

Date: February 16, 2021

To: Mayor and Members of the City Council

From: Thomas B. Modica, City Manager *T.M.*

Subject: **ETHICS COMMISSION 2020 ANNUAL REPORT**

At its meeting on February 10, 2021, the Ethics Commission (Commission) approved a recommendation to transmit the Commission's 2020 Annual Report to the Mayor and City Council.

If you would like any further information regarding this communication, please contact Rebecca Garner, Administrative Deputy City Manager, at (562) 570-6979 or via email at Rebecca.Garner@longbeach.gov.

ATTACHMENT

CC: CHARLES PARKIN, CITY ATTORNEY
DOUGLAS P. HAUBERT, CITY PROSECUTOR
LAURA L. DOUD, CITY AUDITOR
LINDA F. TATUM, ASSISTANT CITY MANAGER
KEVIN JACKSON, DEPUTY CITY MANAGER
TERESA CHANDLER, DEPUTY CITY MANAGER
REBECCA G. GARNER, ADMINISTRATIVE DEPUTY CITY MANAGER
MONIQUE DE LA GARZA, CITY CLERK
KEVIN LEE, CHIEF PUBLIC AFFAIRS OFFICER
ALL DEPARTMENT HEADS

**CITY OF LONG BEACH
ETHICS COMMISSION**

**Susan Wise, Chair
Margo Morales, Vice Chair
Lani De Benedictis, Commissioner
Luke Fiedler, Commissioner**



**Kimmy Maniquis, Commissioner
Barbara A. Pollack, Commissioner
J.P. Shotwell, Commissioner**

2020 Annual Report

The establishment of an Ethics Commission (Commission) was mandated by an amendment to the Long Beach City Charter (Charter) that was adopted as Measure CCC by 80,000 Long Beach voters in November 2018. The Commission has responsibility for the impartial and effective administration and implementation of the provisions of the Charter, statutes and ordinances concerning campaign financing, lobbying, conflicts of interest, and governmental ethics.

As required, the Mayor and City Auditor each appointed two of the first four members of the Commission. Those appointments were confirmed by the City Council in August and October 2019. The initial four members first met in November 2019. During 2020, the Commission held 15 public meetings. Each meeting was attended by all Commissioners appointed at the time of the meeting.

ESTABLISHMENT OF THE FULL COMMISSION

The Charter required the four appointed members to select the remaining three members of the Commission. At its first meeting, after electing a temporary chair and vice chair, the Commission designed a process for selection of the three additional members needed to complete the Commission. City staff oversaw the solicitation of applications during December 2019 and January 2020. A total of 54 applications were received, of which 45 met the basic requirements for appointment to the Commission. In February 2020, the Commission reviewed and discussed those applications, after staff had redacted the names and other identifying information from the applications so that the review was “blind.” Each applicant had a number rather than a name at this point in the process. The Commission narrowed the pool of applicants to 17 finalists, each of whom was then invited to an in-person interview before the Commission. Of the 17 finalists, 13 accepted the in-person interview invitation. The Commission agreed to specific common questions that would be asked of each applicant at the in-person interviews. On March 12, 2020, the Commission interviewed the finalists at a meeting held at the Billie Jean King Main Library. The following day, members met to discuss the 13 candidates and chose the final three Commissioners. As a safeguard, an alternate was also chosen in case one of the three who had been chosen was unable to complete the onboarding process or declined to serve and could not be seated. The applications revealed a deep pool of talented residents in Long Beach with extensive experience in ethical issues in their “day jobs” who are willing to provide their expertise for the City.

2020 Annual Report – Ethics Commission

Page 2 of 3

The COVID 19 pandemic shut down City operations and delayed onboarding of the three commissioners chosen in March. They were seated in early summer, and the full Commission held its first meeting remotely on July 15, 2020. It promptly elected a chair and vice chair, set its regular monthly meetings for the second Wednesday of each month at 3:00 p.m., adopted rules and procedures for its meetings, and approved a budget request to the City Council for designated funding to ensure staff support for the Commission in the City's fiscal year 2021 budget.

For the time being and pursuant to Governor Newsom's executive order, meetings of the Ethics Commission are held via teleconference. The City's WEBEX technology is used, which allows the public to hear the meetings and to submit comments by emails. The Commission looks forward to meeting in person in public spaces when it is deemed safe to do so.

ESTABLISHMENT OF THE INDEPENDENT REDISTRICTING COMMISSION

The Ethics Commission immediately gave priority to fulfilling its responsibility to choose the members of the Independent Redistricting Commission (IRC), which was created by an amendment to the Charter adopted by Long Beach voters in Measure DDD. There was a deadline of December 2020, by which time the IRC was required to be operational.

The Commission first discussed and designed the process to recruit and select the members. Staff oversaw the outreach for the application period from April 1, 2020 through June 30, 2020. A total of 400 applications were received, of which 353 met the basic requirements for appointment. The Commission divided into three subcommittees, each of which reviewed the applications from two or three Council Districts. No Commissioners reviewed applications from the District in which they reside. Names and other personal identifying information were removed from the applications before review by the Commissioners in order that the review could be "blind." Each subcommittee recommended five people to the full Commission for in-person interviews. The Commission voted to accept the recommendations of the subcommittees and developed the process and questions to be used in the in-person interviews. The Commission chose 45 applicants, five from each Council District, to invite for in-person interviews. Given the restrictions required by COVID 19, these interviews had to be held virtually. As required by the Charter, the Commission then narrowed the pool to 23 finalists, being sure to pick at least two from each Council District, as required by the Charter. At meetings on October 14 and 21, 2020, the chair randomly chose the name of one applicant from the finalists for each Council District, and so the first nine members of the IRC were named. (As required by the Charter, those nine Commissioners selected the remaining four, plus two alternates, completing the process.) The group is a diverse group of individuals, whether diversity is measured by age, income, gender, race or ethnicity, sexual orientation, or level of education.

THE WORK PLAN AND NEXT STEPS

At its September 2020 meeting, the Commission received a presentation and report from City Auditor Laura Doud and an outside consultant, Harvey Rose, regarding the results of a performance audit of the City's Ethics Program. The report evaluated and benchmarked the

2020 Annual Report – Ethics Commission

Page 3 of 3

City's existing Ethics Program according to 11 standards, based on best practices from ethics programs in other jurisdictions. The report also made 25 recommendations to address areas for improvement and shortcomings that it found. The Commission also received the City Manager's reply to the Audit, as well as a survey of City employees conducted by Ethics Compliance Initiative (ECI), that provided insights into how City employees view ethics in their work and identify ethics-related risks. The survey reached out to 4,500 employees, 33 percent of whom replied.

The Commission can now use the audit and survey as a baseline from which to begin its work and fulfill its duties and responsibilities under the Charter. Three ad hoc subcommittees composed of two or three Commissioners are considering and studying the following topics:

- a) Values
- b) Code of Ethics and Definition of Ethics
- c) Policy and Problems

Simultaneously, the Commission is working with staff to develop a Work Plan that will identify specific projects or activities to be accomplished, along with milestones and measurable metrics, all tied back to the duties for the Ethics Commission outlined in the Charter. As each subcommittee reports back to the Commission, the Work Plan will be completed and the priorities for the Commission's work will be established. Besides taking on the tasks from the Work Plan, which are given highest priority, the Commission hopes to develop a collection of resources and have workshops where the Commissioners, staff and the community can learn more about best ethical practices in municipal government.

The Commission is committed to ensuring that its meetings, operations, and processes are consistent with the values that it intends to promote for all those involved in the City's work. The selection processes of the members of both the Ethics Commission and the IRC were guided by the desire for a fair and open process and the inclusion of all parts and people of the City. The Commission is dedicated to improving the confidence of the public in our City government.

In closing, the Commission would like to acknowledge the outstanding assistance and guidance over this past year from the following members of City staff:

JT Nagayama, City Clerk Analyst
Rebecca Guzman Garner, Administrative Deputy City Manager
Julian Cernuda, Special Projects Officer, Office of the City Manager
Amy Webber, Deputy City Attorney
Taylor Anderson, Deputy City Attorney