Personal and Organizational Ethics: How do Cities Sustain an Ethical Culture?

League of California Cities Annual Conference – September 2017

The Institute for Local Government

ILG is the non-profit training and education affiliate of:
About ILG

The Institute’s goals are:

- To assist local leaders in governing openly, effectively and ethically;
- To promote collaboration; and,
- To foster healthy and sustainable communities.

ILG Programs

- Ethics & Transparency
- Local Government Basics
- Collaboration & Partnerships
- Public Engagement
- Sustainable Communities
Agenda

3:45 – Welcome, Introductions, Agenda Review
3:50 – Interactive Exercise
4:00 - Presentations
4:50 – Q & A
5:00 – Adjourn

Today’s Speakers

Steve Hansen, Councilmember, City of Sacramento
Ed Shikada, Assistant City Manager, City of Palo Alto
Kara Ueda, Partner, Best Best & Krieger
Martin Gonzalez, Executive Director, Institute for Local Government
Exercise

What personal/organizational challenges are you and your agency facing?

Personal & Organizational Ethics: Sustaining an Ethical Culture

Kara K. Ueda
League of California Cities
September 14, 2017
Overview

Being a Public Official in Cyberspace
Campaign Activities: Ballot Measures
Fundraising on Behalf of Others
Fundraising for Office
Why Use Social Media?

- Increase transparency in government
- Publicize events and projects
- Quickly distribute information
- Reduce costs; increase efficiency
- Solicit policy feedback
- Encourage civic engagement
- Improve relationships with community
- Foster information sharing

Personal/Campaign Uses v. Official Use

- Tone and tenor/voice tends to be different
- Speaking for the agency rather than a person
- Agency generally has a person designated to handle social media requests and profile
Council member 4 “likes” all three comments.

Brown Act in Cyberspace

Are Serial Meetings in Cyberspace “Open and Public?”

- Blog/Newspaper/Facebook/

  NextDoor comments

- Has the Brown Act been satisfied?
- Race to be first to comment?
- Is “openness” the critical factor?
Best Practices

- Be mindful of who else is commenting, especially other Council members.
- Treat the Internet/social media like TV or radio media, not like a private communication device.
- Don’t pre-judge outcomes/decisions.

Brown Act: Technological Devices

- During a Council meeting, a local resident texts 3 of the 5 Council members asking them to vote a certain way.
- Has the Brown Act been violated?
- Public record?
Brown Act: Best Practices

Do not hit “reply all,” especially to messages sent to the entire Council.

Do not send message to the entire City Council.

Do not comment on online posts, especially if another Council member already has.

Public Records Act Best Practices

Use official agency e-mail account for agency business

Do not use official account for personal business

Do not have all accounts filter into one e-mail account where each is indistinguishable
Misuse of Public Funds

Ballot Measures

Endorsements & Legislative Activities

Informational Materials

Behested Payments: Form 803

FOR ELECTED OFFICIALS ONLY

- Contributions of $5,000 or more
- Made by a single source in cooperation with elected official
- Must be reported to official's agency within 30 days.
Campaign Finances

Can an elected official be disqualified from voting/decision-making for receiving campaign contributions?

General Rule – NO.

Campaign Disclosure Forms Sufficient = NO Disqualification (e.g., campaign contribution from a developer)

“BIG” Exception (Gov. Code § 84308)

Proceedings involving entitlements, licenses/permits (land use permits, franchise, zoning variances, consulting contracts)

BEST PRACTICES

If you have a question:

Call your city attorney.

Call the FPPC advice line: (866) ASK-FPPC (M-Tr 9-11:30 am)
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Statewide Leadership in Ethics Programs

A Cal-ICMA Board Initiative
to build awareness and recognition of California local government ethics programs
Our Starting Point

- While essential to local government management, Ethics is rarely discussed beyond mandated training and policies
- In 2012, Cal-ICMA established an “Ethical Hero” award to be presented at annual League City Managers Department conferences
- In 2015-16, the Cal-ICMA Board evaluated options for raising the profile of ethics and engaging partners to recognize effective local agency ethics programs

Cal-ICMA’s Interests

- Project goals:
  - Increase public awareness of ethics as a core value of local government management
  - Share innovative approaches
  - Build pride in organizations with successful programs
  - Initial focus is on a recognition / award for admirable local agency ethics programs
Approach

- Cal-ICMA Board set this as a strategic priority and workplan
- Engaged partners:
  - The Institute for Local Government (ILG)
  - Municipal Management Assn of Northern California (MMANC)
  - Municipal Management Assn of Southern California (MMASC)
  - Santa Clara County Leadership Academy
  - International City/County Management Association (ICMA)
- 2016 Santa Clara County Leadership Academy team selected this project to take on; conducted statewide survey
- Presented results to ILG and Cal-ICMA Boards

Cal-ICMA Ethics Leadership Development Team

- Ed Shikada, Palo Alto/Cal-ICMA Ethics Cmte
- Matt Bronson, Grover Beach/Cal-ICMA Ethics Cmte
- Brett Channing, El Cajon/Cal-ICMA Ethics Cmte
- Martin Gonzalez, Institute for Local Gov’t
- Monica Davis, Hayward/MMANC
- Christina Gilmore, Mtn View/MMANC
- Dia Turner, Culver City/MMASC
- James Haston, Laguna Hills/MMASC
- Martha Perego, ICMA (Resource)

2016 Santa Clara County Leadership Academy:
- Kathy Bradley, Santa Clara Valley Transportation Authority
- Nicole Burnham, San Jose Parks, Recreation & Nbhd Services Dept
- Royce Heath, Gilroy Police Dept
- Jill Hitchman, Santa Clara County Fire Dept
- Kevin McNally, Palo Alto Fire Dept
- Luz Penilla, Santa Clara Valley Water Dist
- Scott Purvis, Morgan Hill Police Dept
ILG Resource: Ethical Culture Assessment/Framework

- Executive Responsibility
- Elected Official Responsibility
- Personal Responsibility

http://www.ca-ilg.org/ethics-assessments

Personal Responsibilities

1. Encouraged to speak up
2. Expected to report questionable behaviors
3. Clear where to turn to for advice
4. Expected to follow the spirit as well as letter of law
5. Expected to use ethical behaviors
6. Expected to tell the complete truth
7. Expected to treat everyone equally
8. Expected to follow governing policy not individuals
9. Surrounded by ethical coworkers
10. Working with trusted confidants
Executive Responsibilities

1. Create environment comfortable for staff to raise concerns
2. Appreciate staff bringing forward bad news
3. Expect staff to use ethical practices
4. Gear decisions to spirit as well as letter of law
5. Treat public with civility and respect
6. Use public resources for agency purposes only
7. Appoint and reward people for performance and contributions
8. Treat public equally
9. Help elected officials work within their policy role
10. Refuse to accept gifts and/or special treatment from those with business with agency

Elected Official Responsibilities

1. Create environment comfortable for staff to raise concerns
2. Appreciate staff bringing forward bad news
3. Expect staff to use ethical practices
4. Gear decisions to spirit as well as letter of law
5. Treat public with civility and respect
6. Use public resources for agency purposes only
7. Allow staff to handle day-to-day management issues
8. Treat public equally
9. Abstain where reasonable people may question ability to make a fair decision
10. Refuse to accept gifts and/or special treatment from those with business with agency
Statewide Survey Results
Response Rate (Overall 15%)

- Redwood Empire
- Sacramento Valley
- North Bay
- East Bay
- Peninsula
- Monterey Bay
- Central Valley
- So. San Juquin Vly
- Desert Mountain
- Channel Counties
- Los Angeles County
- Inland Empire
- Orange County
- Riverside County
- San Diego County
- Imperial County

Respondents with Local Ethics Code, Policy or Program

- 39% AB 1234 Only
- 61% Additional Agency Requirements
Respondents with Local Ethics Hotline or Helpline

- Yes: 18%
- No: 82%

Respondents Designating an Individual Overseeing Ethics

- Yes: 46%
- No: 54%
Palo Alto’s Experience

- City Council adopted Conflict of Interest Code in 2006; approved City Auditor recommendations in 2008
- City Manager subsequently rolled out program elements:
  - Ethics policy
  - Practice guidance
  - Citywide training for 1,000 employees in 2015-16
- Employee feedback generally positive, while reinforcing the multiple dimensions of ethical culture
- Currently reviewing/updating Ethics Code

Conclusions & Moving Forward

- Continued interest in building on established frameworks for recognizing achievements
  - Cal-ICMA/League City Managers Department
  - Institute for Local Government
- Recognize that focus & resources are needed to sustain efforts
  - Reliance on “volunteers” ebbs and flows
  - Various models (e.g. certification) needed for a program to be effective
- Expand understanding of issues and build on experiences
Questions and Answers