



REPORT TO COUNCIL

City of Sacramento

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33

Staff Report
June 15, 2010

**Honorable Mayor and
Members of the City Council**

Title: Ethics Review Process

Location/Council District: Citywide

Recommendation: Provide direction to staff on whether to establish a process and time line related to developing a formalized ethics program for the City.

Contact: Mark Prestwich, Special Projects Manager, (916) 808-5380

Presenter: Patti Bisharat, Assistant City Manager, (916) 808-8197

Department: City Manager's Office

Division: Not applicable

Organization No: 02001011

Description/Analysis

Issue: The 2009 Sacramento Charter Review Committee reviewed the City's ethics activities and concluded there was merit in further analyzing whether the City will benefit from creation of a formal ethics office or commission. Staff is seeking direction from the City Council on whether to establish a process to further study this issue.

Policy Considerations: Not applicable

Environmental Considerations: This does not constitute a "project" and therefore is exempt from the California Environmental Quality Act (CEQA) according to Section 15061(b)(1) and 15378(b)(3) of the CEQA guidelines.

Commission/Committee Action: The 2009 Charter Review Committee studied the City's ethics activities and recommended creation of a task force to further study whether the City would benefit from an ethics office or commission.

Sustainability Considerations: Not applicable

Rationale for Recommendation: Staff is seeking direction from Council on a process and time line related to developing an ethics program for the City.

Financial Considerations: Not applicable

Emerging Small Business Development (ESBD): Not applicable

Respectfully Submitted by: M. Prestwich
Mark Prestwich, Special Projects Manager

Recommendation Approved:

Gus Vina
Gus Vina, City Manager

Table of Contents

Report	Pg. 1
Attachments	
1 Background	Pg. 3

Background

Overview

The 2009 Sacramento Charter Review Committee studied the City's ethics activities and concluded there was merit in further studying whether the City would benefit from a formal ethics office or commission. Currently, the City's ethics training and monitoring activities are largely organized and managed by the City Clerk's Office. The Clerk's "Disclosure and Ethics" webpage includes information related to:

- Lobbyist registration and reporting
- Campaign statements and disclosure
- Fair Political Practices Commission (FPPC) Form 700
- Fair Political Practices Commission (FPPC) Form 800 Series
- Ethics training

The Commission's report observed that ethics programs in other cities sometimes also consist of an ethics officer, ethics commission or both. The report noted the following distinctions between an ethics officer and ethics commission:

"An ethics officer is typically dedicated to prevention focused activities such as training and policy development. An ethics officer may also have investigative authority in cases of ethics complaints and an advisory role in the resolution of such complaints.....most ethics commissions tend to be compliance based and focus on ethics laws."

The Committee's report indicated that further study would be necessary to answer several key questions regarding the needs of the City of Sacramento, namely:

- What is the City's overall goal?
- What would be the principal and ancillary functions of an ethics officer or commission (oversight and enforcement, education and training, development and revision of policies, codes, values statements, etc.)?
- How would the community benefit?
- How would current City practices and ethics-related policies be improved with an ethics officer or commission?
- What is the current need for an ethics officer or commission?

Possible Ethics Review Process

Staff developed for Council consideration a possible process to study the merits of creating a city ethics office and/or commission. Staff estimates such a process will take six months to complete. The process is summarized below:

Step 1: Community Forum

Preceded by considerable marketing, a Community Forum will be held with panel of local government ethics commission experts who will address an audience of community members, present relevant information and recent research, and answer questions. The forum will enhance community understanding of the various ways in which ethics programs are structured. The forum will also allow for community response on the issue through facilitated small group discussion. Community members' views, concerns, and insights will be solicited, recorded, and compiled to give an indication of the community's perspective on the potential for benefit from the development of an ethics officer or commission for the City of Sacramento.

Step 2: Employee Engagement

This step will engage City employees on the benefit to them (in their ability to carry out their roles, to foster good governance, and build upon existing best practices in their various functions) of creating an ethics officer and/or commission. Small group discussions will allow for employees to identify existing best practices, areas for improvement, and values which inspire and inform their work. Employee views on the potential for benefit and costs of implementing ethics-oriented reforms will be solicited, recorded and compiled.

Step 3: Report Development and Recommendations

This step in the process involves the analysis of input compiled from both the community and employee forums by a panel of experts on ethics. The result will be a report to City Council. The report will include specific options and recommendations and define concrete future steps based upon current research, measures and standards of best practices, and community and employee understandings.

Seeking Direction

Staff is seeking direction from the City Council on whether to establish a process and time line related to developing a formal ethics program for the City.