



Legislation Text

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City of Alexandria, Virginia

MEMORANDUM

DATE: MAY 18, 2016

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:

Consideration of the Alexandria City Council Code of Ethics and Conduct and Ethics Pledge.

ISSUE: Consideration of proposed revised Code of Conduct and Ethics Pledge.

RECOMMENDATION: That City Council receive and discuss the revised proposed Code of Conduct (Attachment 2) and Ethics Pledge (Attachment 3), and determine next steps.

DISCUSSION: On January 30, 2016, Council passed Resolution 2707 (the "Resolution") (see Attachment 4), creating the Ad Hoc Code of Conduct Review Committee (the "Committee") to be comprised of nine members. The Mayor and members of City Council appointed one member each and the City Manager, after publicly soliciting applications from candidates with expertise in ethics and government accountability, appointed two members. The Committee was charged with (1) writing a code of conduct and an ethics pledge; and (2) reviewing the findings in a report of the Commission on Integrity and Public Confidence in State Government to determine whether any of the recommendations in that report could be applied to the City.

The Committee met four times in March. Committee members reviewed the directives in the Resolution and legal requirements, shared ideas and resources, and discussed the spirit of the resolution -- promoting an ethical culture in City government. Individual members sought to clarify the scope of the resolution by identifying which government officials would be subject to the code of conduct. There was consensus that elected and appointed officials, including appointed members of boards and commissions, are those to whom the new code of conduct and ethics pledge would apply, not career city staff. The committee consulted with staff and acknowledged that City employees already are subject to a code of conduct and must comply with the City Administrative Regulations (ARs), most notably AR6-1, the *Code of Ethics*.

After drafting the proposed Code of Conduct (Attachment 5) and Ethics Pledge (Attachment 6), the Committee broadened its discussion to the concept of nurturing and sustaining an ethical culture in City government. Members provided resource materials for posting on the City web page dedicated to the work of the Committee. The Committee encouraged the Mayor and City Council to provide leadership in sustaining an

ethical culture in Alexandria, and included in its draft Code specific requirements for implementation. The Committee envisions an annual review of the effectiveness of this Code.

At its April 12 Legislative meeting, Council discussed the Committee's proposed Code of Ethics and Ethics Pledge with the Committee as well as reviewed citizen input that had been received by Council. There were a number of issues raised that had legal implications in regard to the proposed Code and Pledge as related to Virginia law. As a result, the City Attorney's Office was requested to review these legal issues and report back to Council. The result of the City Attorney's Office review of legal issues is included in this report as Attachment 1. Given this legal analysis, revisions to the Code of Ethics and Conduct are suggested: (1) making it clear that this Code is aspirational and subordinate to federal, state and local law, as well as (2) making the Code applicable only to the Mayor and Members of City Council. In addition, the Ethics Pledge is proposed to also apply only to the Mayor and Members of Council.

Council also had discussed the efficacy of requiring the Mayor and Councilmembers annually undertaking a professional development activity and leading at least once per year a community dialogue on ethics in government. If Council wishes to amend the annual requirement then the Code of Ethics and Conduct could be amended to delete in "a" "at least once per year" and substitute at the beginning of "a" the word "periodically". Similarly in "b" the phrase "at least once per year" could be deleted and the word "periodically" substituted.

Council had questions about the ethics leadership award - specifically who would receive the award and whether it should be awarded annually. Council should indicate if they are interested, and could ask the City Manager to develop a proposal.

Further, the Code in section (e) states: Ensure that the City website is updated with listings of relevant ethics material to engage the Alexandria public. Council questioned where/how this repository will be maintained. An option was a separate ethics page on the City's website. Council should indicate if it is interested, and then instruct the City Manager to direct staff to develop such a page.

ATTACHMENTS:

Attachment 1: Legal Analysis of Draft Code of Ethics and Conduct/Ethics Pledge
Attachment 2: Revised Proposed Code of Ethics and Conduct
Attachment 3: Revised Proposed Ethics Pledge
Attachment 4: Council Adopted Resolution 2707
Attachment 5: Original Proposed Code of Ethics and Conduct
Attachment 6: Original Proposed Ethics Pledge
Attachment 7: Ad Hoc Code of Conduct Review Committee Chair's Letter

STAFF:

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