- B. "Business partner" means an individual or entity in which the public servant benefits financially "Business partner" includes any individual or entity who is in a legal relationship between the public servant and one or more individuals and/or entities where said individuals and/or entities invest their money, resources, or time in the business, and each partner benefits from any profits and sustains part of any losses and also includes any individual that owns real property jointly with a public servant.
- C. "City" or "City of Long Beach" means and includes the City of Long Beach, any affiliated agency created or activated by the Long Beach City Council and the City Charter, and all departments, boards, commissions, committees thereof. "City" does not include the Long Beach Unified School District.
- D. "City board or commission" refers to all advisory boards, commissions and committees established by the City Council and City Charter, and any advisory board, commission, and committee established by a City Department that is advisory to said department.
- E. "City Council" means the City Council as defined in Article 2, Section 200 of the Long Beach City Charter.
- F. "City's Conflict of Interest Code" means the Conflict of Interest Code adopted by a resolution of the City Council, as it reads on the date this ordinance is adopted and as it made be amended from time to time.
- G. "City employee" means all full, part-time, temporary, and seasonal employees of the City.
- H. "City resources" means any property or asset owned by the City, including but not limited to land, buildings, facilities, funds, equipment, supplies and services, telephones, computers, vehicles, travel, and City-compensated time.
- I. "Close personal relation" or "Close personal relationship" means an intimate partner, a business partner, and an immediate family member.
- J. "Conflict of interest" is when a public servant is engaged in an activity or has a personal interest, including financial, that may conflict or appear to conflict with the public servant's objectivity or ability to perform the one's official responsibilities.
- K. "Compensation" means the receipt of any monetary or non-monetary payment for the services or time of a person. "Compensation" includes, but is not limited to, salary, wages, fees, and any discount or economic opportunity not made available in the regular course of business to members of the public. "Compensation" does

not include a stipend paid to a board member of a public non-profit corporation to which the City is the sole member.

- L. "Confidential information" means information to which any of the following apply:
1. At the time of the use or disclosure of the information, the disclosure is prohibited by a statute, regulation, or rule which applies to the City; or
 2. The information is not general public knowledge and will have, or could reasonably be expected to have, a material financial effect on any source of income, investment, or interest in the real property of a public servant; or
 3. The information pertains to pending contract, labor, or real property negotiations and disclosing the information could reasonably be expected to compromise the bargaining position of the City; or
 4. The information pertains to pending or anticipated litigation and disclosing the information could reasonably be expected to compromise the ability of the City to successfully defend, prevail in, or resolve the litigation.
- M. "Designated filer" means a person holding a position listed in the City's Conflict of Interest Code.
- N. "Doing business with the City" means entering into or performing pursuant to a contract with the City. "Doing business with the City" includes soliciting, entering into, or performing contracts for goods, equipment, services, or financial assistance (e.g., grant funding).
- O. "Ethics Officer" means the Ethics Officer of the City.
- P. "Financial interest" means anything of monetary value, including but not limited to compensation, equity, gifts, and intellectual property of a public servant or a person with a close personal relationship with a public servant. Financial interests include, but are not limited to, a business entity, real property, income, gifts, and personal finances as those terms are defined by the PRA.
- Q. "Form 700" means Statement of Economic Interest form required to be filed by certain public servants by the FPPC and the City's Conflict of Interest Code.
- R. "FPPC" means the Fair Political Practices Commission.
- S. "Gift" means any payment that confers a personal benefit on the recipient, to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public. Any person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the

consideration received is of equal or greater value. The value of a gift shall be as determined by title 2, section 18946 of the California Code of Regulations.

- T. "Honorarium" means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. For purposes of this Subsection:
1. A "speech given" means a public address, oration, or other form of oral presentation, including participation in a panel, seminar, or debate.
 2. An "article published" means a nonfictional written work:
 - a. That is produced in connection with any activity other than the practice of a bona fide business, trade, or profession; and
 - b. That is published in a periodical, journal, newspaper, newsletter, magazine, pamphlet, or similar publication.
 3. "Attendance" means being present during, making an appearance at, or serving as host or master of ceremonies for any public or private conference, convention, meeting, social event, meal, or like gathering.
- U. "Influencing a municipal decision" means affecting or attempting to affect any action by a public servant on one or more municipal decisions by any method, including promoting, supporting, opposing, participating in, or seeking to modify or delay such action. "Influencing a municipal decision" also includes providing information, statistics, analysis or studies to a public servant.
- V. "Intimate partner" means a spouse, domestic partner, or any person who regularly cohabits with or uses the domicile of a public servant as their residence.
- W. "Immediate family" means a public servant's intimate partner and dependent children.
- X. "Loan" means the temporary transfer of money or goods for the personal use of an individual with the expectation that the money or goods will be returned.
- Y. "Lobbying" has the same meaning as proscribed in Chapter 4.09 of this Code.
- Z. "Lobbyist" has the same meaning as proscribed in Chapter 4.09 of this Code.
- AA. "Ministerial act" means an act that does not require a public servant to exercise discretion concerning any outcome or course of action.
- BB. "Municipal decision" means any governmental decision that is not a ministerial act.

CC. "Officeholder" means the Mayor, City Councilmembers, City Attorney, City Auditor, and City Prosecutor.

DD. "On the public record" means, disclosure made on the minutes of a public meeting at which the governmental decision is being made, or if the governmental decision is not being made in a public meeting, a memorandum kept on file at the offices of the public servant's department, board or commission, or agency.

EE. "Political Reform Act" means the Political Reform Act of 1974 and any regulations promulgated thereunder, as said Act reads on the date this ordinance is adopted and as it may be amended from time to time.

FF. "Private business" means any organization, partnership, corporation, or entity that is not a public agency.

GG. "Public Agency" means the United States or any of its agencies; the State of California; the City; any political subdivision of the State, including counties and districts; or any public corporation, agency, or commission.

HH. "Public hearing" means any meeting as defined by the Ralph M. Brown Act where a public record is kept of who spoke and who was represented by a lobbyist testifying at that hearing.

II. "Public servant" includes:

1. All elected or appointed officials of the City, including any such official elected but not yet sworn in; and
2. All City board, commission, and committee members, including Charter Commissions, such as the Board of Harbor Commissioners, Board of Utilities Commissioners, and the Civil Service Commission; and
3. All City employees, and interns; and
4. All consultants of the City who are required to file a Form 700 pursuant to the City's Conflict of Interest Code and the California Political Reform Act; and
5. All officers, members, and employees of any other affiliated agency created or activated by the Long Beach City Council, and all departments, boards and commissions thereof, such as, the Housing Authority, the Successor Agency of the Redevelopment Agency of the City, Long Beach Housing Development Company, Long Beach Transit, Long Beach Community Investment Company, Long Beach Unified School District, Arts Council, Convention Visitors Bureau.

JJ. "Relative" means any child, parent, sibling, sibling-in-law, child-in-law, parent-in-law, sibling of a parent, niece, nephew, stepparent, step-child, grandparent, any similar relationship created by adoption, a person who has a child in common with the public servant regardless of whether they have been married or have lived together at any period of time; and a person who regularly cohabits with or uses the domicile of a public servant as their residence.

KK. "Restricted source" means:

1. A lobbyist; or
2. A person doing business with or seeking to do business with the City; and
3. A person who communicated with a public servant pertaining to a municipal decision which would have a material financial effect on such person; or
4. A person who is a party to a municipal decision which within the prior twelve (12) months was pending before the public servant, and for twelve (12) months following the date a final decision is rendered in the proceeding.

A "restricted source" does not include an individual (other than a lobbyist) who is employed by a restricted source if they are not acting on behalf of their employer. "Restricted source" includes any affiliate of an entity identified in this Subsection.

4.01.040 – Compliance with laws.

Public servants must comply with all applicable Federal, State, county, and City laws, ordinances, regulations, policies, and rules while employed by, or appointed or elected to service to, the City.

4.01.050 – Required ethics and other mandatory trainings.

- A. All public servants must complete ethics training related to the ethical values, principles, and conduct expected of public servants outlined in this Act annually. Public servants shall have one hundred and twenty (120) days from the date of enrollment in the training to complete such annual ethics training.
- B. If a member of a City board or commission fails to complete the ethics training required by California Government Section 53234 et seq. within the time period specified therein, that person must automatically be removed from membership from the body to which they are appointed.
- C. In addition to the requirements in Sections A and B, public servants shall complete all other trainings mandated by local, City, State, or Federal law, regulations, policies, or the like within the time periods specific therein.

4.01.060 – Duty to report.

- A. Public servants have a duty to, and must, report information evidencing a violation of any law or regulation; gross mismanagement; fraud, waste, or abuse of City resources; an abuse of authority; or a substantial and specific danger to public health or safety of themselves or another public servant. Reports of fraud, waste, or abuse of City resources shall be made to either the public servant's department director, the City Auditor, or anonymously through any helpline established by the City Auditor or City Ethics Office, or its equivalent.
- B. Reports of fraud, waste, or abuse of City resources shall be referred to the City Auditor.
- C. No person shall knowingly and intentionally furnish false or fraudulent evidence, documents, or information to any authority investigating an alleged violation of this Chapter, or knowingly and intentionally misrepresent or omits any material fact, or conceal any evidence, documents, or information relevant to an investigation of an alleged violation of this Chapter. In addition to the penalties provided by Section 4.01.100 of this Act, any person that violates this Subsection is guilty of a misdemeanor pursuant to Section 1.32.010 of this Code.

4.01.070 – Duty to cooperate in investigations.

Public servants have a duty to, and must, cooperate fully with any internal and external investigations, including audits, conducted by a City department or an outside entity. Public servants must respond to questions posed during an investigation upon being informed that their statement will not be used to incriminate them in a criminal proceeding.

4.01.080 - Prohibition against retaliation for reporting Violations. (Whistleblower protection)

- A. In addition to the provisions of California Labor Code Section 1102.5 and 41 U.S. Code § 4712, as they may be amended from time to time, a public servant shall not use or threaten to use any official authority or influence to discourage, restrain, or interfere with any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention the appropriate agency, office, or department any information which, if true, would constitute:
 - 1. A work-related violation by a public servant of any law or regulation; or
 - 2. A gross waste of City funds; or
 - 3. A gross abuse of authority; or
 - 4. A conflict of interest of a public servant; or

5. A specific and substantial danger to public health or safety due to an act or omission of a public servant, use of a City office or position, or use of City resources for personal gain.
- B. A public servant shall not use or threaten to use any official authority or influence to effect any action as a reprisal against a public servant who reports or otherwise brings to the appropriate agency, office, or department any information regarding the subjects described in Subsection (A).
- C. Any person who believes they have been subjected to any action prohibited by this Section may file a complaint with the City Ethics Officer. The Ethics Officer shall refer the complaint to the appropriate agency for investigation and said agency shall thereupon investigate the complaint. Upon the conclusion of its investigation, the agency may take appropriate action as allowed under its enforcement authority.

4.01.090 – Relationship to other ordinances and City policies or regulations.

- A. These provisions are not intended to abrogate or impair the provisions of any other section of this Code that does not conflict with the provisions of this Chapter. However, in the event of a conflict between the provisions of this Chapter and the provisions of any other ordinance, the provisions of the Code that establish the more stringent, superior or higher standards shall control.
- B. These provisions are intended to set consistent ethical regulations for all public servants and all City departments. Except as otherwise provided by this Act, this Act, and procedures established to implement this Act, supersede and replace any conflicting City policies and procedures relating to government ethics in this Act in place as of the effective date of this ordinance. City departments may consult with the City Attorney to obtain a determination as to whether a City policy or procedure in existence at the time of adoption of this ordinance or thereafter conflicts with this Act.
- C. City departments may adopt regulations that are more restrictive than the provisions in this Act. However, where there is a conflict between a City policy or procedure and this Act, the more restrictive provision shall control.
- D. Where there is a conflict between this Act and any provisions required by State or Federal law, the most restrictive provision shall govern.

4.01.100 – Enforcement and penalties.

- A. The provisions of this Chapter express standards of ethical conduct expected of public servants. As an expression of such standards, the provisions of this Chapter are intended to be self-enforcing for the most part. As individuals, public servants have the primary responsibility to ensure that these ethical standards and ethical standards required by law are understood and met and that the public can continue to have full confidence in the integrity of government. This Chapter

will be most effective when public servants are thoroughly familiar with the expressed standards and embrace them.

- B. A violation of the provisions of this Act shall not be considered and shall not constitute a basis for challenging the validity of any decision by the City Council or any other body, department, agency of the City, or any other affiliated agency created or activated by the City Council, and all departments, boards and commissions thereof.
- C. Alleged violations of this Act that also pertain to provisions of the California Political Reform Act must be reported to the Fair Political Practices Commission of the State of California.
- D. Alleged violations of this Act that may constitute a misdemeanor criminal offense pursuant to Chapter 1.32 of this Code, including those outside of the purview of the Fair Political Practices Commission, should be reported to the Long Beach City Prosecutor. The City Prosecutor may remedy such violations of this Act pursuant to Chapter 1.32 of this Code.
- E. Alleged violations of this Act that may constitute a felony criminal offense independently from this Chapter under State or Federal law, including those outside of the purview of the Fair Political Practices Commission, should be reported to the Los Angeles County District Attorney's Office.
- F. Except as otherwise expressly provided by this Act, failure to comply with a provision of this Act is considered a violation of this Act and enforceable by Subsection G.
- G. Except as otherwise expressly provided by State law and this Act, the following shall constitute the exclusive means and procedures of enforcing the provisions of this Act:
 - 1. Alleged violations of this Act by a public servant shall be reported to an approved through a City approved reporting mechanism or the Ethics Officer. If a matter is reported to an approved reporting mechanism other than the Ethics officer, the Ethics Officer shall be notified of the matter to ensure that the appropriate appointing authority or their designee is assigned for investigation.
 - 2. For alleged violations of this Act by an officeholder upon receipt of the report, the City Attorney shall discuss the matter with the public servant who is the subject of the allegation, advising such person of the alleged violation and endeavoring to avoid future violations in the event one has occurred. In the event the officeholder is the City Attorney, the City shall refer to matter to a third party. Further, upon a finding by a majority of the City Council that any Council member or the Mayor has violated any

provision prohibited by this Act, the City Council may impose any of the following sanctions on said Council member or the Mayor:

- a. Public apology by the public servant to the complainant;
 - b. Recommendation for training;
 - c. Removal from regional committees;
 - d. Public censure; or
 - e. Restrict from traveling to attend meetings or conferences outside the City limits.
3. Upon a finding by a majority of the City Council that any member of a board or commission has violated any provision prohibited by this Act, the City Council may impose any of the following sanctions on said member:
- a. Public apology by the public servant to the complainant;
 - b. Recommendation for training;
 - c. Referral to the board or commission of which the individual is a member for public censure;
 - d. Public censure by the Mayor and City Council;
 - e. Removal from Chair, Vice-chair, officer, or other leadership positions; or
 - f. Removal from office as provided for by City Charter Section 510 or Chapter 2.18.
4. For alleged violations of this Act by the City Manager, the Assistant City Manager, and the City Clerk, upon receipt of the report, the City Attorney shall discuss the matter with the public servant who is the subject of the allegation, advising such person of the alleged violation and endeavoring to avoid future violations in the event one has occurred. In the event the appointing authority, or their designee, determines that a violation of this Act has occurred the appointing authority, or their designee, may take appropriate action in accordance with applicable City rules, regulations, and procedures related to employment and/or discipline.
5. For alleged violations of this Act by a City employee, upon receipt of the report, the appointed authority, or their designee, shall commence an investigation to determine whether the alleged violation is substantiated. The appointing authority, or their designee, shall discuss the matter with the person who is the subject of the allegation, advising such person of the alleged violation. In the event the appointed authority, or their

designee, determines that a violation of this Act has occurred, the appointed authority, or their designee may take appropriate action in accordance with applicable City rules, regulations, and procedures related to employment and/or discipline.

- H. Any person who is either the complainant, or the subject of a complaint, filed pursuant to this Section is prohibited from participating in any deliberations or decision concerning any sanctions to be imposed pursuant to such complaint.
- I. Penalties for violations involving close personal relations.
 - 1. Any appointment made in violation of this Title is void and of no effect.
 - 2. A court may void any governmental decision made by a public servant who fails to disclose a relationship as required by Chapter 4.03 if the court determines that:
 - a. The failure to disclose was willful; and
 - b. The public servant failed to render their decision with due diligence and primarily for the benefit of the City.
 - c. No other penalties shall apply to a violation of this Subsection. Notwithstanding the foregoing, nothing in this Subsection shall prohibit an appointing authority from imposing discipline for a violation of this Subsection 4.030.010.

4.01.110 – CEQA.

This ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) because it is not a project within the meaning of 14 CCR § 15378 or alternatively, because it is covered by the general rule that CEQA applies only to projects which the potential for causing a significant effect on the environment (14 CCR § 15061(b)(3)). This ordinance implements regulations related to government ethics in the City that have no potential for direct or indirect changes to the environment.

4.01.120 – Severability.

In the event, any provision in this Act is deemed invalid, illegal, or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby and such provision is ineffective only to the extent of such invalidity, illegality, or unenforceability.

CHAPTER 4.02

CODE OF CONDUCT AND ETHICS

4.02.010 – 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. Thus, the City commits to the following values:

- A. Accountability through the willingness to accept responsibility and account for one's actions.
- B. Equity by ensuring fairness and due process.
- C. Impartiality by being loyal to the public good.
- D. Diversity by embracing histories, values, and ideas from all backgrounds, and recognizing their contribution to improving the City's operations, services, and programs.
- E. Transparency in actions and practices that are open to public observation and scrutiny.
- F. Integrity by being truthful, seeking truth, and adherence to the City's values.

4.02.020– Written pledge.

It is incumbent for every representative of the City to uphold the City's Code of Conduct and Ethics. Public servants commit to undertaking their duties with the highest ethical principles and place the public's interest above their own.

Prior to assuming office, employment, or volunteering with the City, all public servants must pledge, in writing, to uphold the following principles

- A. To be truthful and honest, including:
 - 1. Acting with integrity and demonstrating courage in all dealings.
 - 2. Ensuring that all completed work activities are accurate and that any biases have been identified and addressed.
 - 3. Being accurate and honest in all interactions and communications with others.
- B. To place the public's trust before their own personal interests, including:
 - 1. Being objective and impartial.
 - 2. Never engaging in acts of collusion, kickbacks, bribes, unlawful gifts, conflict of interest, or other improper influence, nor condoning such acts by others.
 - 3. Not permitting personal interests to impair the individual's judgment or action.
 - 4. Not using the individual's position with the City for the public servant's private gain, for the endorsement of any product, person, or enterprise, or

for private gain of relatives, close personal relationships, or business partners.

5. Disclosing, and if necessary, recusing oneself from the decision-making process and any activities, dealings, and transactions on behalf of the City that may be related or be influenced by the individual's personal, financial, or outside activities.

C. To be transparent, including:

1. Ensuring that all work products are completed in an open manner, with the knowledge that it may be subject to public inspection and/or release.
2. Disclosing all personal, financial, or professional interests or outside activities that may relate to or influence the individual's role or official capacity.
3. Promptly reporting any perceived or actual conflict of interest that may arise prior to rendering a decision, providing information, or offering a recommendation.
4. Cooperating and supporting inquiries, reviews, audits, or other investigations that may be conducted by the City or other enforcement agencies.
5. Complying with the Ralph M. Brown Act (California Government Code section 54950 et seq.) and observing all rules with respect to notice and public meetings.
6. Committing to not discussing or communicating on matters to be voted on by the City Council or a City board, commission, or committee with another member of the body outside the public meeting in a manner inconsistent with the Ralph M. Brown Act commitment to transparency.
7. Complying with the California Public Records Act (California Government Code section 54950 et seq.) including providing responsive records promptly to the public upon request.

D. To be accountable, including:

1. Complying with all Federal, State, and City laws and regulations as well as applicable policies and procedures.
2. Being fiscally responsible with managing and overseeing City funds and resources, as it pertains to the individual's assigned responsibilities.
3. Abiding by all applicable requirements pertaining to gifts and gratuities, including donations and honoraria.
4. Adhering to all policy and procedures and contractual commitments to safeguard the integrity of the City's procurement and bidding and competitive processes.

E. To safeguard all information, data, and assets entrusted to the individual's care, including:

1. Protecting City data to promote cybersecurity and preserve confidentiality and privacy concerning the property, personnel, or other affairs of the City.
2. Handling and safeguarding all non-public and proprietary information as protected under agreement or public law.

3. Protecting all City assets, resources, and information to the best of the individual's knowledge from loss, theft, and misuse.
 4. Protecting the interests of the City and those who have placed their trust in the individual.
- F. To recognize historic inequities and disparities and to support diversity and be inclusive in all the individual's actions, including:
1. Respecting the diverse histories, values, and experiences represented in the City's various communities.
 2. Anticipating effects of a decision on people in the City, especially if specific groups may be disproportionately harmed or helped.
 3. Working to ensure that all people in the City have the ability to actively participate and engage and work to eliminate barriers to public involvement in decisions, programs, and services.
 4. Being mindful of the community's needs and be cognizant of their experience when interacting with City services.
 5. Incorporating 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.
- G. To treat others with dignity, including:
1. Listening, being approachable, open-minded, asking questions, and participating when engaged.
 2. Treating all colleagues, the public, stakeholders, and anyone transacting business with the City with respect.
 3. Conveying the City's care for, and commitment to, its communities.
 4. Being courteous and civil in all interactions and communications with others.
- H. To make data-informed decisions, and embrace excellence and innovation, including:
1. Being 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.
 2. Being proactive and innovative when setting goals and conducting the City's business.
 3. Promoting innovation that will enrich and transform the City's services, operations, and budget.
- I. To avoid even the appearance of impropriety and seek ethical guidance and immediately report a perceived Code of Conduct and Ethics violation, conflict of interest, fraud, waste or misuse of City resources, and inappropriate behavior to the appropriate authority for investigation.

4.02.030 – Enforcement.

The provisions of Chapter 1.32 of this Code and Section 4.01.090 shall not apply to this Chapter.

CHAPTER 4.03

CONFLICT OF INTEREST

4.03.010 - Duty to disclose conflict of interest.

- A. Public servants shall disclose any situation that presents a conflict of interest through the disclosure process outlined in Subsections C and D, before consideration of a matter where said conflict is present.
- B. A public servant must disclose on the public record any close personal relation or outside activity with any individual or entity who is the subject of or has an ownership or financial interest in the subject of a governmental decision being made by the public servant where, because of the relationship, the ability of the public servant to act for the benefit of the public could reasonably be questioned.
- C. A public servant who has reason to believe another public servant has not disclosed a conflict of interest pursuant to this Chapter is required to promptly notify the City Auditor's Office or the City Ethics Office, of the conflict.

Any public servant who may have a conflict of interest under provisions of this Chapter, or who must recuse themselves from a proceeding under California Government Code Section 84308, must immediately identify the circumstances that give rise to the conflict of interest in detail sufficient to be understood by the public in a writing with a copy provided to the City's Ethics Office. Where the exact street address is required for a conflict analysis, said address may be redacted when provided to the City's Ethics Office and/or in response to a Public Records Act request.

1. Public servants required to recuse themselves pursuant to this Chapter shall not:
 - a. Discuss or act on the matter; or
 - b. Influence or participate in the creation, negotiation, review, or approval of the matter; or
 - c. Use their position to access information about the matter; or
 - d. Communicate about the matter in an official capacity.

2. Prior to the consideration of a matter in a public meeting, public servants who serve on public bodies, such as the City Council and City boards, committees and commissions, that have a conflict of interest shall in the public meeting of the body:
 - a. Publicly identify the circumstances that give rise to the conflict of interest in detail sufficient to be understood by the public provided that disclosure of the exact street address of a residence is not required; and
 - b. Recuse themselves from discussing or acting on the matter including abstaining from influencing or participating in the creation, negotiation, review, or approval of the matter before the matter comes before them in the public meeting; and
 - c. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on and remains on the consent calendar.
- D. Public servants who have a potential conflict of interest may choose to recuse themselves from a decision pursuant to Subsection C or they may announce the potential conflict on the record of a public meeting to allow for the parties and the public to provide comment. For public servants that do not participate in a public meeting, the conflict must be disclosed to all parties affected by the decision.

4.03.020 - Decisions affecting personal interest.

- A. A public servant shall not make, participate in making, or in any way use their official position to influence a municipal decision in which they know or have reason to know they have a disqualifying financial interest.
- B. A public servant has a “disqualifying financial interest” in a municipal decision if that municipal decision will have a reasonably foreseeable material financial effect, distinguishable from the effect on the public generally, directly on the public servant or their immediate family, or on any of their financial interests in business entities, real property, sources of income, sources of gifts, or their own personal finances.
- C. This Section shall be interpreted in a manner that is consistent with the provisions of California Government Code sections 87100 through 87105 and title 2, sections 18700 through 18709 of the California Code of Regulations. In this regard, these provisions of state law are hereby adopted by reference and incorporated into this Act as if fully set forth

herein.

4.03.030 - Decisions involving relatives and close personal relations.

- A. A public servant shall not make, participate in making, or otherwise seek to influence a decision of the City regarding hiring, promotion, discipline, or administrative control of a City employee involving a relative or close personal relation.
- B. A public servant shall not have a relative or close personal relation assigned to an activity over which the public servant has decision-making authority, nor shall a public servant have supervising authority or influence that could affect, or appear to affect or favor a relative or close personal relation. Employment and assignment of individuals shall not create or result in a conflict of interest or circumvent any normal selection or hiring process, including reorganization, promotion and advancement. For purposes of this Subsection:
 - 1. "Decision-making authority" includes situations where a public servant audits, approves, evaluates, or otherwise reviews the work product, timekeeping, travel and expense, funding, budget, or other disbursement- related items.
 - 2. "Supervising" in this Subsection is limited to any regularly assigned employment relationship wherein a public servant is in a position to affect the terms and conditions of another individual's employment, including making decisions about an employee's work assignments, compensation, award, grievances, advancement, or performance.
- C. Public servants shall not recommend the appointment of, appointing, voting for or electing to any office, position or employment, a relative or close personal relation for any department or board or commission of the City. "Appointment" as used in this Section shall be liberally construed, so that the personal relation of a public servant is not employed within their department even if the public servant does not personally sign the letters and official forms which constitute the appointment.
- D. The Ethics Commission may adopt regulations setting forth the types of close personal relations that must be disclosed pursuant to this Section.

4.03.040 - Disqualifications from decisions involving benefactors.

- A. A public servant shall not participate in any municipal decision where a party to a municipal decision has, within the previous twelve (12) months:

1. Given the public servant or their immediate family an opportunity for compensation; or
 2. Promised to give the public servant or their immediate family an opportunity for compensation; or
 3. Acted as an intermediary for the public servant or their immediate family to have an opportunity for compensation.
- B. When an opportunity for compensation is provided to a member of the public servant's immediate family, the public servant shall not participate in a municipal decision involving a party to the municipal decision as described in Subsection A. unless the public servant had no knowledge of or involvement in securing the opportunity for compensation.
- C. This Section does not apply to opportunities for compensation provided by a public agency.

4.03.050 - Disqualifications from decisions involving contracting.

- A. A public servant shall not be financially interested in any contract made by them in their official capacity.
- B. A contract shall not be made by City Council, or any City board or commission, if any member of the body has a financial interest in the contract.
- C. A public servant shall not participate in any procurement action, including the evaluation or performance of the contract, either directly or as an advisor, involving a firm in which the public servant or the public servant's close personal relation has financial interest or other personal or business connections which could influence or appear to influence the public servant's participation.
- D. Public servants shall not recommend or exert influence or attempt to exert any influence on any contractor or business which has a business relationship with the City to employ a public servant's close personal relation.
- E. This Section must be interpreted in a manner that is consistent with California Government Code sections 1090 through 1099. In this regard, such provisions of state law are hereby adopted by reference and incorporated into this Act as if fully set forth herein.

4.03.060 - Outside activities.

- A. Any public servant who receives compensation from the City shall not engage in any employment, activity, or enterprise for compensation which is inconsistent with, incompatible with, in conflict with, or inimical to, their duties as a public servant. Refer to Chapter 4.06 for additional guidance on outside activities.

4.03.070 - Incompatible offices.

- A. Except as otherwise provided in this Section, a public servant shall not simultaneously hold two (2) public offices that are incompatible.
- B. Offices are incompatible when any of the following circumstances are present, unless simultaneous holding of the particular offices is compelled or expressly authorized by law:
 - 1. Either of the offices may audit, overrule, remove members of, dismiss employees of, or exercise supervisory powers over the other office or body or over a multimember body that includes that other office.
 - 2. Based on the powers and jurisdiction of the offices, there is a possibility of a significant clash of duties or loyalties between the offices.
 - 3. Public policy considerations make it improper for one (1) person to hold both offices.
- C. When two (2) public offices are incompatible, the public servant is deemed to have forfeited the first office upon acceding to the second.
- D. This Section does not apply to:
 - 1. A position of employment, including a civil servant position.
 - 2. Any governmental body that has only advisory powers.
- E. This Section must be interpreted in a manner that is consistent with California Government Code sections 1099. In this regard, such provisions of state law are hereby adopted by reference and incorporated into this Act as if fully set forth herein.

4.03.080 - Future employment.

- A. A public servant shall not make, participate in making, or use their official position to influence a decision involving the interests of a person with whom the public servant, or a member of the public servant's immediate

family, is seeking, negotiating, or securing an agreement concerning future employment.

- B. Any person who has a matter pending before the City shall not negotiate, directly or indirectly, knowingly or willfully, the possibility of future employment of a public servant, or a member of the public servant's immediate family, if that public servant is making, participating in making, or using their official position to influence, a decision concerning that matter.
- C. The prohibitions set forth in Subsections A and B do not apply to a public servant's prospective employment with a public agency.

4.03.090 - Lobbying activities of former public servants ("revolving door").

- A. A former public servant who personally and substantially participated in a specific municipal decision during their City service shall not receive compensation to attempt to influence City action on that municipal decision, either personally or through an agent, on behalf of a person other than the City.
 - 1. "Personal and substantial participation" includes, but is not limited to, making or voting on a decision, making a recommendation, rendering advice, and conducting research, or an investigation.
 - 2. This prohibition applies as long as the municipal decision is still pending before the City or the City is a party to the municipal decision.
 - 3. This prohibition does not apply when the former public servant participated in the municipal decision in solely a ministerial capacity.
- B. For a one-year period immediately following termination of service with the City or for a two-year period if they are a former officeholder or former City Manager, a former public servant who received compensation from the City to work on a particular project during their City service shall not engage in direct communication with the City, for compensation, with regard to any pending application for discretionary funding or discretionary entitlements before the City relating to that particular project on behalf of any person.
 - 1. For purposes of this section, "work on a particular project" means to take part personally and substantially in the project by

rendering a decision, approval, or disapproval; by making a formal written recommendation; by conducting an investigation; by rendering advice on a significant basis; or by using confidential information.

2. For purposes of this section, “project” means any matter where an individual or entity has made an application to the City for discretionary funding or discretionary entitlements, or where the City exercises discretion to enter into a lease, agreement, or contract with a private business.
- C. For a one-year period immediately following termination of service with the City, or for a two-year period if they are a former officeholder or former City Manager, a former public servant shall not knowingly counsel or assist any person in connection with an appearance or communication in which the former public servant is prohibited from engaging for compensation pursuant to Subsection A.
- D. As a means of facilitating compliance with Subsections B and C in instances where long-term projects may change in character and scope over time and where large projects have discrete components or phases, any former public official may seek a written determination from the City Attorney Office regarding whether prospective direct communication on a particular project would constitute a violation of this Section.
- E. A former public servant shall not to engage in direct communication for the purpose of lobbying the City if all of the following circumstances apply:
1. The former public servant served as a public servant within the previous year, or within the previous two years if they are a former officeholder or a former City Manager; and
 2. The former public servant received compensation from the City for their service as a public servant; and
 3. The former public servant is receiving compensation to engage in the direct communication with the City.
- F. Except as set forth in Subsection F, which governs former officeholders and former City Managers, the prohibitions contained in Subsections A, B, and D do not apply:
1. To prevent a former public servant from making or providing a statement, based on the former public servant’s own special knowledge in the particular area that is the

subject of the statement, provided that no compensation is thereby received other than that regularly provided for by law or regulation for witnesses; or

2. To prevent any former public servant from representing themselves, or any member of their immediate family, in their individual capacities, in connection with any matter pending before the City; or
3. To the activities of any former public servant who is an officer, employee, or independent contractor of any public agency when that former public servant is solely representing that agency in their official capacity as an officer, employee, or independent contractor of the agency; or
4. To any ministerial act; or
5. To any individual appearing as a speaker at, or providing written statements that become part of the record of a public hearing; or
6. To any communication among attorneys representing a party or potential party to pending or actual litigation brought by or against the City, an agent of the City, or other active public servant.

G. Former officeholders and former City Managers are subject to the provisions of California Government Code section 87406.3 and any amendments thereto, which is hereby adopted by reference and incorporated into this Act as if fully set forth herein. Accordingly:

1. The exceptions in Subsections E.1, E.5, and E.6 do not apply to a former officeholder or to a former City Manager; and
2. The exception in Subsection E.3 does not apply to a former officeholder or to a former City Manager for a period of two years after leaving City service and for a period of one year after leaving City service, when such individuals are communicating on behalf of a public agency as an independent contractor.

4.03.100 – Enforcement for failing to file disclosures required by the

City's Conflict of Interest Code.

- A. Subject to Civil Service provisions of the City Charter and any applicable Civil Service Rules and Regulations, a designated filer who fails to file any statement required by the City's Conflict of Interest Code within 30 days after receiving notice from the City Clerk of a failure to file such a statement may be subject to disciplinary action by their appointing authority.
- B. The Ethics Commission may issue a letter to the appointing authority recommending the following actions when a designated filer fails to file a statement required by the City's Conflict of Interest Code if said filer has not filed the required statement within 30 days of receiving notice from the City Clerk of their failure to file:
 1. Suspension or removal of the designated filer from a separate legal entity or board that is not otherwise within the City's control, such as, Long Beach Transit, the Arts Council for Long Beach, and any Business Improvement District board.
 2. Disciplinary action for any nonelected public servants excluding City board, commission, and committee members.
- C. Members of City Boards and Commissions.
 1. Except as provide by Subsection D.2, if a member of any City Charter Commission or City advisory body fails to file a statement required by the City's Conflict of Interest Code within 30 days after receiving notice from the City Clerk of a failure to file such a statement shall be automatically removed from membership from the body in which they are appointed to.
 2. If a member fails to file any statement required by the City's Conflict of Interest Code within 30-days of a notice from the Clerk of their failure to file prior to the deadline, the member may request a waiver for good cause from the Mayor or their appointing authority pursuant to provisions of this Subsection.
 - a. A member may seek a waiver for good cause from the Mayor or the appointing authority excusing their failure to file any statement required by the City's Conflict of Interest Code within 30 days of receiving notice from the City Clerk of their failure to file. The Mayor or the appointing authority may require documentation from the member requesting a waiver to prove

good cause. The fact that a member has made multiple requests for a waiver to be excused for their failure to file any statement required by the City's Conflict of Interest Code shall be taken into consideration by the Mayor or the appointing authority when granting a waiver authorized by this Subsection. If the Mayor or the appointing authority grants such a waiver, said member may not be removed for failure to file any statement required by the City's Conflict of Interest Code within the calendar year the waiver was issued.

- b. A waiver for good cause may be granted pursuant to this Subsection for any of the following reasons: incapacitation for medical reasons; hospitalization; accident involvement; loss or unavailability of records; serious illness or death of a close personal relation; or any other good cause shown.
- c. A waiver for good cause may not be granted pursuant to this Subsection for any of the following reasons: the member was on vacation; the member was too busy; another person failed to file any statement required by the City's Conflict of Interest Code on the member's behalf; the member needed additional time to gather information to file; the member is waiting on professional assistance from another person, such as, a financial advisor, Certified Public Accountant, or the Fair Political Practices Commission; the member promises to file on time in the future; or the member did not receive an annual reminder to file the City's Conflict of Interest Code.
- d. Any member removed pursuant to this Subsection D shall not serve on any City board, commission, or committee for one (1) year from the date of removal.

D. Consultants for any City department or agency covered by the City's Conflict of Interest are deemed designated employees for the purposes of the City's Conflict of Interest Code. However, the director of the department or agency for which a consultant works may request in writing the Ethics Officer's approval that the consultant is not required to comply with the disclosure requirements described in this Section because the consultant performs a range of duties that are limited in scope. Any determination by a director must include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. Such a determination is a public record and must be retained for public inspection.

E. Any designated filer that fails to file a statement required by the City's Conflict of Interest Code within 30 days after receiving notice from the City Clerk of a failure to file such a statement shall be referred to the FPPC for enforcement by the City Clerk.

4.03.110 – Conflict of interest – City Attorney Opinion.

- A Any public servant or City body may request the City Attorney to render an opinion concerning the obligation said body or public servant, under applicable laws, to refrain from voting or acting upon any matter, contract, sale or transaction to which the body or the public servant may be a party, or concerning any situation where it would violate state law or where it may not be in the public interest for the body or public servant to act in a particular matter, contract, sale or transaction. Likewise, any elected City officer may request an opinion with respect to any board member.
- B If the City Attorney receives such a request, the City Attorney shall render a written opinion. If the request is made by an elected City officer concerning a board member, the opinion shall be rendered within ten days of the City Attorney's receipt of the request; provided, however, that if the City Attorney determines that the request does not contain sufficient information upon which to render an opinion, the City Attorney shall notify the person making the request, and the time within which the City Attorney must render the opinion shall not commence until that information has been provided to the City Attorney.

CHAPTER 4.04

USE OF CITY RESOURCES

4.04.010 – Use of City resources.

A public servant shall use City resources for the conduct of City business and the performance of work-related duties. Public servants shall not use their position or prospective position, or the power or authority of their office or position, in any manner intended to induce or coerce any person to provide, directly or indirectly, anything of value which accrues to the private advantage, benefit, or economic gain, of the public servant or their immediate family or close personal relation. In addition, public servants shall not engage in activities that may surmount to fraud, waste or other abuse of City resources.

Reports of allegations of fraud, waste and abuse that relate to or impact City resources may be made to the City Auditor (CA GOV § 53087.6) or the City's Ethics Office.

As used in this chapter, the following terms apply:

- A. The term "resources" include all facilities, grounds, monies, property, equipment, vehicles, electronic assets including accounts, software, intellectual property work time, and City services.
- B. The term "private advantage, benefit, or economic gain" means any advantage, benefit, or economic gain, distinct from that enjoyed by the public without regard to official status or not resulting naturally from lawful and proper performance of duties.

- C. The term electronic information resources include personal computers, telephones, photocopy and scanning equipment. The term “limited and incidental” refers to a public servant’s use of electronic information resources for personal, non-City purposes as long as the use does not adversely affect the performance of official duties, is reasonable in duration and frequency, and does not violate intellectual property rights, state or Federal law.
- D. The term “fraud, waste, or abuse” means any activity by a local agency or public servant that is undertaken in the performance of the public servant’s official duties, including activities deemed to be outside the scope of the public servant’s employment, that is in violation of any local, state, or federal law or regulation relating to corruption, malfeasance, bribery, theft of government property, fraudulent claims, fraud, coercion, conversion, malicious prosecution, misuse of government property, misappropriation, or willful omission to perform duty, is economically wasteful, or involves gross misconduct.

4.04.020 – Security and expectations of privacy

- A. Passwords and other authentication mechanisms or devices created by or issued to users are for their use only and are not to be shared with others.
- B. Users of City electronic resources should not have an expectation of privacy with respect to their use of these resources or any of the data, files, or other records generated by, stored, or maintained on them. For cybersecurity and other lawful purposes, the City may collect, store, and analyze the use of the City’s electronic information resources and any data or communications transmitted to or from, received or printed from, or created, stored, accessed, or recorded on the City’s electronic information resources.
- C. The City retains the right to inspect, review, and retain the content of electronic messages or other data, files, or records generated, stored, or maintained on City resources at any time without prior notification.

4.04.030 – Incidental Use of City Electronic Information Resources.

Limited and incidental use of electronic information resources is allowed, as long as no City resources are used for the following purposes:

- A. Promoting, selling, or trading goods or services for any personal fundraising, business, promotional or profit-making endeavor or otherwise engaging in any activity in which the public servant intends to profit.
- B. Utilization of City electronic information resources for campaign purposes.
- C. Sharing personal views or taking positions on political, religious or social policy issues outside the public servant’s official capacity.

4.04.040- Unauthorized representation on behalf of the City.

Public servants shall not hold themselves out as a representative of the City, or as an agent acting on behalf of the City, unless authorized to do so, including the use of City letterhead, title, e-mail, business card, or any other resource for any communication that may lead the recipient of the communication to think that the public servant is acting in an official capacity when the public servant is not.

4.04.050 - Use of confidential or proprietary information.

- A. A current or former public servant shall not use or disclose any confidential, non-public or proprietary information they acquired in the course of their official duties, except as authorized by law or in advance by the City Attorney.
- B. When a public servant terminates employment, all non-public or proprietary knowledge, whether technical or administrative in nature, must be kept confidential, except as authorized by law or in advance by the City Attorney.

4.04.060 - Mass mailings.

- A. Except as provided in Section B.1 through 4, no mass mailing shall be prepared, produced, printed, sent, broadcast, transmitted, delivered, or distributed at public expense by, on behalf of, or at the behest of any officeholder.
- B. Mass mailings exempt pursuant to Section B.1 through 4 may be sent under the following conditions:
 - 1. The mailing contains only a single mention of the officeholder and the mailing does not contain the officeholder's photo or signature; and
 - 2. The mailing only includes information which is pertinent to the purpose of the public meeting or event, such as, the date, time and place, description of the subject matter, identification of speakers or participants, an explanation of any problems or issues, directions to the location of the meeting, and a telephone number to call for additional information; and
 - 3. If the mailing is a notice or announcement, the officeholder's name may be included in the letterhead, and on the return address portion of the envelope or post card, as well as a single mention of the officeholder's name in the body of the notice or announcement. Where multiple officeholders are named in the letterhead, the names of all officeholders must appear in the same size, font type, color, and location.
 - 4. Mailings exempt pursuant to Section B.1 through 4 of this Chapter shall not be prepared, produced, printed, sent, transmitted, delivered or distributed within sixty (60) days preceding an election by, on behalf of, or at the behest of a candidate for any local, State or federal office whose name will appear on the ballot at that election.

- A. For purposes of this Section, the following definitions apply:

1. "Mass mailing" means two hundred (200) or more substantially similar tangible items that mentions an officeholder or is prepared or sent in cooperation with, on behalf of, or at the behest of an officeholder. "Mass mailing" does not include e-mails, website or social media postings, text messages, and recorded telephone messages or robocalls. "Mass mailing" does not include any of the following mailings so long as the mailing complies with the requirements in this Section:
 - a. Mail which is sent in response to an unsolicited letter or other inquiry; or
 - b. Any announcement, notice or invitation to an officeholder's constituents concerning a public meeting which is directly related to the officeholder's incumbent governmental duties, which is to be held by the officeholder and which the officeholder intends to attend; or
 - c. Any announcement, notice or invitation to any official City event or events for which the City is providing its facilities, its employee or other financial support; or
 - d. Business cards that do not contain more than one mention of the officeholder's name.
2. "Mention" includes, but is not limited to, the officeholder's name, office, social media handle, pronouns referencing the officeholder such as "I", "we", or "us", or any other icon or image intended to represent the officeholder. "Mention" does not include an e-mail address or website that contains the officeholder's name or office.

4.04.070 – Use of City media during election by officeholders.

- A. Except as otherwise provided for by this Section, no radio program or podcast, television program, video, social media video or livestream, or similar form of media shall be prepared, produced, printed, sent, broadcast, transmitted, delivered or distributed at public expense by, on behalf of, or at the behest of any officeholder after any such officeholder has filed the nomination documents as defined in this Section or Section 333 of the California Elections Code, whichever is applicable, for any local, State or federal office.
- B. Notwithstanding the provisions of Section A, any officeholder may appear on a radio program or podcast, television program, video, social media video or livestream, or similar form of media prepared, produced, sent, broadcast, transmitted, delivered or distributed at public expense after said officeholder has filed nomination documents for local, State, or federal office only if:
 1. The appearance is at a noticed public meeting, such as, a City Council meeting or a meeting of any of its subcommittees; or

2. The appearance is at an event open to the public for which the City is providing its facilities, employee, or other financial support; the event is not held by, on behalf of, or at the behest of one or more officeholders who have filed nomination documents for elective office, or their office(s); and half or more of the officeholders speaking at and/or participating in the event have not filed nomination documents elective office; or
3. The communication is necessary to protect the health, safety, and/or welfare of the public due to a state of emergency.

C. Any violation of this Section shall be deemed to constitute an infraction as provided in Section 17 of the California Penal Code, and penalties for such infraction shall be as set forth in Subsection 19.8 of the Penal Code.

TITLE 4

ETHICS AND GOOD GOVERNMENT ACT

CHAPTER 4.05

Gifts, Meals and Entertainment (includes Tickets and Passes)

4.05.010 – Restriction on benefits to other public servants.

Public servants shall not:

- A. Accept gifts from a restricted source.
- B. Accept an honorarium from any source if that individual would be required to report the receipt of income or gifts from the source of the honorarium on their Form 700.
- C. Solicit, coordinate, facilitate, or accept, any gift for themselves or for any other public servant from a person who the public servant knows or has reason to know is a restricted source for themselves or for the recipient of the gift.
- D. Solicit or accept a gift from any person, including any gift obtained through a City department, if the official knows or has reason to know that the gift was funded, provided, or directed by a restricted source.
- E. Solicit or accept any gift from a restricted source for their immediate family, close personal relation or their relatives.

4.05.020 – Restriction on benefits to officeholders and certain public servants.

The regulations in this Section shall be in addition to the gift limits, prohibitions, and reporting requirements imposed by the Political Reform Act and this Act and any subsequent amendments thereto.

Officeholders, the City Manager, the City Treasurer, the City Auditor, Investment Officers, Planning Commissioners, Harbor Commissioners, and Utilities Commissioners, any candidate for an elective office of the City, and any other individual whose position is specified in California Government Code section 87200 shall not:

- A. Accept gifts from a single source in any calendar year with a total value of more than the gift threshold set by the FPPC.
- B. Accept honorarium.
- C. Accept a loan that exceeds \$250 at any given time from a public servant or a restricted source.
- D. Accept a loan that exceeds \$500 unless:
 - 1. The loan is made in writing and clearly states the terms of the loan; and
 - 2. The loan document includes the names of the parties to the loan agreement, as well as the date, amount, interest rate, and term of the loan; and
 - 3. The loan document includes the date or dates when payments are due and the amount of the payments.

4.05.030 – Gift to influence official act.

No person shall offer, and no public servant shall offer, solicit or accept, any benefit or anything of value or contribution from any person, including any bribes and kickbacks, with the intent to influence the performance of any official act.

4.05.040 – Gifts from lobbyists.

No lobbyist may offer or make a gift to any public servant, or any of the public servant's immediate family or close personal relation, nor direct the offer or making of any gift by any other person. For purposes of this Subsection, a person who is required to register as a lobbyist and file disclosures but fails to do so shall be considered a lobbyist for any official for whom, had the person properly registered and file disclosures, the person would be considered a lobbyist and therefore restricted source.

4.05.050 – Gifts from public servants.

No public servant shall solicit or accept any gift or loan, either directly or indirectly, from any public servant under their supervision or from any candidate in the position as a public servant under their supervision. The Ethics Commission may issue regulations implementing this Section, including regulations exempting voluntary certain gifts that are given or received for special occasions or under other under circumstances in which gifts are traditionally given or exchanged.

4.05.060 – Aggregation of gifts.

For purposes of this Chapter, gifts shall be aggregated as set forth in California Code of Regulations, Title 2, Section 18945.1, as amended from time to time.

4.05.070 – Use of prestige of office.

Public servants shall not engage in the use of any marker (including without limitation a badge, uniform, or business card), prestige, or influence of the public servant's position for private gain or advantage.

4.05.080 – Tickets and Passes

- A. Consistent with Fair Political Practices Commission ("FPPC") Regulation 18944.1, this Chapter is intended to establish a procedure for the City to provide tickets and passes to public servants which will result in the tickets and passes not qualifying as gifts under the Political Reform Act (California Government Code section 81000 et seq.).
- B. This Chapter applies to all departments of the City.
- C. This Chapter applies to tickets and passes which provide admission to any facility or event for an entertainment, amusement, recreational or similar purpose and are either:
 - 1. Gratuitously provided to the City by any outside source; or
 - 2. Acquired by the City; or
 - 3. Acquired by the City as consideration pursuant to the terms of any contract; or
 - 4. Acquired and distributed by the City in any other manner.
- D. 4.05.080 does not apply to:
 - 1. A single ticket provided to and used by a public servant to an event at which the official performs, on behalf of the City, a ceremonial role or function, as those terms are defined in FPPC Regulations, Section 18942.3 (Act 2, Division 6, California Code of Regulations);
 - 2. Any other item of value provided to the City or any public servant, regardless of whether received gratuitously or for which consideration is provided, including, but not limited to, food, beverages, or other items of value that a public servant may receive at an event the tickets or passes of which were provided pursuant to this Chapter;
 - 3. Tickets or passes for which the public servant pays the City the value of the ticket or pass; and
 - 4. Any item of value, including tickets or passes, provided directly to a public servant and that is considered a gift pursuant to the Political Reform Act which is required to be reported on said official's Form 700.
- E. Section 4.05.080, and procedures established to implement this section 4.05.080 supersede and replace any other City policies and procedures relating to tickets and passes provided to the City and then to public servant.

4.05.090 – Definitions related to Section 4.05.080

Unless otherwise expressly provided herein, words and terms used in Section 4.05.080 have the same meaning as set forth in the California Political Reform Act of 1974

(California Government Code section 81000 et seq., as the same may be amended from time to time) and the FPPC Regulations (Act 2, Division 6 of the California Code of Regulations, Sections 18110 et seq., as the same may be amended from time to time).

- A. "Fair value" for a ticket offered for sale to the general public, the "fair value" means the face value of the ticket or pass. The "fair value" of a ticket or pass that does not have a face value indicated, or has a face value that is not available to the general public, is the price at which the ticket or pass would otherwise be offered for sale to the general public by the operator of the venue or host of the event who offers the ticket for public sale. Where the price indicated on the ticket does not reflect the actual cost for a ticket in a luxury box or suite, the face value is determined by dividing the total cost of the box or suite by the number of tickets available for that box or suite.
- B. "Immediate family" means the spouse or registered domestic partner and any dependent children of a public servant, as defined in California Government Code section 82089 and Family Code section 297.5.
- C. "Pass" means a ticket that provides repeated access, entry, or admission to a facility or series of events and for which similar passes are sold to the public.
- D. "Ticket" means anything that provides access, entry, or admission to a specific future event or function and for which similar tickets are sold to the public to view, listen to, or otherwise take advantage of the attraction or activity for which the ticket is sold and includes any benefits that the ticket provides.
- E. "Ticket administrator" shall be the City Manager or designee who in their sole discretion has the authority to establish procedures for the distribution of tickets in accordance with this Chapter, and to implement the Chapter.

4.05.100 – General provisions of tickets and passes

- A. The use of complimentary tickets is a privilege extended by the City and not the right of any person to which the privilege may from time to time be extended.
- B. Unless otherwise provided herein, tickets distributed to a public servant pursuant to this Chapter shall not be transferred to any other person, except to members of such public servant's immediate family solely for their personal use or no more than one guest solely for their attendance at the event.
- C. No person who receives a ticket pursuant to this Chapter shall sell or receive reimbursement for the value of such ticket.
- D. Tickets provided to outside entities, including non-profit organizations, shall not be raffled, auctioned, traded for anything of value, or otherwise sold to any person.
- E. The disproportionate use of tickets or passes by any public servant.
- F. This Chapter shall be maintained as a public record and is subject to inspection and copying under Government Code Section 81008. The City shall post this Chapter on its website within 30 days of adoption or amendment and send to the FPPC by e-mail the City's website link that displays the Chapter so that the FPPC may post the link.

- G. If a recipient sells, receives reimbursement, raffled, auctioned, traded for anything of value for a ticket in violation of this Chapter, the recipient will be ineligible to receive tickets in the future.

4.05.110 – Ticket Administrator.

- A. The City Manager or designee shall be the Ticket Administrator for purposes of implementing the provisions of this Chapter.
- B. All requests for tickets which fall within the scope of this Chapter shall be made in accordance with the procedures established by the Ticket Administrator.
- C. The Ticket Administrator shall determine the fair value of tickets distributed by the City as necessary to implement this Chapter.
- D. The Ticket Administrator, in their sole discretion, may revoke or suspend the ticket privileges of any person who violates the provisions of this Chapter or the procedures established by the Ticket Administrator for the distribution of tickets in accordance with this Chapter.
- E. The Ticket Administrator shall determine in their sole discretion what constitutes the prohibited disproportionate use of tickets or passes.

4.05.120 – Conditions under which tickets may be distributed.

Subject to the provisions of this Chapter, complimentary tickets may be distributed by the Ticket Administrator, as available, to public servants under the following conditions:

- A. The public servant treats the tickets as income consistent with applicable federal and state income tax laws; or
- B. The public servant uses or behests such tickets for one or more of the following public purposes:
 - 1. If performing a ceremonial role or function representing the City at the event, the public servant may receive enough tickets for themselves and each member of their immediate family.
 - 2. If conducting oversight or inspection of facilities, the public servant receiving the ticket or pass shall promptly provide a written inspection report of findings and recommendations.
 - 3. The job duties of the public servant require their attendance at the event, for which the public servant may receive enough tickets for the public servant and their immediate family.
 - 4. Promoting businesses, industries, resources, programs, facilities, and economic development in Long Beach.
 - 5. Intergovernmental relations purposes, including but not limited to attendance at an event with or by elected or

appointed public officials from other jurisdictions, their employee members and their guests.

6. Attracting or rewarding volunteer service.
7. Supporting or showing appreciation for programs or services rendered by non-profit organizations benefitting Long Beach residents.
8. Encouraging or rewarding significant academic, athletic or public service achievements by Long Beach students, residents or businesses.
9. Attracting and retaining highly qualified employees in City service.
10. As special recognition or reward for meritorious service by a City employee.
11. For use in connection with a City employee or resident competition or drawing.
12. Recognition of contributions made to the City by former public servants.
13. Encouraging Long Beach resident and business support for and attendance at local events.
14. Encouraging participants in City sponsored programs to attend local events.
15. Encouraging public servants to attend local events on City-recognized holidays by being accompanied by their parents, children, grandchildren, siblings, nieces or nephews.

4.05.130 – Ticket requests by public servant.

- A. Subject to Section 4.06.080, tickets and passes subject to this Chapter must be received and distributed by the Ticket Administrator.
- B. Tickets distributed at the request (“behest”) of a public servant. Tickets may be distributed at the request of a public servant only for one or more public purposes, as set forth in Subsection 4.07.050.C, and subject to the following conditions:
 1. Only the following public servants shall have authority to request distribution of tickets: City Attorney, City Auditor,

City Prosecutor, Mayor, City Council Members, City Manager, Assistant City Manager, City department heads.

2. If tickets are distributed at the behest of a public servant, neither the servant or nor their immediate family shall use any of the tickets to attend the event.
 3. Tickets distributed pursuant to a public servant's request are considered to be distributed at the behest of that public servant for FPPC reporting purposes.
 4. Ticket requests do not guarantee ticket distributions. The Ticket Administrator is responsible for selecting recipients.
- C. A public servant may only request tickets for personal use if the public servant reimburses the City for the face value of the ticket(s). Reimbursement must be made at the time the ticket(s) is/are distributed to the public servant. The Ticket Administrator shall, in their sole discretion, determine which event tickets, if any, shall be available to public servants for personal use pursuant to this Section.

4.05.140 – Disclosure requirements.

- A. Tickets distributed by the City to any public servant either: i) which the City official treats as income pursuant to Subsection 4.06.050.B , or ii) for one or more public purposes described in Subsection 4.06.050.C, shall be posted on a form provided by the FPPC in a prominent fashion on the City's website ("Ticket Policy Report Page") within thirty (30) days after distribution. Such posting shall include the following information:
1. The name of the recipient, except that if the recipient is an organization, the City may post the name, address, description of the organization and number of tickets provided in lieu of posting the names of each recipient; and
 2. A description of the event; and
 3. The date of the event; and
 4. The fair value of the ticket; and

The number of tickets provided to each person or organization; and
 5. If the ticket was distributed at the direction ("behest") of a public servant, the name of the public servant who provided such direction; and

6. A description of the public purpose(s) under which the distribution was made, or alternatively, that the public servant is treating the ticket as income; and
 7. A written inspection report of findings and recommendations by the official receiving the ticket or pass if received for oversight or inspection of facilities.
- B. Tickets distributed by the City for which the City receives reimbursement from the public servant as provided under Subsection 4.06.050.A, shall not be subject to the disclosure provisions of this Section.

4.05.150 – Disposition of tickets received.

Tickets received by a public servant other than pursuant to this Ticket Chapter must, within 30 days of receipt, either be:

- A. Returned to the source unused; or
- B. Provided to a 501(c)(3) organization for which the public official does not take a tax deduction; or
- C. Delivered to the Ticket Administrator for distribution and use consistent with this Chapter.
- D. If tickets are disposed of pursuant to Subsection A or B of this Section, the public servant must notify the Ticket Administrator of their disposition, including the name of the 501 (c)(3) organization, the number of tickets and the date of return or delivery.

4.05.160 – Income tax considerations.

Tickets which are provided free of charge or at a price below the fair market value may have tax consequences for the recipient and may be reportable and taxable as regular income or as taxable fringe benefits to a recipient. Recipients of tickets must consult with their tax advisors to determine the reporting requirements for income tax purposes, as well as the tax consequences of any tickets received.

4.05.170 – Caution.

Section 4.05.080 and any implementing guidelines are not a substitute for legal advice. Only the FPPC can provide immunity from prosecution for the legal advice that it offers. Public servants should consult the City Attorney's Office if they have questions about reporting, disclosure and disqualification requirements regarding tickets and passes, and the City Attorney's Office can assist in obtaining advice from the FPPC.

CHAPTER 4.06
OUTSIDE ACTIVITIES

4.06.010 – Duty to serve the City.

Any public servant who receives compensation from the City shall not engage in any employment, activity, or enterprise for compensation which is inconsistent with, incompatible with, in conflict with, or inimical to, their duties as a public servant.

4.06.020 – Prohibited outside activities.

A public servant shall not perform any work, with or without compensation, service, activity, or enterprise for private gain or advantage if it involves:

1. The consumption of time for which the public servant is receiving compensation by the City; or
2. The facilities, equipment, or supplies of the City; or
3. The public servant's use of their badge, uniform, prestige, or the influence of their position with the City; or
4. Compensation received or accepted by the public servant from anyone other than the City for the performance of an act which the public servant would be required or expected to render in the regular course or hours of their City employment or as a part of their duties as a public servant; or
5. The performance of an act in other than their capacity as a public servant which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other public servant; or
6. The consumption of the public servant's off-duty time would render the performance of their duties as a public servant less efficient.
7. The activity constitutes a conflict of interest as identified in Chapter 4.03

4.06.030 – Duty to disclose outside activities.

A public servant shall disclose and obtain authorization for each outside activity using their department's process. This section shall not apply to public servants serving on boards and commissions.

4.06.040 – No compensation for public servant’s City duties for outside activities.

Public servants shall not receive or accept a payment from anyone other than the City for the performance of a specific service or act the public servant would be expected to render or perform in the regular course of their City duties or for advice about the processes of the City directly related to the public servant’s duties and responsibilities or the processes of the public servant’s department. This section shall not apply to public servants serving on boards and commissions.

4.06.050 – Outside activities and excessive time demands.

No public servant may engage in any activity that either imposes excessive time demands such that it materially impairs the public servant’s performance of their City duties or that disqualifies the public servant from their responsibilities in service with the City on a regular basis.

4.06.060 – Board and commissions.

Board and commissions members, and officeholders must not engage in outside activities that create a conflict of commitment to the City or impairs their performance of their City duties. Otherwise, section 4.06.020(6) shall not apply to members of board and commissions and officeholders.

4.06.070 – Ethics Commission review of policies.

Any rules or policy implemented pursuant to Ca. Government Code Section 1126(c) by a City department shall be presented to the Ethics Commission for an opportunity to provide feedback before meet and confer and/or implementation of said rules. The Ethics Commission may review and provide feedback any policy pursuant to Ca. Government Code Section 1126(c) in place at the time of adoption of this Act without a request of a City department.

CHAPTER 4.07

POLITICAL ACTIVITIES

4.07.010 – No use of City resources for political activities.

No public servant or candidate for elective City office shall use, or permit others to use, City resources to support or oppose a ballot measure or candidate, or for non-City purposes not authorized by law.

4.07.020 – Political activities on City time, property, or in City uniform.

A. Public servants shall not engage in political activity in the following scenarios:

1. While on-duty for the City.

2. In any manner that implies the public servant is speaking on behalf of the City or communicating a City position. This may include but is not limited to engaging in political activity in the following scenarios:
 - a. While wearing a uniform or official City insignia;
or
 - b. Using a City title or position.

This Subsection does not prohibit a public servant from sharing factual information or reiterating a position the City Council took on a matter in a regularly scheduled Brown Act noticed meeting where the public was afforded an opportunity to speak out in opposition or support.

3. In a room or building that is owned by the City or primarily paid for or used by the City. This does not include a City room or building that is available to the public for campaign activities as long as the public servant pays any fees and permits required, the public servant does not use the room or building during the official's City working hours and does not use other City resources for the activity.
4. Using City equipment, vehicles, supplies, or resources, including but not limited to, mailing and distribution lists, electronic mail, phones, and electronic data.
 - A. A person shall not induce or coerce or attempt to induce or coerce another person to engage in activity prohibited by Subsection A.
 - B. This Section does not prohibit the use of City resources to provide information to the public about the possible effects of a bond issue or ballot measure relating to City activities, operations, or policies when the use of City resources is otherwise legally authorized.
 - C. For purposes of this Section, "on-duty" means the following:
 1. Hourly City employees and officials are considered "off-duty" before the beginning of, or at the end of, any standard or overtime hours in their shift or that they are otherwise required to work; on their approved lunch break; while on vacation; or during a public holiday.
 2. Salaried City employees and officials do not have a regular shift or hours and are generally considered to be "off-duty" before the commencement of, or at the end of, the City's normal business hours; on a lunch break; while on vacation; or during a public holiday. Notwithstanding the foregoing, if the salaried City employee or official performs part of their official duties outside of the City's normal business hours (e.g., appearance at after-hours

Council, committee and commission meetings) said employee or official is considered to be on-duty during such times.

3. No public servant or official shall engage in any personal or partisan political activity when conducting any other on-duty activities.

4.07.030 – Political influence prohibited.

A public servant shall not use or promise to use their influence or official authority to secure any appointment or prospective appointment to any position in the service of the City as a reward or return for personal or partisan political service.

4.07.040 – No payment for office.

A public servant shall not give or promise to give to any person any portion of their compensation or any money or thing of value in consideration of having been, or of being nominated, appointed, voted for, or elected to any office or employment.

4.07.050 – Solicitation of political campaign contributions.

- A. A public servant or their agent shall not solicit, directly or indirectly, a political campaign contribution from any City employee or from persons on employment lists of the City with knowledge that the person from whom the contribution is solicited is a City employee or from persons on employment lists of the City.
- B. A candidate for elective office of the City or their agent shall not solicit, directly or indirectly, a political campaign contribution from a City employee or from persons on employment lists of the City with knowledge that the person from whom the contribution is solicited is a City employee or from persons on employment lists of the City.
- C. Notwithstanding Subsections A and B, this section shall not prohibit a public servant or a candidate for elective office of the City from soliciting political campaign contributions from City employees if the solicitation is part of a solicitation made to a significant segment of the public which may include City employees or from persons on employment lists of the City.
- D. No public servant shall solicit uncompensated volunteer services from any City employee for a campaign for or against any ballot measure or candidate.
- E. Nothing in this section prohibits:
 1. A City employee or person on an employment list of the City from making a campaign contribution to a public

servant or candidate for elective office; and

2. A public servant or candidate for elective office from accepting a campaign contribution from a City employee or person on an employment list of the City.

4.07.060 – Penalties.

- A. Any person who intentionally or negligently violates this Chapter is liable for a civil penalty not to exceed one thousand dollars (\$1,000) for each day on which a violation occurs, plus three times the value of the unlawful use of City resources.
- B. If two or more persons are responsible for any violation, they shall be jointly and severally liable for the penalty.
- C. No civil action alleging a violation of this section may be commenced more than four years after the date the alleged violation occurred.

CHAPTER 4.08

EX PARTE CONTACTS AND FAIR HEARINGS

4.08.010 – Application

There are instances where the Council and certain City boards and commissions act in a quasi-judicial capacity or "like a judge" when they rule on various permits, licenses, and land use entitlements.

The regulations in this Chapter apply when the City Council or a City board or commission acts in a quasi-judicial capacity, such as the Council or the body holds a hearing, takes evidence, determines what the evidence shows, and exercises its discretion in applying the facts to the law shown by the evidence.

4.08.020 - Restrictions on City Council ex parte contacts.

- A. To the extent feasible, members of the City Council and the Mayor shall refrain from receiving information and evidence on any quasi-judicial matter while the matter is pending before the City Council or any agency, board, or commission thereof, except at the public hearing.
- B. If any Council member or the Mayor is exposed to information or evidence about a pending matter outside of the public hearing, through contacts by constituents, the applicant, or through site visits, the member shall disclose all such information and/or evidence acquired from such contacts, which is not otherwise included in the written or oral staff report, during the public hearing, and before the public comments period is opened orally on the record of the public meeting.

Neither the occurrence of an ex parte contact nor the failure to provide disclosure of the communication shall provide a basis for the invalidation of any City action or decision.

4.08.030 - Restrictions on ex parte contacts of members of boards and commissions.

Members of boards and commissions who preside over quasi-judicial matters shall not engage in ex parte contacts with any person on that matter except as provided below, including but not limited to the following:

- A. Parties to the matter and their representatives;
- B. Public servants involved in the proceeding where the City or public servant is an applicant, complainant, appellant, advocate or one who makes a recommendation for action;
- C. Members of the public; and
- D. Staff of any agency conveying information from any of the persons identified Subsections A through C.

4.08.040 - Ex parte contacts of members of boards and commissions permitted in limited instances.

A member of a City board or commission may engage in ex parte contacts, where circumstances require, for scheduling, administrative purposes, or emergencies that do not deal with substantive matters, provided:

- A. The member reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte contact; and
- B. The member promptly notifies all other parties of the substance of the ex parte contact.

4.08.050 – Inadvertent ex parte contacts of members of boards and commissions.

If an ex parte contact prohibited by Subsections 4.09.030 and 4.090.040 inadvertently occurs, the board member or commissioner receiving the communication must disclose the fact of the communication and the substance of the communication on the record of the public meeting in which the matter is heard. Disclosure shall be made on the record of the public meeting setting forth the particulars of the communication, including the date, initiating party, all recipients and a summary of the substance. The parties will be given an opportunity to comment on the disclosure during the proceeding.

4.08.060 – Inadvertent ex parte contacts of members of boards and commissions.

For purposes of this Chapter, matters are "pending" when an application has been filed with the City. Information and evidence gained by Council members and the Mayor via

their attendance at noticed public hearings before subordinate boards and commissions are not subject to this rule.

CHAPTER 4.09

Chapter 4.09 – LOBBYISTS - [RESERVED]

Current municipal code provisions related to lobbyists are located in Chapter 2.08. Chapter 4.09 shall be a reserved placeholder for any lobbying provisions that the Ethics Commission recommended to the City Council.

CHAPTER 4.10

DONATIONS, SPONSORSHIPS, AND FUNDRAISING

4.10.010 – Definitions.

- A. “Donation” means a contribution made to the City without expectation of goods, services, or significant benefit or recognition in return. Donations may be offered in the form of money or contributions of real or personal property. A donation may be undesignated, where the donor has placed no limitation on its use, or designated, where the donor has designated its use to a specific purpose (e.g., City sponsored events). Donations that, if accepted, would obligate the City to enter into a service, procurement, or other agreement shall not be considered a donation.
- B. “Donor” any organization or individual who provides the City with a donation.
- C. “Donation Agreement” means an agreement between the City and the donor that details any restrictions on a donation as well as the respective obligations of the donor and the City.
- D. “Grant” means an award based on specific criteria that involves a reciprocal exchange of value with conditions such as funding a specific initiative or project.

4.10.020 – Donations to the City.

- A. Purpose. Donations of every type are offered to the City for general or specific purposes. Uniform criteria and procedures guide the review and acceptance of such donations and confirm that the City has relevant and adequate resources to administer such donations. This Section provides regulations for accepting gifts, grants and donations in a responsible, transparent, and accountable manner that is consistent with the City’s strategic goals.
- B. General Provisions.

1. The City welcomes undesignated donations, and designated donations, that enhance City services, programs, activities, and/or events, reduce costs that the City would incur in the absence of the donation, or that otherwise provide a benefit to the City. The City may decline any donation without comment or cause.
2. All donations shall be reported and evaluated by the City's Office of Ethics and Transparency prior to acceptance to determine whether the donation is in the City's best interest and is consistent with applicable City laws, policies, ordinances, and resolutions. Donations must be directly related to providing goods or services to the public or for another valid public purpose. Public servants must always consider the public trust and comply with all applicable laws when accepting donations.
3. Donations shall not be used for personal financial gain of any public servant or political activities.
4. A donor may restrict a donation for a particular City department, location or purpose, but not designate the public servant who may use the donation.
5. Public servants must follow the provisions in Section 4.05.040 and the City's Conflict of Interest Code as they relate to the receipt of gifts.
6. Anonymous donations given to City employees shall be delivered to the employee's Department Head. Department Heads shall consult with the City's Office of Ethics and Transparency to ensure appropriate disposition and recordkeeping.
7. Donors shall not expect, nor shall the City grant, any extra consideration to the donor in relation to City procurement, regulatory matters, or any other business, services, or operations of the City. To avoid the possible appearance of extra considerations, public servants and members of the Planning Commission, Cultural Heritage Commission and staff of the Community Development Department are not authorized to solicit donations to the City.
8. No public servant shall solicit donations in excess of \$500 in money or in-kind services for any City project, program, activity, or event (collectively "supported activity") unless the City Council has approved a fundraising plan for the supported activity.

9. The net benefit of a donation should be considered when determining whether to accept a donation. Net benefit includes all lifecycle costs of ownership, including maintenance, repair, clean-up, administrative, and any potential liability or expenses that may be associated with the donation.
10. Donations shall not be used to implement new unbudgeted programs or programs unless a permanent source of revenue is identified to support the program.
11. Potential costs and liabilities should be considered if a donation of personal property or of a service does not include the same indemnification, insurance, bonding, or warranties that the City would normally receive through procurement of personal property or services.
12. Real property may be donated to the City provided that it will not expose the City to an unreasonable risk of litigation or liability, because of the physical condition of the property or existence of claims, liens, and encumbrances against the property.
13. The City does not provide legal, accounting, tax or other such advice to donors. Each donor is ultimately responsible for ensuring the donor's proposed donation meets and furthers the donor's charitable, financial, and estate planning goals. As such, each donor is encouraged to meet with a professional advisor before making any donation to the City.
14. The City shall comply with all applicable laws and regulations of the Internal Revenue Service regarding the acceptance of donations.

C. Procedures.

1. Unrestricted and restricted donations of \$5,000 or less may be accepted by the City Manager in consultation with the City Auditor and the City's Office of Ethics and Transparency. Unrestricted and restricted donations of more than \$5,000 must be brought to the City Council for approval and acceptance. The City Manager in consultation with the City Auditor and the City's Office of Ethics and Transparency may accept or decline any donation in the City Manager's sole discretion and may choose to request City Council consideration of any donation. The City Council may accept or decline any donation at its sole discretion.
2. All donations will receive appropriate recognition as determined by the City Manager at the time the donation is accepted, taking into consideration the nature and level of the donation. Upon request of the

donor or if specified in a City-initiated request for donors, limited forms of promotional activity (e.g., logo or name placement on signs, flyers, and other materials related to a program or activity supported by the donation) are permitted. The appearance of traditional commercial advertising shall be avoided and the size of donor recognition should be in keeping with the size of non-recognition information used in the materials. The agreed upon form of recognition should be identified in the donor receipt or a donation agreement. Any naming of City parks, property, or facilities shall follow the guidelines set forth in the City Manager's Policy and Procedures for the Naming of City-Owned Land, Buildings, and Facilities.

3. When donations with a value in excess of \$100 are accepted or upon the request of the donor, the City will issue the donor a receipt indicating the amount of the donation or describing the goods or services donated within 30 days of receiving the donation. In accordance with the Internal Revenue Code the City shall not provide an estimated value of in-kind donations. The donation receipt shall also include the date of the donation, the name of the donor; the purpose of the donation, if restricted; a brief description of any public recognition that will be made by the City; and note that the donor received no goods or services in exchange. The original receipt shall be submitted to the donor and the City shall retain a copy in accordance with the City's record retention schedule for such records.
4. Before acceptance of a restricted or unrestricted donation valued at more than \$5,000, the respective obligations of the donor and the City shall be set forth in a donation agreement. The City Attorney may require a donation agreement for donations valued at any amount.
5. The City shall maintain records for the receipt of all donations in accordance with the City's record retention schedule for such records and shall comply with all reporting requirements and regulations including, but not limited to, FPPC Regulation 18944.2 Gifts to an Agency. For donations made at the behest of an officeholder, said official shall determine whether a Form 803 is required pursuant to the Political Reform Act. If a donation to the City is made at an officeholder's behest and the donation requires a filing under the Political Reform Act or its regulations, the officeholder must file a FPPC Form 803 (Behested Payments Report) with the City Clerk disclosing the required information.

4.10.030 – Donations to a third party on behalf of a public servant (Behests)

- A. Officeholders shall file a Fair Political Practices Commission Form 803 Behested Payment Report if any person makes one or more payments totaling \$5,000 or more for a legislative, governmental, or charitable purpose at the behest of the official. A payment is made at the behest of an public servant if it is requested, solicited, or suggested by the official, or otherwise made in cooperation, consultation, coordination with, or at the consent of, the official.
- B. The officeholder must file the Form 803 with the City Clerk within thirty calendar days following the date on which a payment causes the total payments made by that person at the behest of the official to reach or exceed \$5,000 in the same calendar year.
- C. Once a person makes one or more payments totaling \$5,000 or more for a legislative, governmental, or charitable purpose at the behest of the official during a calendar year, each subsequent behested payment by that person in any amount during the same calendar year must be reported to the City Clerk on a Form 803 by said official within thirty (30) calendar days.
- D. A payment behested by an officeholder includes a payment behested by their agent or employee on behalf of the official.
- E. This section shall be interpreted in a manner consistent with the provisions of FPPC's regulations regarding the behested payments.

4.10.040 – Donations and sponsorships using Priority Funding.

- A. Any sponsorship and donations made to using Priority Funding, including sponsorships and donations to City projects, programs, events and activities, must be approved by the City Council.
 - B. Before the City issues funding for the sponsorship and/or donation, the respective obligations of the donor and the City shall be set forth in an agreement. Pursuant to Section 2.84.010, the City Manager or their designee may issue a purchase order for sponsorships or donations not exceeding one hundred thousand dollars (\$100,000.00). Any sponsorship or donation that exceeds one hundred thousand dollars (\$100,000.00) shall be drafted and approved as to form by the City Attorney. The City Attorney may require an agreement for sponsorships or donations valued at any amount.
- C. Sponsorships and donations made using Priority Funding must be directly related to providing goods or services to the public or for another valid public purpose.

4.10.050 – Fundraising and solicitation by public servants.

A .City employees and officers are required to direct their attention to their duties and responsibilities during work hours. No City employee shall conduct or operate a personal business, which includes promotion, sales, scheduling or any related activity during work hours. Employees may be allowed to conduct limited sales, such as the sale of goods or services for third party charitable causes, such as school fundraisers,

sports teams, Girl Scouts, Boy Scouts on a limited basis. Such fundraising activities must be conducted before or after work or during their break with approval of their department's management, on a non-interference basis such as limited common workspace or breakroom, and the fundraising must be limited in duration so as to not interfere with the operations of the City. Under no circumstances is a public servant to approach or solicit any person or entity doing business with the City regarding such activities.

B. Trespassing, solicitation, or distribution of unauthorized literature by non-employees on City property is prohibited.

C. Unauthorized solicitation by any means for causes other than those mentioned above is prohibited.

ATTACHMENT “B”

Date: August 26, 2024

To: Mayor and Members of the City Council

From: Thomas B. Modica, City Manager 

Subject: **Ethics Commission Recommended Changes to the City's Lobbyist Ordinance**

On [August 14, 2024](#), the Ethics Commission (Commission) unanimously approved a recommendation to the City Council to request the City Attorney prepare an ordinance that amends the City's Lobbyist Ordinance (Ordinance). This recommended amendment includes nine separate elements that would expand the scope of the Ordinance as outlined in the attached report.

Please find the Ethics Commission recommendations to the Mayor and City Council attached.

If you have any questions, please contact Heather Van Wijk, Ethics Officer, at (562) 570-7443.

ATTACHMENT

CC: DAWN MCINTOSH, CITY ATTORNEY
DOUGLAS P. HAUBERT, CITY PROSECUTOR
LAURA L. DOUD, CITY AUDITOR
APRIL WALKER, ASSISTANT CITY MANAGER
TERESA CHANDLER, DEPUTY CITY MANAGER
MEREDITH REYNOLDS, DEPUTY CITY MANAGER
GRACE YOON, DEPUTY CITY MANAGER
TYLER BONANNO-CURLEY, DEPUTY CITY MANAGER
KEVIN LEE, CHIEF PUBLIC AFFAIRS OFFICER
MONIQUE DE LA GARZA, CITY CLERK (REF # [24-54520](#))
DEPARTMENT HEADS

**CITY OF LONG BEACH
ETHICS COMMISSION
Ad Hoc Committee on the Lobbyist Ordinance**

**Margo Morales, Commissioner
Barbara Pollack, Commissioner
Susan Wise, Commissioner**



August 14, 2024

Ethics Commission
City of Long Beach
411 West Ocean Boulevard
Long Beach, CA 90802

RE: Proposed Changes to Lobbyist Ordinance for August 14, 2024, Ethics Commission meeting

At the July 2024 Ethics Commission meeting, two issues were raised by the Commission: (1) a recommendation that the proposal make reference to the Audit Report on the Long Beach Ethics Program, particularly the auditor's recommendation that the City Attorney draft an ordinance to define City Leader calendars as public records; and (2) a suggestion that the recommendation include provision for the possibility a lobbyist will disclose proprietary information in materials provided to a City Official. The Ad Hoc Committee met with the City Attorney assigned to the Commission to discuss these points and held a follow-up meeting that included the Deputy City Manager responsible for the Office of Ethics and Transparency.

The attached memorandum includes the reference to the Audit Report and provides for redaction of proprietary information from a lobbyist public filing. If the lobbyist provides the proprietary information to a City official, however, that disclosure is subject to the CA Public Records Act, as noted in the attached memorandum, and will be disclosed if required by the PRA.

No other changes have been made.

Thank you for your consideration.

Margo Morales, Commissioner
Barbara Pollack, Commissioner
Susan Anderson Wise, Commissioner

ETHICS COMMISSION
RECOMMENDED AMENDMENTS TO
THE LONG BEACH LOBBYIST ORDINANCE

Pursuant to the City Charter, the Ethics Commission (Commission) is responsible for making recommendations to the City Council concerning the effectiveness of laws and policies related to governmental ethics, including lobbying.

After a comprehensive review of the City's Lobbyist Ordinance in Long Beach Municipal Code (LBMC) Ch. 2.08, (Lobbyist Ordinance or Ordinance), best practices, policies of other jurisdictions in the US and Canada, and consideration of public comment and input from the full Commission, the Commission finds that the current Lobbyist Ordinance does not capture major influences on the City's decision-making processes that the public deserves to know about. Further, the provisions that do exist in the Ordinance have not been sufficiently monitored or enforced to be effective. The Ordinance is vague in certain respects and needs to be updated. The changes recommended below are proposed to address these issues and clarify the intent of the Ordinance to ensure the public can see who is influencing City decision-makers and for what cause(s).

Therefore, the Commission recommends the City Council request the City Attorney to prepare an ordinance amending the City's Lobbyist Ordinance to expand the scope of the Ordinance as outlined below.

BACKGROUND

From the Commission's first meeting, the topic most often raised during public comment pertained to lobbying and the need for greater understanding of the influences brought to bear on elected officials and staff.

The Commission created an Ad Hoc Committee that has been meeting and studying this issue for over two years. The Commission has held several public meetings regarding the Lobbyist Ordinance and engaged in other outreach. The Ad Hoc reported out to the full Commission regularly on the status of its work and the ideas under consideration and received and considered feedback from the full Commission and the public who participated in those meetings. The Commission deployed an anonymous community survey tool used by the City in other contexts. The community survey showed a desire for more disclosure regarding the operative influences on decision-making.¹ The top four issues about which people want a high

¹ Some responses expressed concern the survey could be "gamed" by individuals submitting multiple responses. We took those concerns into consideration and used the survey results as one source of information with recognition the tool could be abused. A summary of the survey results is attached as Attachment 1.

level of disclosure are: (1) Land use and zoning; (2) Housing; (3) City Budget; and (4) Tax proposals.

Based on the public comments received, best practices in municipal government,² and the materials reviewed by the Ad Hoc Committee, the Commission recommends modification of the Ordinance to improve the transparency of City decision-making.

Lobbying is not inappropriate or inherently problematic. Lobbying is one way in which the community exercises their First Amendment rights to free speech and to petition the government for redress. Through lobbying, businesses and non-profit entities help decision-makers understand the broad implications and possible unintended consequences of proposed actions on neighborhoods, the business community, and on non-profit entities and the interests they represent. Lobbying is important to informed decision-making. At the same time, disclosure to the public of major influences on the decision-making process will build and improve trust in the outcomes and in City government. The public wants and deserves to know what the major influences are.

The Commission supports the continued application of several of the City's current exemptions in its Ordinance from disclosure, for example, for neighborhood associations, City business improvement districts, media when news gathering, and advocacy in public meetings. The Commission further recommends continuation of the exemption from registration and reporting for 501(c)(3) non-profits. Other public access features may provide adequate transparency for those activities, particularly when coupled with the recommendation to require calendar disclosure by public officials. As set forth in Recommendation #9 below, the Commission recommends review of the effectiveness of the changes including review of the adequacy of calendar disclosure to provide the degree of transparency sought by the public.

Recommended changes to the Ordinance are outlined in detail below.

RECOMMENDATION #1
Simplify the Threshold for Disclosure of Lobbying Contacts

The Commission recommends simplification of the thresholds for registration and reporting of lobbying. Instead of looking at dollar amounts paid to Contract Lobbyists and number of hours spent by representatives of Businesses or Organization Lobbyists, the threshold should be the number of contacts with City Officials. The San Francisco lobbying statute uses a similar approach by requiring registration based on the number of contacts. The Commission believes this approach would be simpler, easier to measure, easier to report, and overall, more straightforward.

² See Attachment 2 for a summary of the Lobbyist rules in other jurisdictions reviewed by the Ad Hoc.

The Commission therefore recommends the following:

- Under LMBC Section 2.08.020.K, combine “business or organization lobbyist” and “contract lobbyist” into one category and rename it as “contact lobbyist.” A “contact lobbyist” means any individual who:
 - Makes three or more contacts in a calendar month with City officials on behalf of the individual’s employer or an organization that the individual is representing as a volunteer, member, officer or director, excepting an individual who is making the contact as an employee, volunteer, member, officer or director of an entity organized under Internal Revenue Code 501 (c) (3); or
 - Makes one or more contacts in a calendar month with City officials on behalf of any person³ who pays or who becomes obligated to pay the individual or the individual's employer for lobbyist services.
 - An individual is not a “contact lobbyist” if that individual is lobbying on behalf of a business of which the individual owns a 20% or greater share.
- Add a requirement that contacts on behalf of a “person” that is not an individual (e.g., corporation, non-profit, etc.) by agents of said person are aggregated for purposes of the reporting requirement. Agents include owners, officers, directors, employees, or any other person acting on behalf of said person. The duty to register as a lobbyist lies with any person who has multiple agents contacting City officials to influence or attempt to influence legislative or administrative action of the City.

For example, Blue Circus, Inc. is advocating for a change to laws in the City applicable to traveling circuses. The following contacts are made on behalf of Blue Circus, Inc. to advocate for change to circus regulations:

- An employee speaks with the Mayor.
- The CEO speaks with the Council District 1 Councilmember.
- The President speaks with Council District 2 Councilmember.
- The Vice President speaks with the City Attorney.

In this example, there have been 4 contacts made on behalf of Blue Circus, Inc. Since a contact lobbyist is any person that makes three or more contacts in a calendar month with City officials on behalf of the individual’s employer, Blue Circus, Inc. is required to register on behalf of its agents for all contacts made seeking a change to laws in the City applicable to traveling circuses.

Blue Circus, Inc. is not required to register on behalf of an individual lobbyist or a lobbyist firm that Blue Circus, Inc. pays for their services. If Blue Circus retains an

³ For this purpose, the term “person” means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust or the manager, lessee, agent, servant, officer or employee or any of them. LB Municipal Code Section 1.08.030 R.

independent contractor to contact a City official on its behalf, that contractor must register and report following its first contact.

This proposed change would simplify the requirement for filing and capture potentially influential contacts that fall outside of the current Ordinance.

RECOMMENDATION #2

Replace “Expenditure Lobbyist” with “Grass Roots Lobbyist” and Reduce the Expenditure Threshold

Under the current Ordinance, an “expenditure lobbyist” is an individual or entity seeking to initiate a “grass roots” campaign to encourage individuals to lobby on behalf of a position. The Commission recommends replacement of the term “Expenditure Lobbyist” with “Grass Roots Lobbyist,” with registration required when an individual or entity, i.e. a grassroots lobbyist, spends or incurs expenses of \$2,500 or more in a calendar year to urge members of the community or other group to seek to influence City Officials to take specific action. Current exclusions from this amount for compensation, dues payments, and the like would remain. This reduction from \$5,000 to \$2,500 reflects the cost efficiencies available in the age of digital communications and social media outreach but remains high enough to avoid impacting residents seeking to communicate on neighborhood issues.

When a grass roots campaign is underway, transparency is critical to provide an understanding that the contacts are part of a coordinated initiative.

RECOMMENDATION #3

Require Additional Information and Monthly Reports

The Commission recommends changing the title of LBMC Section 2.08.090 to “Registration and Reporting Requirements.” Section 2.08.090 should also be amended to require the following details from all types of lobbyists:

- Mailing address (in addition to business address);
- A specific description of each municipal question, administrative action, or subject of a contact on which the registrant communicated and, if real property is the subject of the contact, the address or legal description of the property;
- The position taken (i.e., for/against a matter);
- The names of all individuals involved in the contact, including those engaged in preparation for the lobbying or advocacy contact (e.g., authors of reports provided to the City, but excluding purely clerical or administrative assistance).
- Copies of any materials provided to the City Officials (via any medium) in connection with the contact.

Regarding materials uploaded by the lobbyist, the lobbyist may redact from the filing, non-public proprietary information that has commercial value and is otherwise protected from

public disclosure by the owner of the information and the lobbyist. Non-public proprietary information shall not include the municipal question, administrative or legislative action sought or opposed, the specific relief sought or position advocated, and / or the individuals or companies involved in the contact. The existence of redactions shall be shown on the face of the filing. The allowance for redaction in materials filed with reports under this section will not preclude full disclosure of the documents in unredacted form by the City, if the redacted information is provided to a City Official and disclosure is required to comply with the CA Public Records Act. California Government Code sections 7920.000 et seq. The City Clerk should provide up-to-date information regarding the Public Records Act process on the website and implement the applicable records retention policy.

The requirements in Sections 2.08.090.A. and B. should be combined into one category for “contact lobbyists.”⁴

The Commission recommends the City Council direct the City Clerk to amend the registration and reporting website to provide drop down menus with agenda item numbers or space to provide license or application numbers. The website should also be designed to make copies of the materials provided to the City Officials available to the public through the website. If an individual or entity is serving multiple reportable roles (e.g., Contact lobbyist and Grass Roots lobbying), the form should capture the dual roles in a single filing. The Commission also recommends that lobbyists and lobbying entities register within 5 days of a qualifying contact, file monthly disclosure reports, rather than semi-annual reports, and submit the monthly report within 5 business days following the month in which the contact(s) occurred.

The City Council intended the Ordinance to provide residents with information regarding influences on City decision-making. In several instances, the required registrations and periodic reports do not provide sufficient information for members of the public to comprehend fully the nature of the matter discussed. Also, to be more transparent in a useful way, the information must be made available in a timelier manner, particularly when a matter is scheduled to appear on an upcoming City Council agenda.

RECOMMENDATION #4

Maintain Exemption for 501(c)(3) Non-Profits and Eliminate Exemption for other Types of Non-Profits

Non-profits have access to and the ability to influence the decision-making of elected officials, as well as other members of City leadership. Therefore, their activities influencing City Officials regarding administrative and legislative action are of interest to the public.

A significant portion of the public comments on the Commission’s review of the Lobbyist Ordinance came from non-profits, most if not all of which are 501(c)(3) non-profits. While they

⁴ The Ad Hoc recognizes the need to both minimize the burden of filing and ensure the lobbyist reports provide useful information to the public.

focused much of their input on the addition of non-lobbying advocacy (see Recommendation #5), a number of non-profits noted the burden of compliance with registration requirements on non-profits with limited resources and reliance on volunteer labor.

The Commission feels strongly that more transparency is needed surrounding advocacy of non-profits with City officials. Several other jurisdictions require reporting of lobbying by non-profits, e.g. Los Angeles, Sacramento, and San Diego. However, the Commission has received extensive public comment from the community that they are not supportive of any change that requires reporting by non-profits.

To balance the significant influence on decision-making that many non-profits may have against the burden of registration and reporting by such organizations, the Commission recommends greater transparency of their activity may be accomplished through disclosure of the calendars of City Officials.

Assuming such disclosure by City officials, the Commission recommends retention of the exemption for non-profits organized under Section 501(c)(3) of the Internal Revenue Code. The Commission also recommends amending Section 2.08.020.K.4.h to include within the exemption officers and unpaid volunteers/members of non-profits acting on behalf of a non-profit 501(c)(3) corporation.

The Commission recommends elimination of the exemption for non-profits such as industry trade associations organized under sections of the IRC other than 501(c)(3) by deletion of Section 2.08.020.K.4.c. With this change, persons reimbursed for only their reasonable travel, meals or incidental expenses, including but not limited to, uncompensated volunteers, members or directors of non-profit organizations organized under 501(c) (4) – (7) will be required to register as a lobbyist.

RECOMMENDATION #5

Make Clear a “Contact” Under the Ordinance is Considered “Lobbying” Regardless of Whether There is a Pending Agenda Item Before a City Body

The current Ordinance defines “lobbying” to include attempts to influence legislative or administrative action. (See LBMC 2.08.020 J). Although the term “influence” is defined quite broadly under the Ordinance, lobbying registration generally follows only when there is a specific legislative or administrative matter pending. Many lobbying contacts focus on seeking support for an issue not yet under consideration by City Officials, as distinct from lobbying regarding a particular agenda item for legislative or administrative action. Treatment of such contacts as “lobbying” is consistent with the Internal Revenue Code. See, e.g., Treasury Regulation 1.501(c)(3)-1: lobbying action includes proposing as well as supporting or opposing legislation. The Commission expects the Ordinance to adopt the definition and scope of lobbying set forth in the Internal Revenue Code and its implementing regulations.

While the language of the current Ordinance does not explicitly state that a matter must be related to a particular agenda item, the community appears to be under the impression that lobbying only occurs when a contact is made to influence a legislative or administrative action of an agenda item. Considering the foregoing, the Commission believes explicit clarification is needed. The Commission recommends clarifying that “lobbying” takes place any time a contact is made with a City Official to influence an administrative or legislative action, and regardless of whether said action is pending before a City body.

RECOMMENDATION #6

Change the Title of the Ordinance to “Lobbying and Transparency in Government Decisions” and Require Disclosure of Calendar Information by “City Leaders”

For purposes of this recommendation only, the term “City Leaders” should include the Mayor, Members of the City Council, other elected officials, the City Manager, Assistant and Deputy City Manager(s), City Clerk, Department Heads, non-City Manager Department heads or equivalent, Assistant Department heads or equivalent, bureau managers or equivalent, and Commissioners on Charter Commissions: Civil Service, Harbor, Utilities, Ethics, Redistricting, Police Oversight, and Planning Commissions.

Disclosure of calendar information by certain City Leaders will go a long way to improve transparency and build public confidence in City decision-making. The Commission recommends that City Leaders be required to maintain publicly available calendars in the same manner prescribed by the City of Santa Clara’s [Ordinance No. 1950](#) with the changes outlined herein.

The Mayor, Members of the City Council, all other elected officials, the City Manager, and non-City Manager Department heads, would be required to upload from their City-provided electronic calendars to the City website by the 10th of each month for the previous month. The remaining City Leaders, as identified above, shall maintain calendars as a public record subject to inspection and disclosure under the Public Records Act starting the 10th of each month for the prior month.

The Performance Audit of the City of Long Beach Ethics Program, conducted by an outside firm under the auspices of the City Auditor in 2020, recommended that the City Attorney prepare a draft ordinance to provide for treatment of the calendars of City Leaders as public records. Audit Recommendation #24. The City of Santa Clara has implemented such a disclosure requirement since 2016. The calendars must show all scheduled non-internal meetings, public events or speaking engagements, and non-scheduled meetings with persons regarding City business. The calendars are disclosed monthly, for the prior month. The City of San Jose has also implemented a calendar disclosure requirement. The Commission recommends mirroring the exemptions under the Santa Clara ordinance and the California Public Records Act, for

example, to protect attorney-client privileged information, information important to protection of security, personnel issues, investigations, etc.

The Council should also direct the City Clerk to develop an on-line form for Commissioners who do not have access to City computers or printers to maintain a record of meetings related to Commission business. Other City Leaders may use the same form or upload specified information categories directly from their calendars to a uniform report form.

Disclosure by City Leaders will demonstrate the commitment of the City and of the City's Leaders to transparency and open government. Such disclosure will help build the community's trust in our municipal government. Based upon the Ad Hoc review of some of the calendars, it likely would also demonstrate the diligence of City Leaders in seeking and listening to input from the Community. This disclosure obligation is not intended to cover instances when a community member tries to grab two minutes of a council member's time in the grocery store or at a café about a neighborhood issue, such as issues with refuse or tree trimming, but rather to capture substantive discussions regarding City business that influence the decision-making of City Leaders related to legislative and administrative actions.

The disclosure by City Leaders also will provide data against which the adequacy of filings by lobbyists may be assessed. At present, there is virtually no mechanism to enforce the requirement for filing by lobbyists so there is little deterrence for non-compliance. The disclosure by City Leaders would help provide that check and incentive. It also may provide data that can inform future revisions and improvements to this and related ordinances.

In light of the additions to the Lobbying Ordinance recommended by this section, the Commission recommends the title of the Ordinance be changed to "Lobbying and Transparency in Governmental Decisions." Sections related to the disclosure of calendars by City Leaders should be included in LBMC Chapter 2.08.

RECOMMENDATION #7

Enforcement To Include Funding for Compliance with the Changes and Education of those Impacted

The Commission recommends the City provide additional staffing and requisite funding for the City Clerk to monitor registrations and reports for compliance and to conduct (1) education sessions upon approval of the changes and annually thereafter and (2) audits of lobbying registrations and reports. In addition, implementation of calendar disclosures may require additional funding for staff supporting City officials, at least in the initial phase of the change. We recommend the City also monitor any potential fiscal impact on the City Attorney's office.

The office of the City Clerk reviews lobbyist registrations to verify that the report contains responsive information in all required fields. The City Clerk currently does not, however, have

the personnel or funding to conduct regular audits of the adequacy of the filings or full compliance with the filing requirements. Upon approval of the changes noted above, there will be a need for a significant education effort. Education needs to explain the requirements in an easy and simple way.

Currently, the Ordinance may be enforced by misdemeanor or infraction pursuant to Long Beach Municipal Code Chapter 1.32. The Commission recommends expanding enforcement in the Ordinance to include any civil and administrative remedies available, such as administrative citations. Expansion of the Ordinance to include multiple enforcement remedies will provide the City more options to ensure compliance with its requirements. It is possible that these changes will have an impact on the workload of the City Prosecutor, although the addition of civil and administrative remedies may cause a reduction in workload. We recommend a review of the workload impact on the Office of the City Prosecutor two years after approval of the changes to the Ordinance.

RECOMMENDATION #8
Clarify certain requirements of the Ordinance

The Commission also recommends that the Ordinance provide clear authority for enforcement against a business or organization, as well as its employees or agents, that fail to comply with the Ordinance, including addition of a clause to provide clarity to the exemptions in 2.08.020 K.4.g applicable to discussions regarding collective bargaining agreements with recognized City employee associations, e.g. unions and other bargaining units. The exemption needs to expressly state that it does not exempt from the lobbying registration and reporting requirements other matters discussed in the same meeting or communication and does not exempt communications between unions and decision-makers about anything other than an agreement with an existing recognized City employee association, working conditions that clearly relate to a collective bargaining agreement or MOU with City employees, or proceedings before the Civil Service Commission. For example, if a union representative meets with a City Official regarding an issue of working conditions of represented City employees and in the same meeting discusses the City's position on minimum wage rates for a particular non-municipal industry, the latter discussion must be reported if the thresholds for registration and reporting are met.

The Commission further recommends addition of an exemption for communications by a party or prospective party to a contract or grant, provided the contact is in accordance with City rules governing RFPs and the contracting or grant-making process.

Finally, the Commission recommends deletion of the definition of "activity expenses" as it is not used in the Ordinance. Eliminate reference to the Redevelopment Agency, which no longer exists.

RECOMMENDATION #9
Ethics Commission Review of the Lobbying Ordinance

In furtherance with its duties pursuant to City Charter Section 2402(b), the Commission recommends Section 2.08.220 is amended to require the Ethics Commission to review the effectiveness of the amended Ordinance no later than the fifth anniversary of the effective date of the amended Chapter, and as necessary, and to make recommendations to the City Council regarding the same.