

**CITY OF LONG BEACH
ETHICS COMMISSION
Ad Hoc Committee on Commission Responsibilities**

**Margo Morales, Commissioner
J.P. Shotwell, Commissioner
Susan Wise, Commissioner**



DATE: May 14, 2025

TO: Members of the Ethics Commission

SUBJECT: **Report from the Ad Hoc Committee on the Responsibilities of the Ethics Commission**

Introduction

On November 6, 2018, 62 percent of Long Beach voters approved Measure CCC – City of Long Beach Ethics Commission. Measure CCC amended the City Charter to create a Commission of Long Beach residents to monitor, administer, and implement government ethics in the City of Long Beach. As amended, the Charter outlines the duties and responsibilities of the Commission as follows:

- a. to provide support to agencies and public officials in administering the provisions of the Charter and other laws relating to campaign finance, conflicts of interest and governmental ethics;
- b. to make recommendations to the Mayor and the City Council concerning campaign finance reform, lobbying, governmental ethics and conflicts of interest and to report to the Council concerning the effectiveness of these laws;
- c. to assist departments in developing their conflicts of interest codes as required by state law;
- d. to advocate understanding of the Charter, City ordinances and the roles of elected and other public officials, City institutions and the City electoral process;
- e. to develop an educational program to familiarize newly elected and appointed officers and employees, candidates for elective office and their campaign treasurers, lobbyists with the City, state and federal ethics laws and the importance of ethics to the public's confidence in municipal government;
- f. such other duties as may be established by this Charter or the Municipal Code.

The City Charter was also amended in 2018 to provide that the Ethics Commission act as the screening panel in the selection process for the Independent Redistricting Committee.

During its six years of existence, the Ethics Commission (Commission) has striven to address the core duties and responsibilities as outlined above. Its work was heavily influenced by the recommendations in the independent [performance audit](#) of the City of

Long Beach Ethics Program, dated August 20, 2020, and the City Employee Ethics Survey. During its first six years, the Commission has:

- Selected the city's first Independent Redistricting Commission;
- Led the creation of an ethics office within the city, including budget line items for the Office of Ethics and Transparency (OET);
- Developed the city's Statement of Values, Code of Conduct & Ethics, and the city's Supplier Code of Conduct, all of which have been adopted and implemented;
- Initiated ethics communication and outreach for city employees, commission appointees, and elected officials;
- Initiated and oversaw comprehensive revisions to the city's ethics training program, including professional development for OET staff;
- Monitored city processes to comply with the California Political Reform Act and the state's Fair Political Practices Commission's requirements, including ongoing review of filings;
- Proposed revisions to the city's lobbying ordinance for consideration by the City Council;
- Proposed a comprehensive Ethics and Good Government ordinance (including conflict of interest, use of resources, and outside activity, political activities, and ex parte regulations) for consideration by the City Council; and
- Successfully advocated for funding that supported the creation of a Strategic Roadmap for Ethics, that the Commission approved in September 2024, for the continuous improvement of the ethics program and practices in Long Beach.

During its work, it has come to the attention of the Commission members that the public believes the Commission has more significant responsibilities, especially regarding campaign finance and campaign ethics. Therefore, the Commission asked the three original appointed members, whose terms expire in June 2025, to study the duties and responsibilities of ethics commissions nationally and report back to the Commission with recommendations for possible inclusion in the Commission's strategic road map moving forward.

Study Process

The Ad Hoc reviewed the recommendations of the independent performance audit and the employee culture survey that guided the initial work of the commission. The Ad Hoc

has also met with leaders of the ethics programs for the cities of Atlanta, Los Angeles, San Diego, and Oakland, and the City and County of San Francisco. (Summaries of these conversations are attached to this report.) The Ad Hoc also met with former Long Beach City Council members Bonnie Lowenthal and Al Austin for historical perspectives regarding ethics in the Long Beach City government over the past 20 years. Additional dialogue was conducted with City Auditor Laura Doud, City Prosecutor Doug Haubert, and former Deputy City Attorney Taylor Anderson, counsel formerly assigned to the Ethics Commission. During the time available, and for a variety of reasons, the Ad Hoc was unable to secure meetings with Mayor Rex Richardson, City Attorney Dawn McIntosh, City Clerk Monique De La Garza Assistant, or City Manager April Walker.

In each of the cities engaged as part of this study, the ethics agency has oversight and investigative authority regarding campaign finance and campaign ethics, and in some instances over adherence to general ethics requirements, such as conflict of interest restrictions. In many cases, the Commission or its staff investigate allegations, sometimes on a confidential basis, and assess fines as appropriate. In some cases, the ethics commission reviews the staff's recommendation and determines the penalty; in others, the commission is involved only if the party chooses to "appeal" the staff's decision.

In the November 2024 General Election, voters in the cities of Los Angeles and San Diego passed Charter amendments that further strengthened the roles of their respective ethics commissions and made them more independent of political processes.

In Los Angeles City, 75.41 percent of voters approved a charter amendment that:

- Sets an annual budget of \$6.5 million to help oversee and enforce the city's lobbying, ethics and campaign finance rules.
- Increases the commission's authority over spending decisions and hiring matters.
- Allows the Ethics Commission to obtain outside counsel in limited circumstances.
- Imposes additional qualification requirements on commission members.
- Increased penalties for ethics code enforcement from \$5,000 to \$15,000.
- Requires the City Council to hold a public hearing on commission proposals within a set period of time (6 months).

Similarly, in San Diego, 72.32 percent of the voters approved Charter changes that:

- Authorizes the commission to appoint its Executive Director without Council approval.
- Provides the Executive Director control over rules and policies of the commission without Council Approval.
- Allows the Commission to retain legal counsel independent of the San Diego City Attorney.
- Requires the San Diego City Council to allocate sufficient funds to carry out the commission's responsibilities.
- Allows the City Council to add commission duties and powers but does not allow for the elimination of duties and powers.

At a later date, the San Diego City Council will develop a new process for selecting members of the commission.

The remainder of this report identifies existing strengths of the Commission and areas that could be strengthened, in the view of the Ad Hoc.

Leading-edge Attributes of the Long Beach Ethics Commission

The Commission is admired for its responsibility to appoint some of its members and to appoint the city's Redistricting Commission, both of which are considered best practices. The other cities viewed the process by which Long Beach Commission members are selected as strong and valuable in building trust with the community we serve. Additionally, this process attracts community members without strong political ties. The Ad Hoc recommends this responsibility not be changed.

The Ad Hoc also recommends that the Commission retain responsibility for the impartial selection of members of the Redistricting Commission. Recommendations have been prepared for future Ethics Commissions on how to improve the process. Additionally, the selection of the Redistricting Commission by the Ethics Commission reduces the perception of possible taint from politicization, which is critical to maintaining public trust in the entire election process, including the initial drawing of electoral districts.

Long Beach is admired by its peers for these selection processes.

Recommended Commission Responsibilities for Further Discussion

It is recommended that the full Commission identify areas from the list below for further discussion with the Mayor, Council, City Attorney, City Clerk, and City Manager for possible implementation in the future. Additionally, some of these recommendations may require a City Charter amendment or City Council approval, which will necessitate further dialogue with City leadership. The recommendations are categorized by those likely requiring: (1) a charter amendment; (2) City Council Approval; (3) City Manager approval; and (4) only requiring Commission approval. Each of them would move forward the Ethics Program in Long Beach in terms of best practices:

Changes Likely Requiring a Charter Amendment:

- Explore the requirements to make the Ethics Commission a more independent commission, similar to the Police Oversight, Harbor, and Utilities Commissions. This would include authorization for the Commission to make employment decisions pertaining to the Ethics Officer and establish the Ethics Officer as the hiring manager for all other staff positions in the OET.
- Explore adding investigation and sanction authority for violations of the city's campaign and election regulations, ethics allegations levied against sitting elected officials, and ethics allegations levied against appointed sitting commissioners, along with the ability to issue subpoenas related to such matters.
- Explore obtaining limited authority to engage outside counsel to conduct investigations of allegations of ethics violations. This is especially important in the context of allegations that arise during election periods.
- Explore annual budget requirements for the OET, including cost-of-living escalators, robust monitoring of campaign finance, Form 700 and Lobbyist

reporting, the continual growth and development of the ethics educational program in support of the organization structure listed above, and training for the OET. Funding discussions should also include resources required to hire outside counsel to investigate allegations of campaign impropriety.

- Explore the establishment of a mechanism for the Commission and/or OET to assess financial penalties and administrative citations for founded findings of ethical violations, including violation of municipal election and campaign requirements.
- Explore the establishment of a mechanism to require that the City Council hold public hearings on Commission recommendations within a set period of time.

Changes Likely Requiring City Council Approval:

- At a minimum, determine more specifically how investigations of alleged ethical violations will be handled, especially those that involve violations of the City's campaign and election finance laws. Designate the office that will be responsible for investigating the allegation, taking care to avoid situations that put the office charged with investigation in the position of investigating actions by persons with whom the Office has political ties or conflicts or by persons who have political or economic power over the office. The City Prosecutor, as well as the Auditor and City Attorney, may be appropriate in some, but not all, situations; the OET may be a more independent investigator for certain allegations and circumstances. As an independent body not engaged in the political process under the Commission's established rules, investigation of such allegations by the Commission is free from the taint of political retribution or favoritism.
- Explore transferring oversight of the filing of all campaign finance reports, Form 700, and Lobbyist reports from the City Clerk to the OET. This may include the transfer of staff resources currently allocated for this purpose and the provision of sufficient staffing to review the content of the reports for satisfactory completion, as well as to identify any red flags or possible violations.
- Explore the establishment of a mechanism mandating City management and supervisors to report allegations of ethical violations that they are aware of or that are reported to them to the Ethics Helpline.

Changes Likely Requiring City Manager Approval:

- Explore establishing a maximum term limit of ten years for the Ethics Officer. Refreshing leadership on a regular basis allows for new concepts and viewpoints on ethics and transparency. (If this is explored, an additional consideration should be where the Ethics Officer could relocate in the City at the end of their term.)
- Explore establishing an operational structure for the Ethics Office with three operational units: Administrative, Outreach and Education, and Investigation.
- In the near future, consider repeating the Ethics Audit and Employee Culture Survey that informed the Commission's work during the first 6 years.

Changes Only Requiring Commission Approval:

- Explore having the City Attorney meet periodically with the Ethics Commission to review the resolution of municipal election violations and campaign requirements, conflicts of interest, and other ethics violations.
- Explore having the Human Resources Department meet with the commission at least annually to review the resolution of harassment and other types of employee allegations, as the City Auditor currently does work related to fraud and abuse matters.
- Explore incorporating into the Commission decision-making process (on items involving significant policy, practices, and procedures) the need for additional public outreach and input beyond what is routinely obtained during regularly-noticed Commission meetings.
- Continually explore avenues for improving public trust in the Long Beach City Government by improving policies and procedures that demonstrate the independence of the OET from political leaders.

We have not suggested the order in which the Commission should consider the items described above. That decision is best made by the whole Commission when it is reconstituted after June and nearly half of the Commission's membership will be new. However, as the Commission does so, we suggest attention be given to the strategic plan as developed to date, the assets that the City allocates to the Commission, along with the need for, interest in, or value that each topic may have to the overall advancement of an ethical culture in the City of Long Beach.

Some of the items listed are already within its abilities without the need for a lot of additional resources (e.g. requesting that the City Attorney or Human Resources Department meet with the Commission to share information on certain topics that are of interest to both; by contrast, conducting a follow-up outside ethics audit and employee culture survey may require additional funds beyond the existing budget for the commission.)

From the Ad Hoc's perspective, the most significant gap in the Long Beach Ethics Program is the absence of clear and consistent procedures for investigating alleged violations of the City's campaign and election regulations, as well as ethics complaints against sitting elected officials and appointed commissioners, and for imposing sanctions when appropriate. While the creation of the Ethics Commission through a Charter amendment was a critical milestone, there remains considerable uncertainty about how these matters are to be addressed: Who receives complaints? Who conducts investigations? What due process is provided? And who ultimately determines whether a violation has occurred and what consequences should follow?

Without a clear framework and assignment of responsibility, these situations often create confusion and hesitation among City officials, particularly during sensitive times such as election cycles, when concerns about impartiality and political influence are heightened. This lack of clarity is not satisfactory and not only impairs the City's ability to respond effectively to allegations, but also risks eroding public confidence and faith in the integrity of City government and its ethical standards.

To create the path and provide this clarification will require a lot of time and thought by the Commission and city officials. Any items that the Commission decides to move forward with would benefit from community outreach at that time and input from the public. We expect adopting these recommendations will go a long way toward enhancing the ethical culture in Long Beach.

Be patient, but also do not wait for the next scandal (which undoubtedly will come) to take place and which could have been avoided or mitigated early had recommendations for improved policies and procedures been adopted earlier.

Conclusion

We recommend that any topics listed above that the Commission decides to pursue be integrated into the Strategic Road Map. Although our term as Commissioners will conclude in June, we remain dedicated to the Commission's core mission. We each commit to being available to support the ongoing efforts to build a robust ethics program in the City of Long Beach.

ATTACHEMENT

CC: Tyler Curley, Deputy City Manager
Heather Van Wijk, Ethics Officer
Jorge Godinez, Assistant to the City Manager
Anita Lakhani, Deputy City Attorney
Phillip McGowan, City Clerk Specialist

City of Atlanta, GA (10/15/2024)

Jabu Sengova, Ethics Officer

Carlos Santiago, Deputy Ethics Officer

Governance and Structure

- Established: 2003
 - Oversight: Independent Ethics Board governs both the Ethics Office and the Office of Inspector General (OIG).
 - Board Composition: 9 members with backgrounds in law, business, and accounting; confirmed by City Council and approved by the Mayor.
 - Ethics Officer: Serves renewable 5-year terms (no term limits); appointed by the board and reports directly to it.
 - Deputy Ethics Officer: Assists in leading the office.
 - Board Powers: Conducts appeals hearings, evaluates Ethics Officer performance, and may terminate the officer without City Council approval.
 - Legal Counsel: Must work with City Attorney's Office unless a conflict arises; board may approve independent counsel in such cases.
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Jurisdiction and Authority

- Ethics Office: Exclusive authority over Code of Conduct & Ethics in the City Charter.
 - Office of Inspector General (OIG): Handles fraud, waste, abuse, and policy violations.
 - State of Georgia: Retains jurisdiction over elections, campaign finance, and lobbying laws.
 - Ethics Office Jurisdiction Includes:
 - Employees
 - Elected officials
 - Commissioners and board members
 - Vendors and contractors subject to the Code
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Staffing (13 employees total)

- Ethics Officer and Deputy
 - 2 Ethics Advisors – education and outreach
 - 2 Investigators – including one manager/specialist
 - Program Manager with 3 management analysts
 - Business Manager
 - Ethics Analyst – manages audits and disclosure program
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Budget and Funding

- FY Budget: Approx. \$2.56–2.76 million
- Funding Sources:
 - ~70% from general fund
 - ~30% via MOUs with departments (notably Aviation Department)
- Budget Process: Submitted annually and approved by City Council like other departments. Managed through Department of Finance.

Investigation and Enforcement

- Authority: Final say on investigations; Board reviews appeals.
- Sanctions: Administrative fines up to \$1,000 per violation; cannot impose discipline—that is handled by Human Resources.
- Complaint Intake: Via hotline (Navex), phone, email, in-person.
- Open Cases: ~22 active cases
- Common Violations:
 - Conflicts of interest
 - Misuse of City property
 - Failure to disclose
 - “Double-dipping” (holding second job during work hours)

Education and Outreach

- Trainings:
 - Robust e-learning program (80–85% completion rate since COVID)
 - Lunch & Learns, field visits, executive and council training
 - Tailored training for high-risk departments (e.g., Purchasing)
 - In-person sessions for employees without computer access
- Challenges: Training elected officials is difficult (“like pulling teeth”)
- Engagement Strategies:
 - Department liaisons (HR-centric roles)
 - Inter-departmental competitions (e.g., quizzes, disclosure rates)
 - Ethics trophies and recognition ceremonies
- Communications:
 - Newsletter (3–4 times per year)
 - Active on social media

Ethics Culture & Surveys

- No regular ethics culture surveys from the Ethics Office
- HR recently issued the first citywide culture survey in years

Policy Recommendations / Advice

- Emphasized the importance of adopting a ticket policy ordinance, especially ahead of the Olympics, to prevent unethical acceptance of gifts.
- All policies are subject to the Code of Conduct, and carry equal weight under enforcement.

City of San Francisco (10/17/2024)

Pat Ford, Executive Director

Michael Canning, Policy and Legislative Affairs Manager

Overview

- Founded: 1993, via charter amendment
 - Commission: 5 members, one seat requires legal expertise in ethics laws
 - Staffing: 24 full-time employees (FTEs), with additional hires budgeted
 - Department Status: Operates as an independent department within the City and County of San Francisco
 - Executive Director: Appointed by and reports directly to the Ethics Commission
 - Website: sfethics.org
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Jurisdiction and Core Areas

- Primary Focus Areas:
 - Campaign Finance (80% of workload)
 - Ethics and Conflicts of Interest
 - Lobbying Disclosure and Oversight
 - Additional Functions:
 - Oversight of whistleblower complaints
 - Implementation and enforcement of electronic filing systems
 - Overlap with FPPC: Shares enforcement authority with the FPPC; collaborates infrequently due to SF's faster resolution timelines
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Audit and Enforcement

- Enforcement Process:
 - Operates across all programs (ethics, campaign finance, lobbying)
 - Can initiate investigations based on media coverage or internal audits—not just public tips
 - 60 active cases (compared to FPPC's 2,000)
 - ~2/3 of complaints dismissed after initial 2-month review
 - Subpoena power and authority to audit other departments
 - ~95% of enforcement cases are settled before hearing
 - Probable Cause Process:
 - Executive Director determines probable cause for each violation
 - Confidential until probable cause is found
 - Commission hears cases in open session and acts as the hearing body
 - Final appeals go to court
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Legislation and Ballot Measures

- Legislative Authority: Legislative changes must be approved by the Board of Supervisors (BOS)
- Ballot Power: Unique ability to place ethics-related measures directly on the ballot

- Example: Proposition D (2024), focused on expanding ethics training and strengthening oversight
 - Regulations: Maintains internal Commission regulations not codified in the City Code
 - Regulations can be vetoed by BOS
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Structure and Reporting

- Budget: Funded through the City's general fund; goes through the regular City department budgeting process
 - Commissioners Appointed By:
 - Mayor
 - District Attorney
 - City Attorney
 - Board of Supervisors
 - Assessor-Recorder
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Advice and Legal Support

- Advice Provided By: Staff-level advisors
 - Legal Counsel: No dedicated attorney; must work through City Attorney's Office, which has caused tension
 - Online Portals for Advice: Uses an internal portal (not NAVEX; possibly GERA)
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Education and Engagement

- Training Requirements: Recently expanded via Measure D
 - Historical Focus: Previously more enforcement-heavy (~60%), now expanding targeted education efforts (~40%)
 - Programs Include:
 - Proactive education and outreach initiatives
 - Tailored guidance for different departments and roles
 - Training Challenges: Large volume of employees and filers (~30,000 employees; 5,000–6,000 Form 700 filers)
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Cultural Assessment

- No recent culture surveys conducted
- Measure D is prompting increased attention to training and internal ethics capacity-building

City of San Diego (10/23/2024)

Sharon Spivak, Executive Director

Overview

- Founded: ~2001–2005 (second Executive Director currently serving)
 - Executive Director: Sharon Spivak (serving since 2020; retiring March 2025)
 - Structure: Independent department; does not report to the Mayor or City Council
 - Governing Body: 7-member Ethics Commission Board, appointed and confirmed by elected officials
 - Board members serve two consecutive 4-year terms
 - Executive Director reports to the board
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Staffing and Programs

- Staff Size: 6 total staff
 - 4 attorneys, including:
 - 1 Enforcement Attorney
 - 1 Legislative Program Manager (tracks laws, supports enforcement)
 - Education Program Manager (manages trainings and ethics helpline)
 - Core Program Areas:
 - Campaign Finance (ECHO system)
 - Lobbying Laws
 - Ethics Ordinance
 - Legislative Monitoring
 - Education & Helpline
 - Campaign Committee Audit Program
 - Enforcement Program
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Jurisdiction and Authority

- Employee Coverage:
 - Approx. 12,000 City employees
 - Jurisdiction limited to 2,000–2,500 unclassified/Form 700 filers
 - Union-represented employees and classified employees not under jurisdiction
 - Subjects of Oversight:
 - Elected officials
 - Unclassified employees
 - Vendors, lobbyists, and Form 700 filers
 - Independence:
 - Operates separate from the City Attorney's Office
 - Uses outside counsel—can even investigate the City Attorney
 - Charter-authorized independence from political branches
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Enforcement & Investigations

- Enforcement Program: Led by one staff attorney
- Authority:

- Cannot directly discipline classified employees
 - Refers complex or jurisdictional cases to City Attorney or FPPC, but those offices often delayed due to workload
 - Goal is deterrence—catch major violations and maintain trust
 - Notable Case: Whistleblower gift-related case (~5 years ago)
 - Complaint Intake: Via Helpline (separate from Auditor's fraud line)
 - Confidential Process: Operates separately and confidentially
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Education and Engagement

- Philosophy: Education is key—"you want your enforcement folks out of a job"
 - Training Initiatives:
 - Live trainings held quarterly
 - Public meeting trainings to show how ethics programs work
 - Roundtables and speaking engagements across departments and community groups
 - Robust annual reports with metrics and education impact
 - Public Engagement:
 - Addresses misinformation proactively
 - Frequent speaking at universities, boards, civic groups
 - Partner with City Auditor for presentations
 - Training Focus: Primarily aimed at people who want to comply
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Budget and Resources

- Budget: Primarily used for salaries and fringe benefits; little discretionary funding
 - Budget Approval: Through City Council
 - Pending Ballot Measure (Nov 5, 2024 – "Good Governance"):
 - Would guarantee sufficient funding
 - Allow Executive Director to open investigations independently
 - Enhance ED's authority over Ethics Board
 - May change board appointment and permanence structure
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Governance and Accountability

- Performance Review: Executive Director is evaluated by the Commission Board
- Legislative Role:
 - Draft ordinances and present proposals to City Council
 - Work closely with Council when needed, despite independence
- Collaboration:
 - Strong working relationship with the City Auditor
 - Maintain separate ethics and fraud helplines

City of Los Angeles (11/4/2024)

David Tristan, Executive Director

Heather Holt, Deputy Executive Director

Overview

- Established: Charter-established Ethics Commission
 - Executive Director: David Tristan (33 years with agency; Executive Director since ~2020)
 - Deputy Executive Director: Heather Holt (former ED)
 - Commission:
 - 5 members, each appointed by a different elected official
 - Serve 5-year staggered terms
 - Meet bi-monthly
 - Act as final enforcement authority
 - Staff Size: Not specified exactly, but includes multiple units and attorneys across education, enforcement, and legislative functions
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Structure and Authority

- Independent Department, but:
 - Does not have independent counsel — the City Attorney is the official legal advisor per Charter
 - Staff attorneys provide most legal research/advice, but technically cannot hold the title “attorney”
 - Conflict of interest concerns exist when the City Attorney is expected to advise both the Ethics Commission and the City officials it may investigate
 - Budget: Not independently controlled (a major limitation cited by leadership)
 - Wish List Includes:
 - Independent budget
 - Independent legal counsel (codified in Charter)
 - Power to take measures directly to voters
 - Elimination of probable cause hearing mandate
 - Civil service exemption for staff positions
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Jurisdiction and Mandate

- Covers:
 - City officials, employees, proprietary departments (e.g., LADWP, LAWA)
 - LAUSD campaign finance and elections
 - Neighborhood councils (annual check-ins and training)
- Employee Base: ~40,000 total City employees
- Legal Framework:
 - Los Angeles Municipal Code (LAMC) – substantive law
 - Administrative Code – policies, procedures, and commission regulations
- Commissioners’ Authority:

- Can pass internal policies with 3 votes; no City Council approval needed
 - Policies help clarify how laws will be interpreted and enforced
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Programs and Services

- Main Program Areas:
 - Enforcement / Investigations
 - Legislation / Policy
 - Administration / Disclosure Filings
 - Education & Training
 - Advice & Support:
 - ~25,000 advice contacts per year (via phone/email)
 - Provide regular, often daily advice to City Council offices
 - Not required to meet with new electeds, but do so regularly
 - Education:
 - Staff assigned to specific training programs
 - Translate materials into department-specific language
 - Use handbooks, brochures, ethics videos
 - No social media presence by design
 - Working on short educational videos to increase engagement
 - Host internal policy roundtables and department-specific trainings
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Enforcement and Policy Reporting

- Commission enforces: All city ethics, lobbying, and campaign finance laws
 - Confidentiality: Required by City Charter
 - Reporting to Council:
 - 8–9 formal reports to Council annually (e.g., lobbyist-elected official relationships)
 - Staff vet most proposals before Council consideration
 - Challenges Noted:
 - City Attorney's liability concerns often block recommendations
 - Enforcement power tempered intentionally to balance authority and public accountability
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Partnerships and Benchmarking

- Cited San Francisco, New York City (Campaign Finance Board), Chicago, Philadelphia, and San Diego as model programs
- Collaborate across departments to ensure education is effective and laws are implemented appropriately

City of Oakland (11/7/24)

Nicolas Heidorn, Executive Director, Oakland Ethics Commission – in role for 1.5 years

Formerly with Common Cause, contributed to the development of Measure CCC in Long Beach

Commission Structure & Authority

- Oakland's commission was established in 1996 and currently has 8 staff members, including:
 - One investigator
 - One enforcement chief
 - The Commission enforces:
 - Campaign finance
 - Lobbyist registration
 - Sunshine ordinance
 - Other Council-enacted ethics-related laws
 - Enforcement authority includes the ability to issue fines
 - Responsible for setting the salaries of all elected officials *except* the Mayor
 - City Administrator appoints the ED based on Commission nominations; ED can be fired by the Commission
 - Commissioners may serve two 3-year terms
 - The Commission conducts the Executive Director's evaluation
 - Commission has a formal process for handling complaints, which includes:
 - Formal complaints: Must be signed, automatically trigger investigation
 - Informal complaints: Can be anonymous, may be dismissed at staff level
 - Commission acts as the adjudicator
 - Commission can also proactively initiate complaints
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Staffing and Budget

- Commissions across California fall into three categories:
 - Large staff
 - Some staff
 - Little or no staff
 - Oakland has limited resources: currently only one investigator, which contributes to a case backlog of up to 5 years
 - Recommend having at least two investigators
 - No dedicated, fixed budget, but staffing positions are defined in the Charter
 - Recommend following Los Angeles' model, which recently improved structural independence
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Legal Counsel

- Required to use the City Attorney's office for legal advice
 - All boards and commissions in Oakland have assigned City Attorneys
 - However, they recommend securing independent counsel to avoid potential conflicts
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Education & Outreach

- Robust education program across multiple platforms:
 - Zoom-based training
 - In-person sessions upon request
 - Presentations through NEO and invitation-only events
 - Annual ethics training assigned via NeoGov Learn
 - Campaign-period briefings for all candidates
 - Regularly issue citywide advisories timed to key events in the election cycle
 - Offer 1:1 ethics check-ins for elected officials
 - Focused on being proactive and prevention-oriented
 - Track informal advice given to ensure consistency (note: not legally binding or protected)
 - Partner with other agencies a few times a year for community outreach
 - Acknowledge challenges in broad public engagement
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Technology & Tools

- Built a lobbyist portal in collaboration with IT
 - Use Excel for internal tracking
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Additional Insights & Recommendations

- Long Beach modeled its structure after Oakland; similarities noted
- Surprised Long Beach lacks enforcement authority; advisory-only was likely not the original intent of Measure DDD
- Recommend reaching out to the authors and consultants of the measure:
 - Common Cause California
 - League of Women Voters
 - Dan Vicuna, Don McMorris
- Oakland does not have a general, non-binding Code of Conduct
- While the advisory role is important, enforcement is essential for program credibility
- Consider reviewing the lighter-touch model in Sacramento for comparison
- Hearings are rare in Oakland; most matters are settled (as is also the case in LA)