

City Ethics Commission

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**A Guide to Restrictions on
Post-City Service Lobbying Activities
of Former Officials, Employees and Appointees**

This brochure summarizes how City law affects your compensated lobbying activities after leaving service with the City of Los Angeles. For the complete text of the law, refer to LAMC Section 49.5.11.

Why does City law restrict former City officials, employees and appointees from lobbying the City after they leave City service?

To prevent former City officials, appointees and employees from exercising, or appearing to exercise, improper influence over City decision-making, City law establishes certain "revolving door" limits on their attempts to influence City decisions after they leave City service. These restrictions apply only if the person is compensated for the activities.

It is important to note that the restrictions are narrowly tailored to prevent improper influence only in those circumstances in which the former official, appointee, or employee could exert influence through "inside" knowledge of an issue or through access to decision-makers based on relationships developed during his or her City service. City law does not restrict the type of employment a City official, appointee or employee may acquire after leaving City service.

What are the restrictions on lobbying the City?

There are two types of post-City service lobbying restrictions: a ban that applies to all former City officials, appointees and employees in very specific circumstances, and a one-year "cooling off" period that applies only to those former City officials who were required to file financial disclosure statements ("Statements of Economic Interests") during their City service.

The application of these restrictions depends on several factors: the position that an official or employee formerly held, the City agency being lobbied, and the degree to which the official or employee was involved with the matter in question during his or her tenure with the City.

Ban on lobbying on matters in which you "personally and substantially" participated

City law bans all former officials, appointees and employees from attempting to influence, for compensation, any action on matters in which they "personally and substantially" participated during their City service so long as those matters are still pending with any City agency [L.A.M.C. Secs. 49.5.11 A, B, C]. Moreover, these individuals also are prohibited from advising or assisting anyone else in attempting to influence action on those pending matters.

How do I know if I "personally and substantially" participated in a pending matter?

Determinations about whether a former official, appointee or employee personally and substantially participated in a matter are made on a case-by-case basis. Generally speaking, it depends on the degree of the individual's

decision-making authority and the scope his or her involvement in developing or researching the matter.

Example: While serving with the Housing Department you developed the City's guidelines for financing private developments. In addition to developing the guidelines, you also made recommendations to other officials, the Mayor's office and Council members on implementation of the guidelines.

In this example, your involvement in creating the guidelines would meet or exceed the threshold of "personal and substantial" participation. As a result, if approval of the guidelines were still pending, you would be prohibited from receiving compensation once you left City service to communicate with anyone in the City for the purpose of attempting to influence any action relating to the approval of those guidelines. In addition, you would not be able to advise or assist others in attempting to influence any City decision regarding that matter.

Remember, the "personal and substantial" participation ban extends only to contacts for which you are compensated and the purposes of which are to influence City action on matters in which you personally and substantially participated.

How does the one-year lobbying restriction apply?

The one-year post-City service restriction applies to individuals who were "City officials" within the meaning of the Governmental Ethics Ordinance during their City tenure. A "City official" is someone who is required to file financial disclosure forms (State Form 700), known as "Statements of Economic Interests." Depending on the positions they held, those employees or appointees were either "high-level" officials - those identified in the City's Governmental Ethics Ordinance as having decision-making authority with broad influence throughout the City - or "other designated officials" under City law. (Contact your former agency or the City Ethics Commission if you have questions about how your former position was categorized).

All former "City officials" must observe a one year ban on directly communicating, for compensation, with their former agencies for the purpose of attempting to influence action on any matter pending before that agency. In addition, City officials who were "high-level" officials may not communicate, for compensation, with any City agency for the purpose of influencing action on any pending matter.

Again, in both cases the restriction extends only to communications made for which the former official is being compensated. In addition, while the former official may not personally engage in certain post-City service lobbying activities, the former official may assist and advise others to make such communications, provided that those others are not acting on the former official's behalf.

Example: You formerly served as a Council legislative deputy, and you were not classified as a "high-level" official. You are now employed by a consulting firm to lobby City agencies. For one year after you leave the City, you may not communicate with your former Council office or the Councilmember for that district for the purpose of influencing any action. This includes testimony before that Councilmember. During that year, however, you are permitted to communicate with another Councilmember or any other City agency for the same purpose. In addition, you may discuss with your new employer how others at the consulting firm may communicate with your former Councilmember on any pending issue.

Example: You formerly served as a Zoning Administrator with the Department of Planning. You are now employed as a land use consultant to a large development firm. For one year after leaving City service, you may not attempt to influence any action of the Zoning Administrator, the Board of Zoning Appeals, the City Planning Commission or the staff of the Planning Department on behalf of your new employer. During that time, however, you are permitted to attempt to influence action by the City Council on matters so long as those matters were not ones in which you personally and substantially participated while in City service.

Are there any exceptions to the post-City service lobbying restrictions?

There are three exceptions. They occur if your communication is 1) made on behalf of a City of Los Angeles agency for which you are acting pursuant to a contract with that agency, 2) made while you are acting in your official capacity as an elected or appointed officer or as an employee of another government agency, or 3) if a City agency determines that the public interest is served by your participation. Contact the City Ethics Commission if you believe these exceptions may apply in your case.

In addition, no City law prevents you as a former City official, appointee, or employee from attending social or other events at which City officials may be present, regardless of the location. If you attend those functions as a representative of your new employer, however, you should be aware that any attempt to influence City officials in those settings are subject to the City's post-service lobbying restrictions, just as are communications in any other setting.

Additional questions?

Should you have any questions about how the post-City service restrictions may apply in your case, please contact the City Ethics Commission at (213) 978-1960.