

June 11, 2003

Via Fax and Hand Delivery

Niki Tennant
Chief of Staff
Office of Councilmember Ruth Galanter
City of Los Angeles – Sixth District
Room 475, City Hall
Los Angeles, CA 90012

Dear Ms. Tennant:

This letter is a response to your May 29, 2003, request for formal advice¹ regarding whether Councilmember Galanter may use officeholder account funds to pay for expenses incurred for a reception hosted by the Councilmember for current staff, former staff, selected constituents from her current and former districts, and city officials and employees with whom she has worked and communicated during her term of office. Our advice is based on facts you provided in a memo faxed to our office on June 6, 2003, augmented by information you provided in telephone conversations with Nora Pollock on that day and in a phone message to Ms. Pollock on June 9, 2003.

QUESTION

May Councilmember Ruth Galanter use officeholder account funds to pay for a reception for current and former staff, selected constituents from her current and former district, and City employees and officials with whom she has worked and communicated during her term of office, if the per person expenditure for the event is well below \$100.00?

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(b). 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 Galanter controls an officeholder account, the "Ruth Galanter Office Holder Fund", pursuant to Los Angeles Municipal Code §49.7.12.
2. Councilmember Galanter wishes to expend funds from her officeholder account to pay for expenses incurred – including mailing invitations, refreshments, and decorations – for a reception to be held in the Tom Bradley Room on the 27th floor of City Hall.
3. You estimate that invited guests will include approximately 30 current and former staff members, 50 selected constituents from her current and former Council districts, and approximately 120 City officials and employees with whom the Councilmember has worked and communicated during her terms in office, for a total of up to 200 guests.
4. The expenditure per person for the event will be below \$100.00.

APPLICABLE LAW

The officeholder account provisions of the Campaign Finance Ordinance (LAMC Sec. 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 Sec. 49.7.12 (A)(2). Expenditures that are similar to an expenditure detailed in the enumerated provisions contained in LAMC Secs. 49.7.12 (A)(2)(a) through (v) are permitted 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 (LAMC Sec. 49.7.12 (A)(2)(w)).

LAMC Sec. 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, provided that no more than \$100 per fiscal year may be expended per individual recipient.

Los Angeles Municipal Code Sec. 49.7.12 A 2 (t) allows 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. This language was by amendments to the officeholder provisions made in 1999 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, and may not actually serve a governmental purpose.

ANALYSIS & CONCLUSION

You state that Councilmember Galanter plans to hold a reception prior to leaving office, for the purpose of expressing appreciation to staff, City officials and employees, and constituents with whom she has worked and communicated in her official capacity. The City Ethics Commission has previously issued advice² authorizing the use of officeholder funds for a reception similar in scope to that which Councilmember Galanter is planning. While Councilmember Galanter's event does not explicitly fall within LAMC Sec. 49.7.12 (A)(2)(q) or (t), we have concluded that the reception she is 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 Councilmember Galanter has worked in her official capacity as a Councilmember. In addition, given that the cost will be less than \$100.00 per person, we conclude that in this instance the expenditure is permissible pursuant to LAMC Sec. 49.7.12 (A)(2)(w).

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

Sincerely,

LeeAnn M. Pelham
Executive Director

Attachment

² See CEC Advice No. 2001-13.

ATTACHMENT

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.