

August 23, 2001

CEC Advice No. 2001-13

Advice Provided to Councilmember Joel Wachs

This letter is a response to your August 21, 2001, request for formal advice¹ regarding whether you may use officeholder account funds to pay for a catered reception for current staff, former staff, selected constituents from your district, and city officials and employees with whom you have worked and communicated during the last 30 years. Our advice is based on facts provided in a memo faxed to our office from Greg Nelson on August 21, 2001, augmented by information provided by Mr. Nelson in a telephone conversation on August 22, 2001.

QUESTION

May I use officeholder expense account funds to pay for a catered reception for current and former staff, selected constituents from the district, and city employees and officials with whom I have worked and communicated during the last 30 years, with the expenditure per person at well below \$100.00?

RELEVANT FACTS

We have determined that the following facts are relevant to your inquiry:

1. You control an officeholder account committee, the "Councilman Joel Wachs's Office Holder Account," pursuant to Los Angeles Municipal Code §49.7.12.
2. You wish to expend funds from your officeholder account to pay for a catered reception to be held in the City Hall rotunda or 27th floor reception room.

¹Los Angeles Admin. Code §24.1.1(f)(2)(K) provides that formal written advice provides the requestor with the immunity set forth in Los Angeles City Charter §705(b). This formal advice does not address or apply to any past actions by the requestor(s).

3. Invited guests will include approximately 10-15 current staff, 30-40 former staff, 40 selected constituents from your district, and around 100 city officials and employees with whom you have worked and communicated during the last 30 years, for a total of up to 200 guests.
4. The expenditure per person for the event will be well below \$100.00.

ANALYSIS & CONCLUSION

The officeholder account provisions of the Campaign Finance Ordinance (LAMC §49.7.12) authorize elected City officers to establish an officeholder account for expenditures that are related to assisting, or serving, or communicating with constituents, or otherwise made in connection with the official duties of an elected City Officer. Officeholder expense fund expenditures are expressly permitted for several activities and items enumerated in LAMC §49.7.12 A 2. Expenditures that are similar, but not expressly authorized, may be made with the advance written authorization of the City Ethics Commission is provided. (LAMC §49.7.12 A 2 (w)).

LAMC §49.7.12 A 2 (q) permits officeholder funds to pay for “expressions of congratulations, appreciation, or condolences sent to constituents, employees, governmental officials, or other individuals with whom the officeholder communicates in his or her official capacity. No more than \$100 per fiscal year may be expended per individual recipient acknowledged pursuant to this paragraph.”

In addition, LAMC §49.7.12 A 2 (t) permits officeholder funds to pay for “social events held by the elected official to honor or thank members of his or her staff, or in connection with a holiday celebration, attended primarily by the elected officer’s staff” (emphasis added). This language was added in 1999 amendments to the officeholder provisions to permit these types of expenditures while cautioning that expenditures may not be made for a purely social function that happens to be attended by only a few staff.

You state that you plan to hold a reception prior to leaving office, for the purpose of expressing appreciation to staff and others with whom you have communicated over the years in your official capacity. Invited guests include current and former staff, City officials and employees, and selected constituents. While this event does not explicitly fall within LAMC §49.7.12 A 2 (q) or LAMC §49.7.12 A 2 (t), we conclude that the reception you are planning is sufficiently similar to both of these provisions. The reception meets goals similar to these two provisions since it is designed to honor staff, will be primarily attended by staff and other City officials and employees, and is intended to express appreciation to these individuals with whom you have worked in your official capacity as a Councilmember. In addition, given that the cost will be less than \$100 per person, we conclude that in this instance the expenditure is permissible pursuant to LAMC §49.7.12 A 2 (w).

Thank you for contacting the City Ethics Commission about this matter.

Attachment

APPLICABLE CITY LAW

Los Angeles Municipal Code §49.7.12, in pertinent part, states:

To effectively serve and fulfill their responsibilities to residents of the City, elected City officers communicate with constituents, undertake efforts to assure efficient City services and engage in professional development activities. To accomplish these duties and responsibilities the Mayor, City Attorney, Controller and each Member of the City Council may establish and maintain one officeholder expense fund to pay for expenses enumerated in this section that relate to carrying out the duties associated with holding elected City office.

A. Officeholder Expense Fund

1. Each elected City officer shall be permitted to establish and maintain one officeholder expense fund, subject to the provisions of this section.

2. An expenditure from the officeholder expense fund must be related to assisting, or serving, or communicating with constituents, or otherwise made in connection with the official duties of the elected City officer, provided, however that no expenditure may be made from an officeholder expense fund regulated by this section unless the expenditure falls into one or more of the following categories:

...

(q) Expenditures for expressions of congratulations, appreciation, or condolences sent to constituents, employees, governmental officials, or other individuals with whom the officeholder communicates in his or her official capacity. No more than \$100 per fiscal year may be expended per individual recipient acknowledged pursuant to this paragraph.

...

(t) Expenditures for social events held by the elected official to honor or thank members of his or her staff, or in connection with a holiday celebration, attended primarily by the elected officer's staff.

...

(w) An expenditure similar to an expenditure detailed in Paragraphs (a) through (v), inclusive, if, prior to making the expenditure, the officeholder or the officeholder expense fund has received written advice from the City Ethics Commission that the expenditure is permissible pursuant to this paragraph. The City Ethics Commission shall respond to requests for such approval no more than five working days from the date a request for formal advice has been received.