

Date: February 6, 2023

To: Mayor and Members of the City Council

From: Thomas B. Modica, City Manager 

Subject: **Ethics Commission Recommendation to the City Council Regarding Censure and Amendment of the Long Beach Municipal Code**

On [January 11, 2023](#), the Ethics Commission (Commission) approved the following recommendations to the City Council by a 4-2 vote:

- 1) Based on the information provided to the Commission and under the Commission's limited authority, to recommend to the City Council that Mayor Richardson and Councilmember Austin are censured for violating the City's Ethics Policies in speaking on behalf of the City Council without authorization of the City Council and because such communications by candidates in advertisements and public service announcements during an election cycle create the impression that the City supports the Councilmember's respective candidacies; and
- 2) Amend LBMC 1.26 to add a prohibition on public service announcements from the time that an incumbent candidate files their nomination paperwork.

The recommendation was made after discussion on the [memorandum](#) from the City Attorney's Office including information from outside counsel titled "Notice of Alleged Violations of the City's Ethics Policy".

On [November 9, 2022](#), the Ethics Commission conducted a study session as part of their regular meeting to discuss the memorandum regarding the conduct of then Vice Mayor Rex Richardson and Councilmember Al Austin; and, if appropriate make recommendations to the City Council related to any actions identified in the memorandum. After a discussion on the matter, the Commission approved a [motion](#) to continue the item to the December 14, 2022 meeting and request a presentation on the Long Beach Municipal Code (LBMC) Chapter 1.26 and related Fair Political Practices Commissions (FPPC) regulations on advertisements and disclosures.

On [December 14, 2022](#), the Commission continued their discussion on the item and approved a [motion](#) to receive and file the presentation requested on the LBMC Chapter 1.26 and continue the item to the January 11, 2023 meeting.

If you have any questions, please contact April Walker, Administrative Deputy City Manager, at (562) 570-6561.

cc:

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