

May 17, 2002

CEC Advice No. 2002-05

Advice Provided to Miriam Jaffe

Re: Your Request for Advice Dated May 14, 2002

Dear Ms. Jaffe:

This letter is in response to your letter to the City Ethics Commission of May 14, 2002. In that letter you requested formal advice¹ regarding whether Councilmember Weiss may use funds from his officeholder account to pay a consultant, Shira Shafir, to advise him on bio-terrorism issues. This request arises out of Councilmember Weiss's concerns regarding emergency preparedness as a member of the City Council's Public Safety Committee. Your question and the Commission's response, based on the information you provided in your letter and in an email to Nora Pollock on May 16, 2002, are detailed below.

QUESTION

May funds from the Jack Weiss Officeholder Committee be used to pay a consultant, Ms. Shira Shafir, during the summer months to advise Councilmember Weiss on issues of bio-terrorism?

¹ Los 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. This formal advice does not address or apply to any past actions by the requestor(s).

RELEVANT FACTS

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

1. Councilmember Jack Weiss is a member of the City Council's Public Safety Committee. In that capacity, Councilmember Weiss has recently focused his efforts on issues of emergency preparedness and the need to ensure that the City is prepared in case of a bio-terrorism attack.
2. Ms. Shira Shafir is currently a Ph.D. student of epidemiology at UCLA, specializing in the detection of and response to epidemic infectious diseases. She is not employed by the City of Los Angeles.
3. Ms. Shafir is interested in spending her upcoming summer break to assist Councilmember Weiss in researching the needs and resources of the City to ensure its appropriate response to a bio-terrorist threat. Councilmember Weiss would like to use funds from his officeholder account to compensate Ms. Shafir for her research and assistance.

ANALYSIS & CONCLUSION

The City's Campaign Finance Ordinance, Los Angeles Municipal Code (LAMC) § 49.7.12, allows for officeholder funds to be used for expenditures relating to assisting or serving constituents in connection with the official duties of an elected official. The types of officeholder expenditures that may be made are enumerated in LAMC § 49.7.12. Among others, payments for consulting and research services are expenditures that may be made from an officeholder account.

The Campaign Finance Ordinance prohibits the use of officeholder account funds to compensate City employees for performing job duties that would otherwise be expected of that employee in the regular course of his or her duties as a City official. Because Ms. Shafir is not employed by another City agency to perform the research and consulting services proposed in your request, and because services that Ms. Shafir would provide to Councilmember Weiss are related to his responsibilities as a member of the City Council's Public Safety Committee, Councilmember Weiss may compensate Ms. Shafir for her services using funds from his officeholder account.

If the scope of Ms. Shafir's work changes and Councilmember Weiss would like to retain her services for purposes other than research and consulting regarding bio-terrorism issues, please contact us so that we may advise Councilmember Weiss on whether Ms. Shafir may continue to be compensated with funds from his officeholder account.

Miriam Jaffe
CEC Advice No. 2002-05
Page 3 of 4

Thank you for contacting the City Ethics Commission about this matter. Please find attached a copy of the City laws that apply to your question. If you have any questions regarding this letter, please do not hesitate to contact Nora Pollock or me at (213) 978-1960.

Sincerely,

LeeAnn M. Pelham
Executive Director

Attachment

ATTACHMENT

LAMC §49.7.12 Officeholder Controlled Funds, in pertinent part, states:

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:
 - (e) expenditures for consulting, research, polling, photograph, videotaping and similar services.
3. Officeholder expense funds shall not be used for the following:
 - (c) supplemental compensation for employees for performance of an act which would be required or expected of the person in the regular course or hours of his or her duties as a City official or employee.