

RICHMOND CITY COUNCIL

**ETHICS
REFORM
TASK FORCE**

RECOMMENDATIONS

FINAL REPORT

**Richmond City Hall
900 East Broad Street, Suite 305
Richmond, Virginia 23219**

April 1, 2019

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MEMORANDUM

TO: Richmond City Council
FROM: The Ethics Reform Task Force
DATE: April 1, 2019
Re: Final Report and Recommendations

The Task Force submits its final report to Richmond City Council and the Mayor on the progress it has made toward its objectives, as outlined in Ordinance No. 2017-147. This report provides five (5) recommendations that address the issues of ethics in government and offers recommendations on policies and best practices.

The Task Force appreciates Council's time and efforts and would be glad to discuss the contents of this report with Council members at their convenience.

Respectfully submitted,
The Ethics Reform Task Force

Albertina Rasin Walker, Chair

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FINAL REPORT

Report of the Richmond City Council Ethics Reform Task Force

I. Executive Summary

The Richmond City Council Ethics Reform Task Force (the “Task Force”) was established by Ordinance No. 2017-147, as amended by Ordinance No. 2018-038 (the “Ordinance”),¹ to make informed recommendations “on how to increase the level of accountability, public confidence, and public trust” in City officers and employees” (City Personnel).²

The composition of the Task Force was 11 members. Council appointed nine members, and the Mayor appointed two members. Members of the Task Force possessed experience and expertise concerning ethical standards in both public sector and the private sector and in areas such as human resources, procurement, law, law enforcement, business and higher education.

The Task Force has conducted research and reviewed existing laws, codes and standards including those referenced in the Ordinance. In addition to its review of pertinent materials, the Task Force had the benefit of meetings that were convened approximately twice per month since January 2018, many of which were attended by agency heads who gave remarks and made themselves available for questioning by Task Force members in attendance. On October 1, 2018, the Task Force provided a preliminary report to Richmond City Council members, with five recommendations, including a recommendation for legislation to be submitted to the 2019 Virginia General Assembly. The recommendation for legislation (resulting in Chapters 111, approved February 21, 2019, and 472, approved March 18, 2019, of the 2019 Acts of Assembly of Virginia,

¹ The full text of the Ordinance, as adopted by Council on February 26, 2018, is attached as **Exhibit A** to this report.

² For purposes of this report, and consistent with Ord. No. 2017-147 and Ord. No. 2018-038, the term “City Personnel” means officers and employees, whether elected or appointed, of the City government and, to the extent permitted by law, other local government entities and constitutional officers operating in the City.

hereinafter referred to as the “State Legislation”) to authorize Richmond to prohibit former employees from engaging in lobbying activities.

In March, 2019, the Task Force solicited feedback through a survey that was deployed to all City employees to determine employee awareness of City of Richmond policies that promote ethical behavior and fraud prevention within City government. There were 604 survey responses received. Additionally, two community forums were held for employees and residents in March 2019 regarding awareness and views of ethical standards in the City of Richmond.

The Task Force submits its final report on the progress it has made toward its objectives, as outlined in Ordinance No. 2017-147, with a description of the work accomplished and offers five (5) recommendations for consideration by Richmond City Council (“Council”).

Task Force Recommendations

- 1. Employees are to disclose personal agreements or relationships with vendors.**
- 2. Employees are to disclose private associations with employees/candidates.**
- 3. Amend Richmond City Code of Ordinances to Prohibit Lobbying after Employment.**
- 4. The City should create a Comprehensive Ethics Handbook, Website, and Uniform Code of Ethics for all City Personnel**
- 5. The City should conduct Ethics Training annually.**

Recommended Next Step for Consideration

The Task Force requests City Council approval to remain intact until December 31, 2019. The additional time will allow the Task Force to follow-up on recommendations included in this report to ensure they are implemented. In the event that these objectives are not met, we request even further review at a span of six month intervals—until the recommendations are implemented.

II. Problem Statement and Recommendations

A. Conflicts of Interest

Concerns regarding conflicts of interest are among the primary reasons for the Task Force's formation in 2017. Accordingly, the Task Force has undertaken, as one of its first areas of inquiry, to understand when and how such conflicts may arise, and the nature and scope of the impact such conflicts can have on public relations. To assist in this inquiry, Richmond Commonwealth's Attorney, Michael N. Herring, attended the meeting held by the Task Force on February 27, 2018. During that meeting, Mr. Herring spoke to the Task Force and fielded questions regarding his office's investigations into, and findings regarding, the Jones Administration's alleged use of city resources to facilitate the construction of the First Baptist Church ("FBC") congregation center on Iron Bridge road (the "Investigation").

The complaint that prompted the Investigation alleged that the Interim Director of the Department of Public Works ("DPW") had been neglecting his DPW duties by serving as *de facto* project manager for the FBC construction project. Having considered the circumstances and findings of the Investigation, as well as the concerns voiced by Mr. Herring, the Task Force has determined to make the following recommendations:

Recommendation #1: Disclose Personal Agreements or Relationships with Vendors (Responsible Department for Implementation - Procurement)

Require all City Personnel (including those with authority to influence decisions relating to City contracts) to immediately disclose their personal or private agreements or relationships with any such vendor or other third party.

Recommendation #2: Disclose Private Association with Employees/Candidates (Responsible Department for Implementation – Human Resources)

Require all City Personnel (including those with authority to influence decisions concerning employment status promotions, demotions, salaries, benefits, performance evaluations or otherwise affecting the City's employment or prospective employment of any individual or candidate) to immediately disclose

their private relationships or close personal associations with said employee or candidate.

Terms like “relationship” and “association” will need to be carefully defined in any law or regulation that results from this recommendation. Any enforcement mechanism for these new disclosure requirements will require further consideration as well.

B. The “Revolving Door” Provisions of Va. Code § 15.2-1408

The “revolving door” provisions of Virginia Code § 15.2-1408 (the “Statute”) address concerns regarding the undue influence an individual previously employed by local government can have on governmental decisions and actions even after such employment has come to an end. The Task Force determined that the Statute should be amended to authorize the City of Richmond to impose “revolving door” restrictions similar to but more expansive than the restrictions under the Statute. The City of Richmond has a similar administrative regulation that is enforceable against employees only during their tenure.

Recommendation #3: Amend City of Richmond Codes of Ordinances to Prohibit Lobbying after Employment (Responsible Department for implementation- Office of the City Attorney, City Council, City Administration)

The State Legislation amended Va. Code § 15.2-1408 to authorize the City of Richmond to prohibit employees from lobbying the City for one year after their employment has ended. (Copies of the State Legislation are attached as Exhibit B to this report). It is further recommended to amend the Richmond City Code as shown in Exhibit C to this report to implement the State Legislation.

C. Administration and Enforcement

The Task Force has reviewed, among other things, the City Code and Charter in an effort to understand the operational guidelines and protocols that currently govern

the administration and enforcement of ethics standards. As appeared to be true in the context of processes to identify conflicts of interest, it appears that there is no single entity responsible for ensuring that City Personnel act in accordance with any ethics-based code of conduct. To address this lack of centralized authority, the Task Force considered a number of different options and reviewed how other localities and organizations handle such issues:

Recommendation #4: Create a Comprehensive Ethics Handbook, Website, and Uniform Code of Ethics for all City Personnel (Responsible Department for implementation - City Administration, Human Resources, DIT)

- a. Create a comprehensive ethical standards handbook that all City of Richmond employees can view. The Ethics Handbook will also be available to all City of Richmond residents, with the goal of promoting transparency and fostering the belief to the Richmond community that ethics is taken seriously. As an extension to this recommendation, the Task Force recommends that a webpage be added to the City website that defines ethical standards, as well as include ‘a commitment to these ethical standards’ in the City’s mission statement. On this webpage, one would find the Comprehensive Ethics Handbook and uniform code of ethics for all City Personnel. The goal of this page will be to build awareness with city residents about ethical standards that exist within the City of Richmond.
- b. Create a single document embodying a uniform code of ethics (the “Code of Ethics”) applicable to all City Personnel and require every individual hired, elected, appointed, or, where permitted by law, contracted to serve as City Personnel and require every individual hired, contracted, elected, or appointed to serve the City to review and attest to his/her commitment to adhere to the Code of Ethics on or before the first day such individual performs work or services of any kind for the City. The Code of Ethics should be concise, accessible,

and easy to understand – consistent with the following example, which should also serve as guiding principles to those tasked with developing the text of the Code of Ethics:

Recommended - City of Richmond Code of Ethics

In all of my dealings as an official, employee, or contractor of the City of Richmond....

- (1) I will always tell the truth and be honest in my conduct.
- (2) I will not offer or accept bribes.
- (3) I will remember that I am a public service professional, employed by and answerable to the people of the City of Richmond.
- (4) I will comply with all of the City's rules, regulations, and ordinances, and all applicable federal and state laws.
- (5) I will remember that the City has entrusted me with its resources, and I will handle and allocate those resources more carefully and responsibly than I handle and allocate my own resources.
- (6) I will make decisions based solely on the best interests of the people of the City.
- (7) I will make sure to immediately disclose all personal or private relationships and agreements that appear to undermine my ability to perform my duties objectively and fairly.
- (8) I will conduct myself with integrity and only engage in activities and communications that I would be content to have published in tomorrow's newspaper.

D. Training

The Task Force has found that having a comprehensive education and enforcement structure is a vital, but often neglected, component of any effective ethics program. To maximize their efficacy, the Task Force recommends that the annual ethics trainings should be mandatory for all City Personnel.

Recommendation #5: Conduct Ethics Training Annually (Responsible Department for Implementation- City Administration, Human Resources)

The City should conduct, annually, mandatory ethics training on conflicts of interest and the Code of Ethics, and keep public records showing agency-by-agency completion statistics. Upon completion of the developed training, all employees must complete a quiz that affirms understanding of City of Richmond conflicts of interest and Code of Ethics policies. The first training should occur on or before July 1, 2020.

The training can consist of self-study materials in the format of an online course, or in-person training; the Task Force leaves the rollout and other specifics to the discretion of the Human Resources Department. The City website should list the data for completed ethics training. In addition to the annual training that is recommended for all employees, the Mayor and Council should consider offering an annual “Ethics Seminar” for individuals in key positions (Elected Officials, Appointed Positions, Directors, and Managers).

Summary of Task Force Activities and Description of Work

The Task Force reviewed current ethical standards of the City based on the duties listed in Ordinance No. 2017-147. The Task Force completed the following tasks:

1. Held discussions with department heads in information technology, human resources, budget and strategic management, procurement, City Auditor's office, and the Sheriff's Office to discuss current issues and policies within their division and those in need of modification.
2. Reviewed rules, regulations, policies, procedures, and practices that apply to ethical considerations or standards in City government. A recommendation was made to the Virginia General Assembly to amend the Virginia Code §15.2-1408.
3. Reviewed the Conflict of Interests Act, Finance Disclosure policies of the City and the Statement of Economic Interests, and Outside Employment/Secondary Employment Form.
4. Reviewed ethical standards and requirements for mandatory training for specified City officers and employees.
5. Reviewed the feasibility of establishment of a local government ethics board for the purpose of ensuring compliance with and enforcement of applicable ethical laws. The Task Force did not make a recommendation regarding an independent ethics review board to investigate or resolve reported ethics violations involving City Personnel. It would involve duplicative effort in relation to other departments' responsibilities. It was determined to be unnecessary in light of the Task Force's recommendation.
6. Met with constitutional officers³ to better understand their roles in local government and objectives relative to ethics reform.
7. Conducted research regarding the City's use and rollout of a newly-implemented P-Card program.
8. Reviewed the Department of Human Resources onboarding and off boarding protocols with the Department of Information Technology ("DIT") and HR. More specifically, the goal is to (a) develop recommendations that will focus on

³ The Task Force has met with Sheriff Antoinette Irving and greatly appreciates her time and willingness to help.

establishing DIT as the centralized focus for retrieval of all computer access, equipment, and issued city property and (b) create a better communication bridge between DIT, HR, and department heads as it relates to providing and retrieval of City of Richmond equipment.

9. Participated in the City of Richmond “Employee Learning Week – Training Program.” Provided an overview of Ethics Reform Task Force mission to City employees and received their input on awareness of ethics policies in the City.
10. Solicited input from City of Richmond employees and residents through a survey and community forums. A survey was deployed to all City of Richmond employees. The survey analysis, results and findings of the 604 respondents is included in this report in Section III. The Task Force met with members of the community to obtain the benefit of their input through two public forums held March 6, 2019 at the Southside Social Services Center and March 13, 2019 at the Richmond Police Academy. The forums were held for employees and residents to provide their views to the Ethics Reform Task Force. The meetings focused on how to increase accountability, public confidence and public trust in City officers and employees. The following feedback was received from the community.

COMMUNITY FORUM COMMENTS

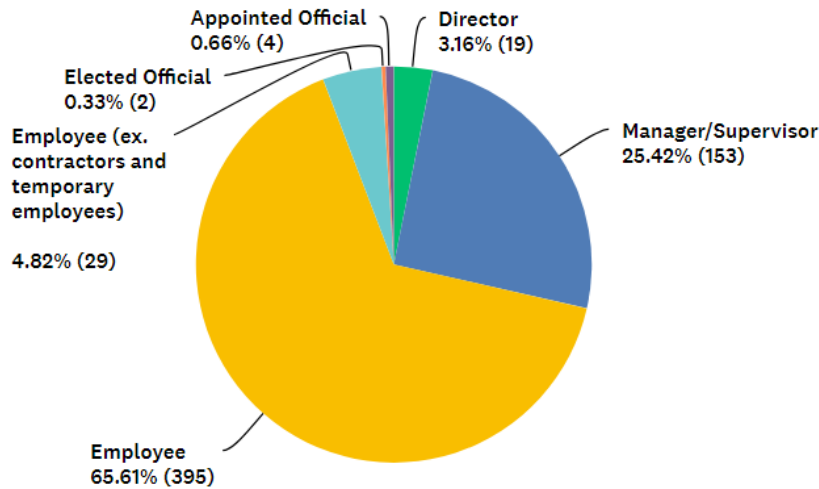
1. Ethics has never been a core value within the City of Richmond. It is very important the people within the City of Richmond are told the truth; transparency is key for the City of Richmond to move forward.
2. There are unethical things that happen in our faces every day that we do not see or fail to acknowledge. We need to have a City that cares about its residents.
3. There is a lack of guidelines/policies on ethics in general within the City of Richmond.
4. Current city employees are not familiar with processes in place to report ethical violations.
5. Be consistent. Put some consistency behind seeing things through. If it applies for this person and this agency, it should apply the same for someone else in a different agency. Things should not differ based on title.

6. Ethics should be included within the mission statement of the City of Richmond.
7. The City and its agencies need to bridge how they define what is ethical and what is not.
8. The traditional ways of doing things are some of the most unethical ways of handling things.

III. Survey Results and Findings

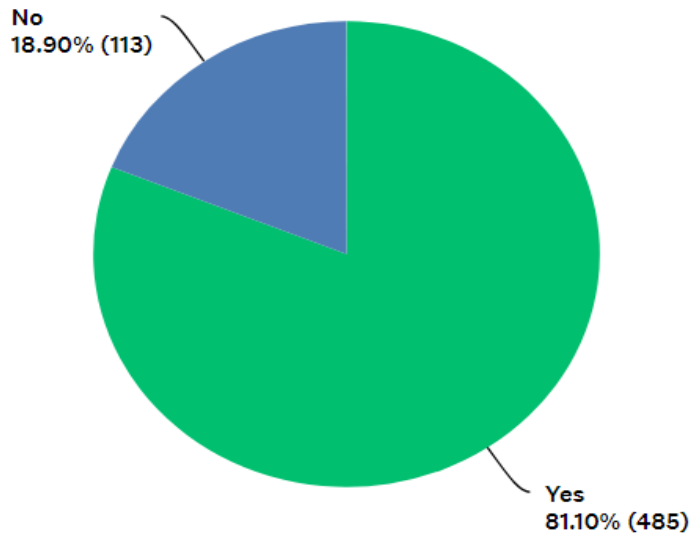
The Task Force solicited feedback through a survey which was deployed to all City employees to determine employee awareness of City of Richmond policies that promote ethical behavior and fraud prevention within City government. There were a total of 604 (N=604) survey responses out of 4200 total City employees. For some of the questions, all 604 takers may not have responded or elected to skip the question.

Question 1: What is your position with the City of Richmond?



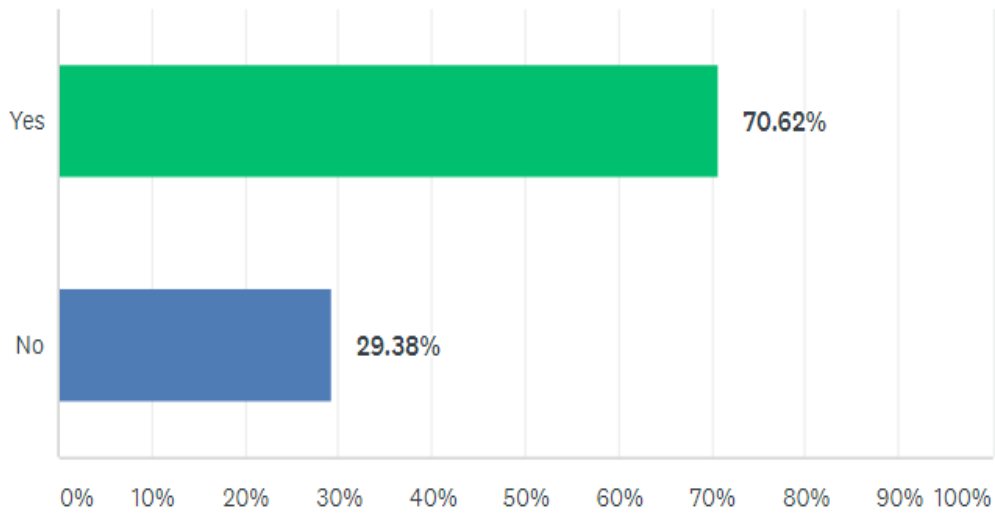
Question 2: Is ethics a core value in the City of Richmond?

Eighty-one percent of respondents indicated, ethics is a core value in the City of Richmond.

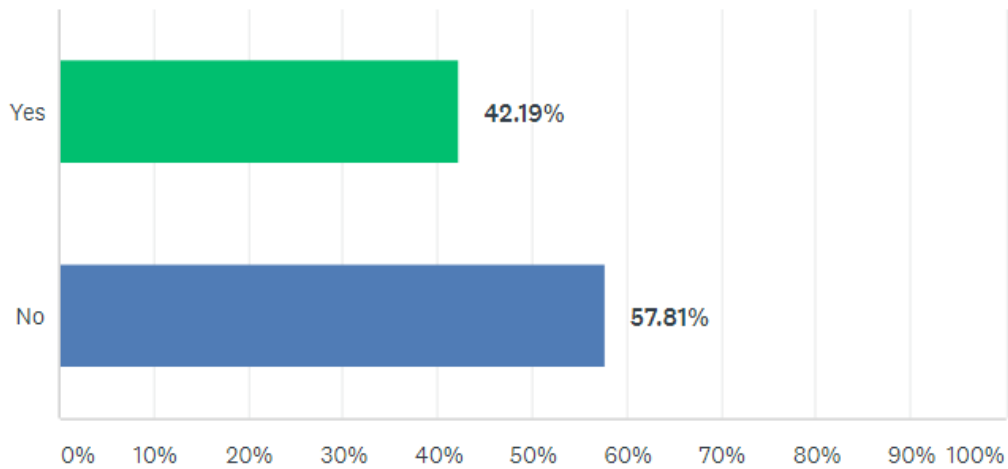


Seventy percent of respondents indicated, they feel safe to speak up in their department about unethical behavior. Whereas, 42% responded “Yes”, to is there a fear of retaliation for speaking up, and 57% responded “No”.

Question 3: Is it safe to speak up in your department about unethical behavior?

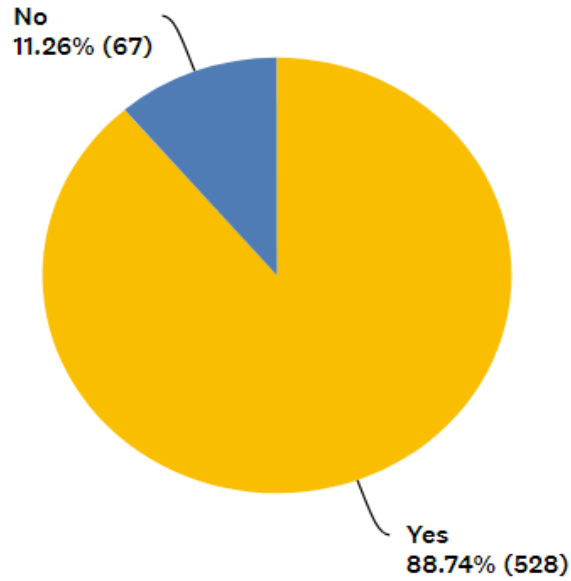


Question 4: Is there a fear of retaliation for speaking up?



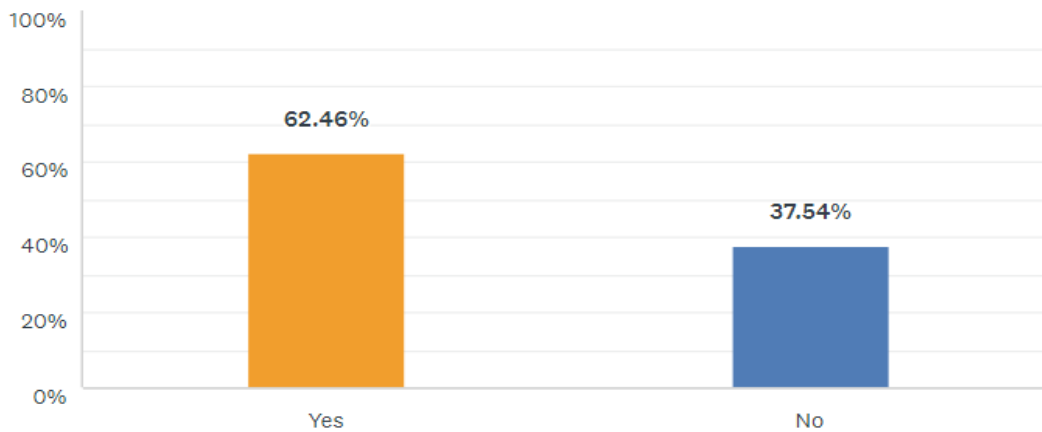
Question 5: Would you report unethical behavior if you saw it?

Eight-nine percent of employees responded, “Yes”, they would report unethical behavior if they saw it and 11% responded, “No”.



Question 6: Do you know the process to report unethical behavior in the workforce?

Sixty-two percent of respondents responded, “Yes”, they know the process to report unethical behavior in the workforce and 37% reported, “No”.

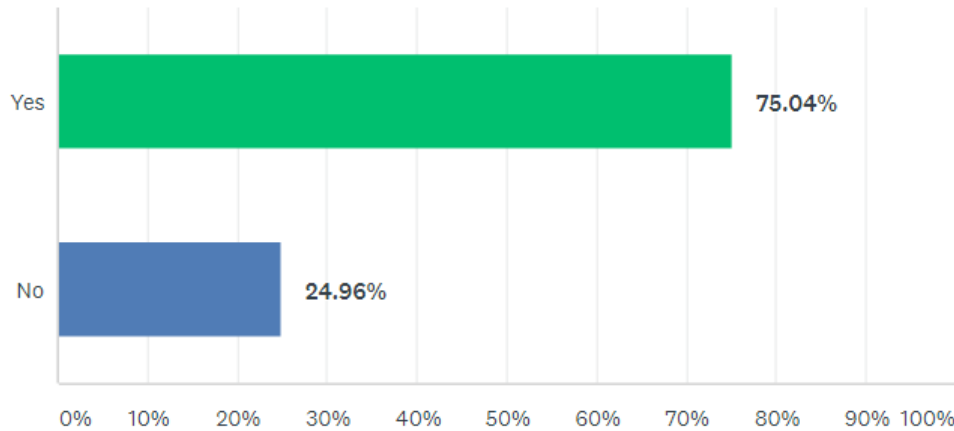


Question 7: To which entity would you likely report unethical behavior if you witnessed it?

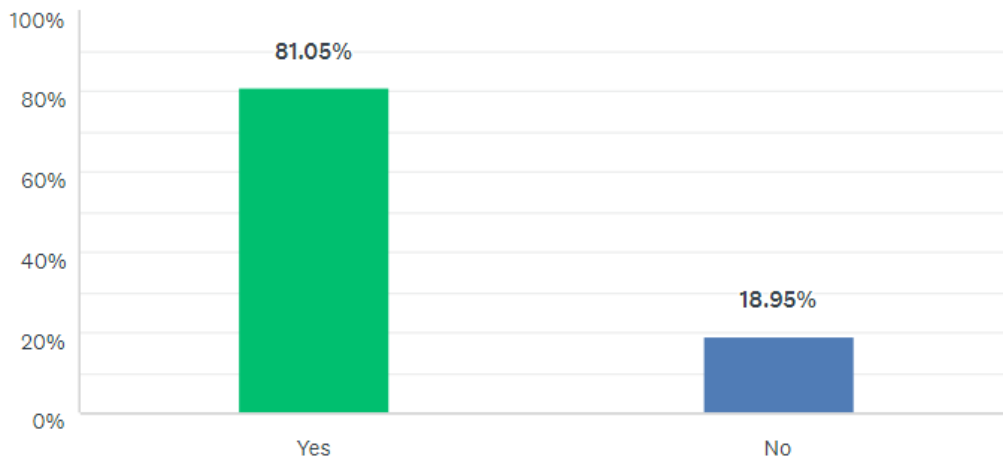
The results for Question 7 were omitted - The Ethics Reform Task Force intended for this question to capture the specific entities in which an employee, elected official, or appointed official would report unethical behavior; however, when the question was being setup in Survey Monkey, a “Yes” and “No” option was inadvertently added, which skewed the results data. As a result of this error, the results have been omitted as they are not an accurate reflection of the intended question.

Question 8: Do you feel you would be supported by your supervisor if you were to report unethical behavior?

Seventy-five percent of respondents felt they would be supported by their supervisor and 80% felt they would be supported by the Inspector General’s Office (City Auditor’s Office) if they reported unethical behavior.

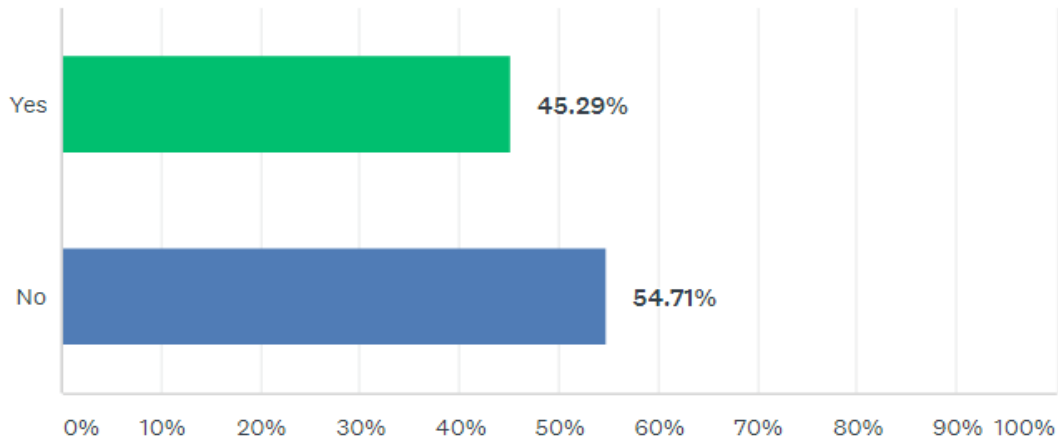


Question 9: Do you feel you would be supported by the Inspector General's Office (handles reports of fraud) if you were to report unethical behavior?

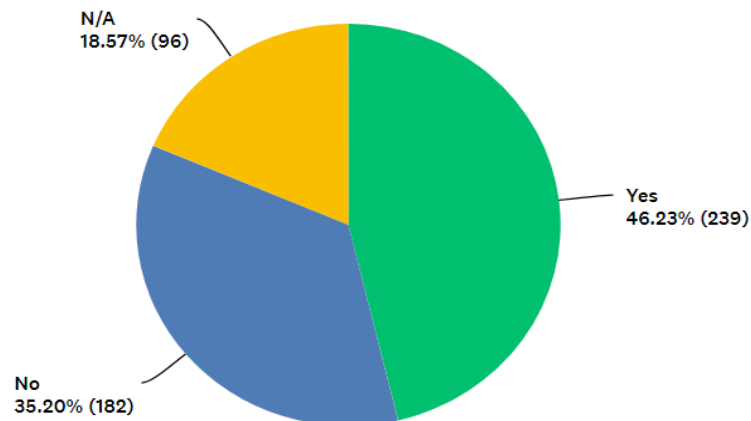


Question 10: Have you observed unethical behavior since you started working with the City of Richmond?

Forty-five percent of respondents reported, "Yes", they have observed unethical behavior since they started working with the City of Richmond and 55% responded, "No".

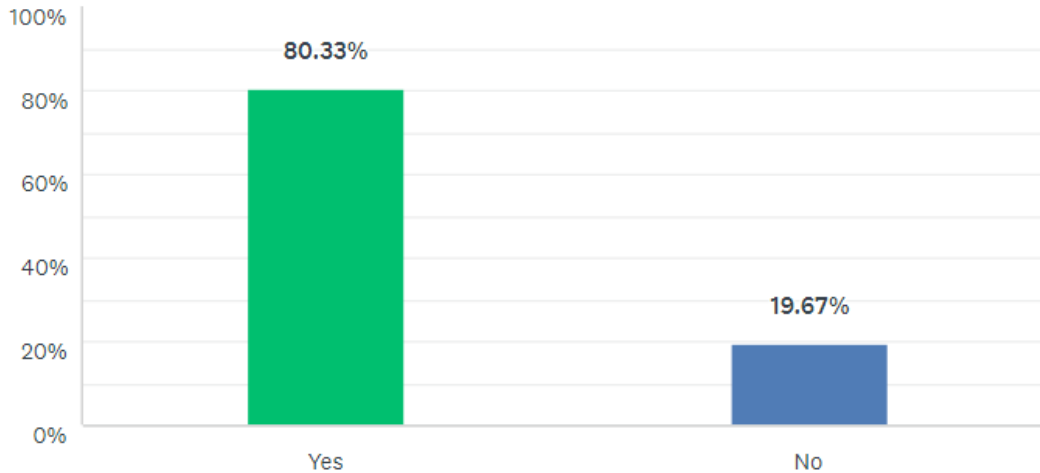


Question 11: If you observed unethical behavior, did you report it to someone?

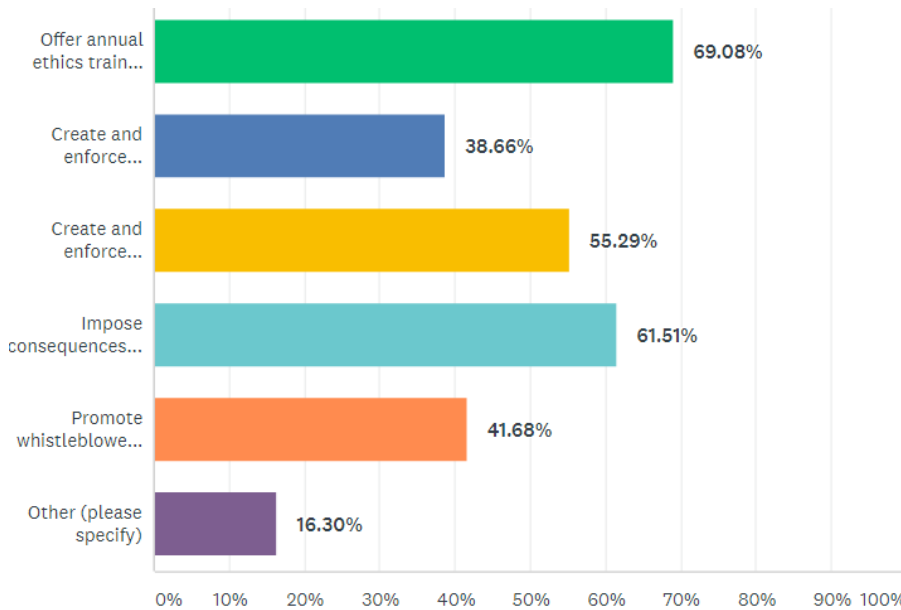


Question 12: Are you aware of the City of Richmond's Code of Conduct on Ethics?

Eighty percent of respondents reported, “Yes”, to awareness of the City of Richmond’s Code of Conduct on Ethics.



Question 13: What can City leadership do to support the goal that every City employee displays ethical conduct at all times? Survey takers were given the option to select multiple options.



▼ Offer annual ethics training to city employees and contractors	69.08%	411
▼ Create and enforce relevant city laws	38.66%	230
▼ Create and enforce relevant policies	55.29%	329
▼ Impose consequences for unethical actions	61.51%	366
▼ Promote whistleblower policies	41.68%	248
▼ Other (please specify)	Responses 16.30%	97

Question 13 – Other/Written Comments

Survey Comments in Categories

1. Policies/Ethical Rules/Leadership

- A. Leadership needs to review themselves if there is a belief of unethical behavior
- B. Lead by example. stop lying about laws and purposes of new taxes
- C. Check the conduct of the higher officials first. (Only then something will be clear concerning the lower employees)
- D. Follow through on resolving the unethical behavior
- E. Update the policies to reflect current situations
- F. Promote leadership from within, respond to employee concerns before they become disgruntled, have more questionnaire so employees can share ideas/concerns
- G. The stains from the last Administration (Judkins sick leave and Mayor's church) are long lasting. How about going back to a weak Mayor form of govt?
- H. Create Ethics Committee to review ethical violation and ethical situations that may judgment call to determine if a violation or not, Develop clear guidelines and real life examples for training purposes. Report on ethics violations, figures and examples thereof. Not every issue should go to IG, only those deemed illegal.
- I. Establish competent ethical constructs
- J. Reintroduce the Moral Turpitude rule. If you lie, cheat or steal as an employee you disgrace the City and should forfeit your right to work here.

2. Training/Orientation/Annual Mandatory

- A. Teach supervisors how to be real supervisors and stop treating there employees with a tone that is meant for kids. Teach Supervisors how to respect there employees. You have one Supervisor in the Jail that talks to us like we are kids, tells us to wait if we have a question because she is busy, talks about employees in front of inmates, in other words we are working in a hostile work environment. If we say anything we are afraid we will be retaliated against. And then it will be worse, we really don't know what to do or how to stop her from being so arrogant. She isn't meant to be a supervisor in my opinion, I have worked in Corrections since 1983 and have never worked for anyone like her. I have Supervised for 7 years and never treated an employee the way she treats us.
- B. Train supervisor on how to handle information given to them, and consequences if they do not report or make the individual feel they will be punished for reporting
- C. We need to evaluate personnel on ethics prior to hiring them train to meet the cities ethic expectations during the probationary period.
- D. I have followed my chain of command on personal issues in the workplace that are not conducive, unprofessional, and not personally wanted for self and as a whole in maintaining a healthy safe workplace. We as employees need to know we can trust and believe in the process and system. There is a mockery of senior leadership , favoritism, special treatment to "clicks" while holding those who abide , work hard, do what's right even those this is going on. We need grievance filing classes, we need accountability. We need fair treatment to all.
- E. Define the difference between ethics and management styles

- F. Create a blanket statement letter that covers code of conduct and ethics to be reviewed and signed with the performance review documentation
- G. Explain the role of the IG and how the IG office functions in their role
- H. Offer annual MANDATORY ethics training to city employees and contractors
- I. In between annual ethics training, I think it would be a good idea to send out a short email in the form of "a tip" on ethics. For example, The tip could provide a short work scenario describing an unethical behavior and a corrective antidote, followed by a reminder of reporting procedure and/or a link to the appropriate source.
- J. Ask situational interview questions that give hiring managers an idea of a potential candidates take on ethical behavior
- K. Provide ethical training and information as part of the new hire process if not already being done.
- L. Do refreshers to promote good core behaviors and throw in ways that support employees can feel empowered to come forward for the good of our City.
- M. Everyone should undergo training and continue to be made aware that such behavior is not warranted and depending on the conduct of the employee accountability on any level should have some discipline imposed.

3. Mechanism to Handle Inappropriate/Fraudulent Reporting

- A. Approach this effort with common sense & integrity. Create a mechanism to handle inappropriate/fraudulent reporting. Some employees and citizens alike use the IG office or Auditor office as a way to attack a co-workers and/or employees. Employee can constantly be investigated over and over again with no wrongdoing found without their knowledge. This is a waste of the IG, Auditors & Department resources. Note: If someone calls 911 constantly for bogus claims this item would be address because this practice detracts police, fire and/or ems personnel from real items. This same should hold true for this effort.

4. Enforce the Rules in Place/Apply to All

- A. Enforce the rules that already exist on ethic and ensure that they apply to all people no matter what your position or title. The management often apply rule and regulations to the lowers while they are doing the same or worst. Make it so if you see a ethical violation, you can report it knowing that something will be corrected and not pushed back on to the lowers in the form of punishment or training only for them. Make the lowers feel that ethic violations are ok if you are the mayor or upper management and rules can be bent or "grey mattered", while the lowers will be punished for infractions. At this time, ethics are for lowers and the rest, the higher, it's politics.
- B. Stop pretending to care about unethical behavior.
- C. Relevant laws and policies are in place. Enforcement is best to support the goal.
- D. Put policies and action in place to show the support in work related ethical conducts.
- E. Law Enforcement and State Auditors/ FBI
- F. Enforce, enforce, enforce

- G. Show True Ethical Behavior from the top to the bottom.
- H. The city could have a no tolerance policy and enforce discipline for behavior and ethical issues
- I. Do not make exceptions for upper tier officials and employees
- J. Get the Mayor and Council members to stop being unethical. Make actual laws and punishments against unethical behavior that everyone knows that they do- it starts with them and they are not being held accountable for their actions. They also all sorts of taxpayer, lobbyist and business money. Start with making a law or city policy that says that no one can accept any money, service, in-kind, product, anything of any value - \$0- not \$100 or \$20 here or there or tickets or anything - then we would know you were serious!
- K. Behave in an ethical manner themselves
- L. Hold leaders accountable
- M. Enforce the rules and stop nepotism.

5. Whistleblower/Eliminate Retaliation

- A. Protect Whistleblowers
- B. Assure that there will be no retaliation for reporting unethical behavior
- C. Ensure a retaliation free environment remains, support doing the right thing.
- D. Reassure employees that there wouldn't be any retaliation for speaking up.
- E. Eliminate the retaliation
- F. Address retaliation more seriously
- G. GIVE A VOICE TO THE EMPLOYEES. SUPERVISORS SHOULD BE REVIEWED, THEY CONTROL YOUR FUTURE AND GROWTH AS PRESENTLY THERE IS A LOT OF MISSUSE OF POWER AND INTIMIDATION IS HUGE. CLOSED DOORS AND CONSTANT THREAT OF GETTING FIRED IF YOU STAND UP FOR WHAT YOU DESERVE.
- H. Assure that person reporting unethical behavior doesn't face retaliation
- I. Have an Ethics hotline and app like we have a Fraud hotline and app.
- J. Change management and enforce the law on bullying, hostility for fear of retaliation on employees.
- K. Eliminate the fear of reporting.

6. Consistency/Be Ethical/Fairness/Leadership

- A. Take time to periodically review what's decided and by whom and for whom the decision benefits. Ex. a person gets a offer letter for a position they interviewed for and gets a raise to stay, another employee does the same but no effort is made to retain them but there is bias in why there is a difference.
- B. Live by all the above (question #13)
- C. I have followed my chain of command on personal issues in the workplace that are not conducive, unprofessional, and not personally wanted for self and as a whole in maintaining a healthy safe workplace. We as employees need to know we can trust and believe in the process and system. There is a mockery of senior leadership , favoritism, special treatment to "clicks" while holding those who abide , work hard,

do what's right even those this is going on. We need grievance filing classes, we need accountability. We need fair treatment to all.

- D. Actually listen to employees and stop protecting friends in the department
- E. Exhibit Ethical Behavior
- F. Hold City Council to the same if not higher standard
- G. Hold the director accountable for unethical things that occur in the department.
Often, the director is not held accountable nor are they reprimanded for the actions of their employees. This is why they do not take it serious.
- H. When an incidents is reported, and management doesn't respond then what?
- I. Be fair open-minded and lead by ethical example
- J. Perform lie detector test when you get injured if the supervisor didn't report it.
Provide mental counsel for employees that been harass and retaliated on
- K. Need to change management that will support and enforce the rules

7. Reporting/Investigating/Anonymity/Fraud Hotline

- A. Offer a sure way to report unethical behavior anonymously
- B. Truly investigate a complaint instead of covering it up
- C. Create a culture in which employees feel comfortable reporting.
- D. I think using the Fraud hotline is best because anything that is told to the supervisor is often repeated to other workers and what is reported to managers is no different.
They are not objective on the matters and gossip starts.
- E. Anonymous submission
- F. Create anonymous hotline

8. Consequences/Accountability

- A. Hold accountable individuals receiving multiple complaints
- B. Create an environment where accountability is expected from EVERYONE without "favorites" being given a bye.
- C. Hold management accountable for unethical behavior
- D. Change the culture – Don't be afraid of upsetting those that are unethical
- E. There should be a group or leader to back you up when you speak about unethical actions and you can rely on that group if you see anything and you can openly report it. Most people see things but they are afraid to report it
- F. Mandatory training, follow through, enforcement, and appropriate consequences!!!

9. Miscellaneous

- Like most things at the City that I have experienced, it would make no difference
- Include in Performance Reviews (but our Performance Review system is from the 1980's and needs a serious revamping (but that's another improvement project)
- Give incentives for reporting unethical behavior.
- Problem is Political Correctness is the god the city worships
- Leadership should visit work areas from time to time. Pop in and talk to the workers, observe the daily operations and mechanics of the departments, especially field workers (non-office). Listen to their issues with equipment and the work

environment. Go on a trash run with the solid waste team, spend a day with the pothole team, paint lanes with the street marking crew, to get a feel of the work being done and the trials workers face. □

- I have very high ethical standards. I'm not sure what the cities are as a whole therefore cannot complete the survey.
- Interview some of the city workers because it's a lot of the supervisors that are inappropriate
- I would pay people what they are worth, this would do the most to help the low ethics in the city
- Act like human beings. Treat others the way you would want a loved one to be treated. Happiness is an inside job.
- Highlight directors/managers/managers demonstrating ethical behavior. It's ok to air dirty laundry once in awhile and examples of where people have done the right thing would be good
- Provide out of agency support to reduce fear from employees
- Most comments and requests seem to fall on deaf ears. Concerns and suggestions seem to be ignored more times than not. □
- Demand that HR listens to employees and acts accordingly - there is a very TOXIC work environment at the COR.
- Finance, HR and various departments that have access to employee information (ie. SSN) and financial information should have annual or bi-annual background checks. This should screen for legal as well as financial issues
- City is doing a great job now
- Raises for good employees that do their job with no complaints!
- Have a team in each department that handles any conduct displays by any employee.
- Nothing will ever be done
- Sure
- Leadership will likely need to be exposed and then replaced
- Reduce cronyism among high ranking officials

EXHIBIT A- Ord. No. 2018-038

INTRODUCED: February 12, 2018

AN ORDINANCE No. 2018-038

To amend Ord. No. 2017-147, adopted Sept. 11, 2017, which established an Ethics Reform Task Force to review and provide recommendations concerning ethical standards applicable to local government in the city, to revise the reporting deadlines for the Ethics Reform Task Force. _____

Patron – Ms. Larson

Approved as to form and legality

by the City Attorney

PUBLIC HEARING: FEB 26 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2017-147, adopted September 11, 2017, be and is hereby amended and reordained as follows:

WHEREAS, the Council believes that it is in the best interests of the citizens of the City of Richmond that the Council establish an Ethics Reform Task Force to review the ethical standards applicable in the City government for the purpose of making recommendations to the Council, the Mayor, and other City agencies on how to increase the level of accountability, public confidence, and public trust in City officers and employees and the officers and employees of other local governmental entities and constitutional officers in the city; and

WHEREAS, it is estimated that the annual operating costs for the Board will be approximately \$5,000, including ten staff hours;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the Council hereby establishes the Ethics Reform Task Force (the “Task Force”) pursuant to the following guidelines:

A. **Purpose.** The Task Force shall make recommendations to the Council, the Mayor and other City agencies on how to increase the level of accountability, public confidence, and public trust in City officers and employees and the officers and employees of other local governmental entities and constitutional officers in the city. For purposes of section 2-761 of the Code of the City of Richmond (2015), as amended, the Task Force is classified as “advisory.”

B. **Composition.**

1. **Appointment.** The Task Force shall consist of 11 members. The Council shall appoint nine members, and the Mayor shall appoint two members. All appointments shall be otherwise governed by sections 2-755 and 2-756 of the Code of the City of Richmond (2015), as amended.

2. **Qualifications.** The membership of the Task Force should possess experience and expertise concerning ethical standards in both the public sector and the private sector and concerning areas, such as human resources and procurement, that may be relevant to the consideration of appropriate ethical standards for a governmental organization.

C. **Duties.**

1. **Review.** The Task Force shall review (i) the State and Local Government Conflict of Interests Act and any other applicable provisions of state law, (ii) the applicable provisions of the Code of the City of Richmond (2015), as amended, (iii) any applicable provisions of the City Council’s Rules of Procedure, (iv) any applicable provisions of the City’s Administrative Regulations, [~~(iv)~~] (v)

Resolution No. 96-R120-181, adopted November 25, 1996, and [~~(v)~~] (vi) any other rules, regulations, policies, procedures, and practices that apply to ethical considerations or standards in the City government, in other local governmental entities in the city, and to constitutional officers in the city.

2. **Recommendations.** Based on its review pursuant to section 1(C)(1) of this ordinance, the Task Force shall make recommendations of any modifications to existing laws, rules, regulations, policies, procedures, and practices that the Council, the Mayor, other City agencies, other local governmental entities in the city, or constitutional officers in the city lawfully may implement to increase the level of accountability, public confidence, and public trust in City officers and employees and the officers and employees of other local governmental entities and constitutional officers in the city. The Task Force should make recommendations in the following areas:

a. Lawful modifications to City ordinances and resolutions, including, but not necessarily limited to, those provisions of the Code of the City of Richmond (2015), as amended, concerning (i) the employee disclosure of misconduct and protection from retaliation found in Chapter 2, Article III, Division 5 thereof, (ii) the requirements for the filing of statements of economic interests found in section 2-760 thereof, and (iii) prohibited working relationships between family members found in section 2-1295 thereof, and including the City Council's Rules of Procedure, that the Task Force recommends that the Council make.

b. Lawful modifications to the City's Administrative Regulations that the Task Force recommends that the Mayor make.

c. Lawful modifications to rules, regulations, policies, procedures, and practices that the Task Force recommends that City agencies, other local governmental entities in the city, and constitutional officers in the city make.

d. Modifications to state laws, including, but not necessarily

limited to, the State and Local Government Conflict of Interests Act and the Campaign Finance Disclosure Act of 2006, that the Task Force recommends that the Council request the General Assembly to make.

e. Any consequences, where permitted by law, that the Task Force recommends be imposed for varying levels of ethical violations.

f. Any lawful ways in which policies on the acceptance of gifts and related issues may be clarified.

g. Any proposed requirements for mandatory training in ethical standards for specified City officers and employees.

h. Any lawful proposals for the expansion of accountability to the public in ethical matters and the expansion of public access to information concerning compliance with ethical standards.

i. If lawful, any proposal as to the establishment of a local government ethics board for the purpose of ensuring compliance with and enforcement of applicable ethical laws.

3. **Report.** The Task Force shall submit a written final report, containing the results of the Task Force's reviews and recommendations, to the Organizational Development Standing Committee no later than 180 days following its submission of a preliminary written report at the meeting of the Organizational Development Standing Committee scheduled for ~~March 5~~ October 1, 2018.

D. **Conduct of Affairs.**

1. **Quorum.** Six members of the Task Force shall constitute a quorum.

2. **Officers.** The Task Force shall select from among its membership a chairman and other such officers as it may deem necessary for the conduct its affairs.

3. **Duration.** The Task Force shall continue in existence until it has submitted the report called for by section 1(C)(3) of this ordinance.

4. **Meetings.** The Task Force shall meet as often as it deems necessary in order to complete its duties and submit its report by the time called for in section 1(C)(3) of this ordinance.

5. **Freedom-of-Information.** All meetings and records of the Task Force shall be subject to the provisions of the Virginia Freedom of Information Act, codified as sections 2.2-3700 through 2.2-3714 of the Code of Virginia (1950), as amended.

6. **Procedures.** The Task Force may adopt by-laws or rules of procedure not inconsistent with this ordinance to govern the conduct of its meetings and operations.

7. **Staff and Resources.** The Office of the Council Chief of Staff shall provide such staff and resources, and shall coordinate the provision of assistance by members of the City administration and the offices of appointees of the City Council, as may be necessary to assist the Task Force in completing the duties imposed by this ordinance. The Office of the City Attorney shall provide any legal advice or opinions necessary to assist the Task Force in completing the duties imposed by this ordinance.

§ 2. This ordinance shall be in force and effect upon adoption.

II. This amendatory ordinance shall be in force and effect upon adoption.



Richmond City Council

The Voice of the People Richmond, Virginia

Lou Brown Ali
Council Chief of Staff

Office of the Council Chief of Staff

Council Ordinance/Resolution Request

TO Allen L. Jackson, Richmond City Attorney

THROUGH Lou Brown-Ali, Council Chief of Staff *MKB as behalf*

FROM Joyce L. Davis, Council Policy Analyst *JLD*
Office of the Council Chief of Staff

COPY Kristen Larson, 4th District Council member
Haskell Brown, Deputy City Attorney
Meghan Brown, Deputy Council Chief of Staff *MKB*
Bryce Lyle, 4th District Council Liaison

DATE June 16, 2017

PAGE/s 1 of 3

TITLE: Ordinance is to Establish an Ethics Reform Task Force

RECEIVED

JUN 16 2017

OFFICE OF CITY ATTORNEY

This is a request for the drafting of an **Ordinance** **Resolution**

REQUESTING COUNCILMEMBER/PATRON

SUGGESTED STANDING COMMITTEE

Council Member Kristen Larson

Governmental Operations

ORDINANCE/RESOLUTION SUMMARY

Ordinance is to establish an Ethics Reform Task Force to review current laws for reform of local government ethics laws and administration.

BACKGROUND

This Ordinance is to establish an Ethics Reform Task Force (referred to as Ethics Task Force) to review current ethics laws for clear and consistent standards for compliance and to increase the level of ethics for an effective program for local government administration in the City of Richmond. The Ethics Reform Task Force shall serve in an advisory capacity.

The purpose of the Ethics Reform Task Force is to improve ethical standards and administration and expand and clarify the Code of Ethics. The intent is to increase public trust, confidence and accountability for local elected officials, administrators and employees of the City of Richmond.

Duties and Functions

The duties of the Ethics Task Force are to review the Richmond City Code, Council Rules and City of Richmond Administrative Regulations and other related documents and make recommendations to Council and Mayor on updates needed. The Ethics Task Force will complete a report of its recommendations due to the Organizational Development Committee on March 5, 2018.

The Ethics Task Force should review policies and make recommendations to the City Council to improve local government ethics requirements as follows:

1. Update and amend current ordinances, Council Rules, administrative regulations and policies.
2. Strengthen Conflict of Interest policies and provisions.
3. Review consequences, administrative actions, civil and criminal penalties taken for serious ethics violations.
4. Update the whistleblower policy.
5. Update policies of nepotism that prohibit working relationships between family members and no participation in matters related to family members.
6. Review the policies on acceptance of gifts and other related issues.
7. Improve campaign finance provisions; Improve financial disclosure policies; the financial disclosure process by clarifying positions required to file.
8. Determine if mandatory ethics training for certain positions should be required.
9. Expand public accountability and access to ethics information.
10. Determine whether a local government ethics board should be established for compliance and enforcement.

Composition; terms of office

The Richmond City Council Ethics Task Force shall be composed of eleven members whom the Council and the Mayor shall appoint. Of the eleven members, the Council shall nominate nine members and the Mayor shall nominate two members.

Members should have experience and expertise in ethics rules and regulations in the government or private sector, procurement, human resources, related legal issues, Freedom of Information Act (FOIA), and other code of ethics areas.

The Ethics Task Force shall elect from its membership a chairman, assistant chairman, secretary and such officers as it may find necessary for the conduct of its affairs.

Terms of office. The members of the Ethics Task Force shall serve until the report is delivered to Council.

This Ethics Task Force will be staffed by the Office of the Council Chief of Staff, with the assistance of other Council Offices and Administration staff as deemed needed, for advising and consultation for approximately 10 hours at a costs of \$5,000.

The recommended introduction date is June 26, 2017.

FISCAL IMPACT STATEMENT

Fiscal Impact	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Budget Amendment Required	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Estimated Cost or Revenue Impact	\$	
Staff Costs - \$5,000		

Attachment/s Yes No

Richmond City Council Ordinance/Resolution Request Form/updated 12.22.06/ys

***EXHIBIT B- Virginia Proposed
Legislation***

**VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION
CHAPTER 111**

An Act to amend and reenact § 15.2-1408 of the Code of Virginia, relating to restrictions on activities of former officers and employees; City of Richmond.

[S 1194]

Approved February 21, 2019

Be it enacted by the General Assembly of Virginia:

**1. That § 15.2-1408 of the Code of Virginia is amended and reenacted as follows:
§ 15.2-1408. Restrictions on activities of former officers and employees by certain counties and cities.**

A. The term "officer or employee," as used in this section, includes members of local governing bodies, county or city officers and employees, and individuals who receive monetary compensation for service on or employment by agencies, boards, authorities, sanitary districts, commissions, committees, and task forces appointed by the local governing body.

B. In the Counties of Bedford, Fauquier, James City, Pittsylvania, and Stafford, and the Cities of Charlottesville and Virginia Beach, the governing body, by ordinance, may prohibit former officers and employees, for one year after their terms of office have ended or employment ceased, from providing personal and substantial assistance for remuneration of any kind to any party, in connection with any proceeding, application, case, contract, or other particular matter involving the county or city or an agency thereof, if that matter is one in which the former officer or employee participated personally and substantially as a county or city officer or employee through decision, approval, or recommendation.

The term "officer or employee," as used in this section, includes members of local governing bodies, county or city officers and employees, and individuals who receive monetary compensation for service on or employment by agencies, boards, authorities, sanitary districts, commissions, committees, and task forces appointed by the local governing body.

C. In the City of Richmond, the governing body, by ordinance, may prohibit former officers and employees, for one year after their terms of office have ended or employment has ceased, from representing a client or acting in a representative capacity on behalf of any person or group, for compensation, on matters related to ordinances, contracts, proceedings, applications, cases, or other matters of any nature involving any agency, department, or office of local government in which the former officer or employee served or was employed during the one-year period immediately prior to the termination of employment or service. This prohibition shall be in addition to any other prohibition that may be provided by law.

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 472

An Act to amend and reenact § 15.2-1408 of the Code of Virginia, relating to restrictions on activities of former officers and employees; City of Richmond.

[H 2061]

Approved March 18, 2019

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1408 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1408. Restrictions on activities of former officers and employees by certain counties and cities.

A. The term "officer or employee," as used in this section, includes members of local governing bodies, county or city officers and employees, and individuals who receive monetary compensation for service on or employment by agencies, boards, authorities, sanitary districts, commissions, committees, and task forces appointed by the local governing body.

B. In the Counties of Bedford, Fauquier, James City, Pittsylvania, and Stafford, and the Cities of Charlottesville and Virginia Beach, the governing body, by ordinance, may prohibit former officers and employees, for one year after their terms of office have ended or employment ceased, from providing personal and substantial assistance for remuneration of any kind to any party, in connection with any proceeding, application, case, contract, or other particular matter involving the county or city or an agency thereof, if that matter is one in which the former officer or employee participated personally and substantially as a county or city officer or employee through decision, approval, or recommendation.

The term "officer or employee," as used in this section, includes members of local governing bodies, county or city officers and employees, and individuals who receive monetary compensation for service on or employment by agencies, boards, authorities, sanitary districts, commissions, committees, and task forces appointed by the local governing body.

C. In the City of Richmond, the governing body, by ordinance, may prohibit former officers and employees, for one year after their terms of office have ended or employment has ceased, from representing a client or acting in a representative capacity on behalf of any person or group, for compensation, on matters related to ordinances, contracts, proceedings, applications, cases, or other matters of any nature involving any agency, department, or office of local government in which the former officer or employee served or was employed during the one-year period immediately prior to the termination of employment or service. This prohibition shall be in addition to any other prohibition that may be provided by law.

**PROPOSED AMENDMENTS TO
CODE OF VIRGINIA, § 15.2 1408 JULY 24, 2018**

§ 15.2-1408. Restrictions on activities of former officers and employees by certain counties and cities.

- A. In the Counties of Bedford, Fauquier, James City, Pittsylvania and Stafford, and the Cities of Charlottesville and Virginia Beach, the governing body, by ordinance, may prohibit former officers and employees, for one year after their terms of office have ended or employment ceased, from providing personal and substantial assistance for remuneration of any kind to any party, in connection with any proceeding, application, case, contract, or other particular matter involving the county or city or an agency thereof, if that matter is one in which the former officer or employee participated personally and substantially as a county or city officer or employee through decision, approval, or recommendation.

The term “officer or employee,” as used in this ~~section~~ subsection A, includes members of local governing bodies, county or city officers and employees, and individuals who receive monetary compensation for service on or employment by agencies, boards, authorities, sanitary districts, commissions, committees, and task forces appointed by the local governing body.

- B. In the City of Richmond, the governing body, by ordinance, may prohibit former officers and employees, for one year after termination of their employment or service, from representing a client or acting in a representative capacity on behalf of any person or group, for compensation, on matters related to ordinances, contracts, proceedings, applications, cases, or other matters of any nature involving any agency, department, or office of local government in which the officer or employee served or was employed during the one-year period immediately prior to the termination of employment or service. This prohibition shall be in addition to any other prohibition that may be provided by law.

***EXHIBIT C- Richmond City Code
Proposed Amendment***

**RECOMMENDED CITY CODE SECTION TO IMPLEMENT
CHAPTERS 111 AND 472 OF THE 2019 ACTS OF ASSEMBLY OF VIRGINIA**

Sec. 2-58. Restrictions on activities of former officers and employees.

(a) The term “officer or employee,” as used in this section, includes members of the City Council, city officers and employees, and individuals who receive monetary compensation for service on or employment by agencies, boards, authorities, sanitary districts, commissions, committees, and task forces appointed by the City Council.

(b) It shall be unlawful for former officers and employees, for one year after their terms of office have ended or employment has ceased, to represent a client or act in a representative capacity on behalf of any person or group, for compensation, on matters related to ordinances, contracts, proceedings, applications, cases, or other matters of any nature involving any agency, department, or office of the City government in which the former officer or employee served or was employed during the one-year period immediately prior to the termination of employment or service. This prohibition shall be in addition to any other prohibition that may be provided by law.