

# The Public Trust

Volume 11, Issue 2

## Lobbying Law Amendments to be Sole Focus of CEC October 14 Meeting

After an initial public hearing on September 5<sup>th</sup> regarding possible changes to the [City's Municipal Lobbying Ordinance](#), the City Ethics Commission will devote its October meeting exclusively to the issue. The Commission's discussions are the result of its first comprehensive review of the lobbying ordinance in over a decade. The purpose of the review is to ensure that the

law is clear, strong, and internally consistent—and that it continues to provide the public with vital information about compensated lobbying activity that is designed to influence City decisions.

The Commission's discussion on October 14<sup>th</sup> will focus first on who is a lobbyist, what activities define "lobbying", and what level of activity should

trigger registration and reporting. Additional topics will include how to register and what to disclose on quarterly reports.

First enacted in July 1967, the City's lobbying ordinance required "municipal legislative advocates" to register with the City Clerk "before doing anything in furtherance of [attempting to influence action on municipal legislation]"

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## Next Meeting

October 14, 2008  
9:30am  
City Hall, Rm. 1050

Agendas can be easily accessed at least 72 hours before a Commission meeting at the following website:

<http://ethics.lacity.org/meetings.cfm>

Agendas are also posted on in the 2nd floor lobby of City Hall East and at the Commission's office no later than 72 hours before a Commission meeting. If a "special" meeting is called by the Commission, the meeting agenda is noticed at least 24 hours in advance.

## City's "Wealthy Candidate" Provision Now Unenforceable

At its September 5<sup>th</sup> meeting, the City Ethics Commission determined that Los Angeles Charter section 470(c)10 – often referred to as the City's "wealthy candidate provision" – will no longer be enforced based on a recent 5-4 U.S. Supreme Court decision in *Davis vs. FEC*, a case testing a similar provision of federal law known as the "Millionaires' Amendment." Enacted as Sec. 319(a) of the Bipartisan Campaign Reform Act of 2002

("BCRA"), that provision enabled Congressional candidates to raise contributions higher than the normal limits when an opponent in their race used personal expenditures beyond certain thresholds.

In a rare step for the Commission, the five-member panel concluded, based on advice from the City Attorney, that the City can no longer require candidates spending more than \$30,000 in personal funds to abide by the notice

and deposit requirements of Charter section 470(c)10; that opponents of any candidate spending more than \$30,000 in personal funds in a primary or runoff election can no longer solicit or receive contributions in excess of the normal \$500 or \$1,000 per person contribution limit that applies for their election; and that contributors may no longer give contributions larger than the normal \$500 or \$1,000 limit to a candidate whose opponent uses

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## Message from the Executive Director

With this issue of *The Public Trust* we're happy to welcome two new board members – Paul Turner and Nedra Jenkins – and to share a range of other news and information with you.

As the Commission begins to focus in-depth on amendments to the City's lobbying ordinance, the starting point for those discussions is summarized beginning on page one. Also detailed on our cover is the significant impact of a June U.S. Supreme Court decision on a longstanding pro-

vision of City campaign law. We include a reminder about travel restrictions for City officials and introduce a new snapshot of campaign data that now appears on our website for those following the 2009 City elections.

Sadly, in late August, we marked the passing of one of the founding members of the City Ethics Commission, Ed Guthman. In addition to many other notable achievements in public service, Ed was appointed to then newly-created City Ethics Commission in 1990.

He served as a commissioner through 1998, and was elected Commission President by his board colleagues in 1997. Ed's determined pursuit of transparency and accountability in government is just one of the many legacies he leaves us. Ed taught us to distill the vital from the complex, and to remember the ideal in crafting the practical. Ed inspired us and encouraged us, and he taught us all to persevere. We extend our deep condolences to his family and friends, and we will continue to remember and honor

Ed's life here at the Ethics Commission as we work to support and preserve the public trust.

*LeeAnn Pelham*

Executive Director



## Lobbying Ordinance Available Electronically for Contract Bidders

In adopting Measure R in November 2006, Los Angeles voters, in part, established a requirement that bidders on City contracts must submit a [bidder certification form](#) when applying for certain City contracts. CEC Form 50 requires contract bidders to both acknowledge and agree to comply with the registration and disclosure requirements and the prohibitions established in the City's [Municipal Lobbying Ordinance](#)

(Los Angeles Municipal Code Sections 48.01 *et seq.*)

The new law, codified in section 48.09(H) of the ordinance, also requires City agencies to include both the certification form and the lobbying ordinance in hard copy with each invitation for bids, request for proposals, request for qualifications, or solicitation related to entering into a city contract.

In May, the City Council approved

a recommendation from the City Ethics Commission to allow city agencies to provide the lobbying ordinance to bidders in an electronic format or through an online link when the solicitation is provided electronically. The Commission's proposal in this case is just one example of the approach it will continue to pursue to implement laws that use current technology to ease compliance and conserve limited resources.

For additional information about contract bidder certification, please contact the City Ethics Commission at (213) 978-1960 or visit our lobbying web page at <http://ethics.lacity.org/lobby/lobby.cfm>.



**Two New Members Begin Service on the City Ethics Commission**  
 This summer, the City Ethics Commission welcomed two new members to its five-member board.

**New CEC Commissioner: Paul Turner**

Commissioner Paul H. Turner is a community relations and development officer for Citibank. He has over 15 years of experience as a local, state, and national leader in civic engagement, election reform, and economic development policy.

Turner was appointed in April to the City Ethics Commission by Mayor Antonio Villaraigosa to succeed Robert M. Saltzman, who left the Ethics Commission last fall

when the Mayor appointed him to the Los Angeles Board of Police Commissioners. Because Turner is serving out the remainder of Saltzman's five-year term, which will end June 30, 2010, he will be eligible for a full five-year reappointment to the Commission at that time.

Prior to his work at Citibank, Turner served for five years at the Greenlining Institute, a Berkeley-based non-profit with a mission to empower disadvan-

tagged groups, where he advised community and civil rights groups, corporate leaders and others, while framing campaign finance reform as a civil rights issue. As the senior program manager and national director of the Greenlining Institute's Claiming Our Democracy Program, Turner has been a national advocate for open, honest, and accountable government through same-day voter registration, full public campaign fi-

nancing of elections, independent redistricting commissions, and instant run-off voting, among other reforms. Assisting with the passage of the landmark Bipartisan Campaign

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**New CEC Commissioner: Nedra Jenkins**

Commissioner Nedra Jenkins is a Principal Deputy County Counsel for Los Angeles. She is a 1994 Graduate of the UCLA School of Law and obtained a Bachelor of Arts degree in history and Master of Arts degree in social science in 1991 through a joint degree program from the University of Chicago.

During her legal career, Commissioner Jenkins has successfully handled a diverse array of cases, from

dependency law for the Department of Children and Family Services to employment law and complex construction contract litigation for the Los Angeles County Metropolitan Transportation Authority (Metro). She began her legal career by clerking in the Criminal Appeals Section of the Illinois Attorney General's Office and the Los Angeles District Attorney's Office. She also fought child abuse for three years while working as a trial

attorney in the Edelman Children's Court.

Since 1999, Commissioner Jenkins has represented Metro in employment and breach-of-contract cases. In 2001, she obtained rarely awarded defense attorney fees and costs in the amount of \$191,000 for successfully defending a Fair Employment and Housing Act retaliation lawsuit. She has also enforced the California False Claims Act by pursuing contrac-

tors and subcontractors who submitted false claims and records for payment. In February 2006, she obtained a jury verdict against a subcontractor for 57 false claims

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**Commission Re-Affirms Support for Limited Neighborhood Council Financial Disclosure**

As policy discussions about the appropriate role of personal financial disclosure for neighborhood council board members continue in the city, the City Ethics Commission re-affirmed its support for limited disclosure tied to the creation of neighborhood council files, or NCFs. At its meeting on September 5, the Ethics Commission considered an alternative proposal requested by the City Council's Education and Neighborhoods Committee to require annual disclosure. The staff report proposed to modify the Ethics Commission's [Form 52](#), which was first transmitted to the Council in March 2008. The Commission's special meeting was called to enable the ethics panel to consider the issue and then share its views with Education and Neighborhoods Committee members at their meeting on September 9<sup>th</sup>.

After hearing from neighborhood council activists and others, the Ethics Commission concluded that the twin goals of transparency and enhanced citizen participation for neighborhood coun-

cils would be most appropriately balanced at this time by periodic disclosure tied only to the creation of an NCF. On a 4-1 vote, the Commission restated its continuing strong belief that the financial disclosure required of neighborhood council board members should reflect their advisory role and should not rise to the level and scope of disclosure required by state Form 700.

This issue first arose in January 2008, when the City Council approved a two-year pilot project authorizing neighborhood councils to create NCFs. As part of the pilot project, the City Council added a requirement that neighborhood council board members who participate in creating an NCF file a Form 700 relating to that NCF. Under City law, however, neighborhood councils are currently exempt from filing Form 700. If that exemption were eliminated, neighborhood council board members would be perma-

nently subject to filing Form 700 on an annual basis and would also be subject to other City laws.

In response to requests for input from several councilmembers, the Ethics Commission observed that neighborhood councils are advisory bodies and, in its opinion, should not be required

to file financial disclosure statements regarding matters over which they have no ultimate authority, such as NCFs. However, acknowledging the potential for conflicts of interests under state law, as well as the City Council's stated desire for financial disclosure, the Commission adopted Form 52 as an alternative to Form 700 for neighborhood council board members. Form 52 asks for disclosure regarding key financial interests, such as employers, real estate interests, and business interests. It also asks for disclosure regarding other financial issues that could be affected by the particular NCF that triggered

the filing. Only those neighborhood council board members who vote on an NCF would be required to file Form 52.

The Education and Neighborhoods Committee considered financial disclosure by neighborhood councils for several months and, on August 12, stated its preference for an annual financial disclosure requirement for all neighborhood council board members. The committee asked the Ethics Commission to revise Form 52 so that it is an annual filing that is not tied to an NCF. Rather than revise Form 52, the Commission suggested Form 53 as an alternative disclosure tool, should the Council decide to adopt an annual filing requirement. Form 53 asks for disclosure of the same core financial matters of employers, real estate interests, and business interests; and

**“financial disclosure required of neighborhood council board members should reflect their advisory role ”**

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**New 2009 Election Graphics For Candidate Fundraising and Expenditures**

Visitors to the 2009 election campaign fundraising and expenditure page of the Ethics Commission website will now find a snapshot of campaign finance data from the 2009 primary election cycle through June 30, 2008, that includes some key observations and visuals that highlight current fundraising and spending with prior elections. By providing context for the 2009 campaign finance data, the new page is designed to allow viewers to more easily spot fundraising and spending trends and better understand how political money is raised and spent over time. The new graphics will be updated regularly as candidates continue to report their campaign finance activities throughout the 2009 election cycle.

Among the new and notable facts illustrated in the June reports are the following:



**Campaign Spending**

- **Open seats and unopposed incumbents set the pace.** In the 2009 open seat race for City Attorney, three candidates running in the 2009 election as of June 30 spent over 140 percent more than three candidates had at the same point eight years ago in the last open seat election for that office. As of June 30, six candidates in the open Council District 5 race spent 79 percent more than eight candidates had at the same point eight years ago in that district's last open seat election. Five Council incumbents, who were unopposed as of June 30, 2008, have already spent 59 percent more than the nine candidates running for those same five seats had at this point in the 2005 election.
- **Overall, spending on "Professional Services/Consulting" made up nearly half, or 49 percent, of all campaign expenditures reported through June 30.** That type of spending, however, accounted for more than 80 percent of all expenditures in the open-seat City Attorney's race, and over 70 percent of the spending reported in Council District 13, which was an uncontested seat as of June 30.

**Fundraising**

- **Early campaign reports show relatively little use of candidates' personal funds in their campaigns.** The highest amounts of personal funds use as of June 30 were in the race for City Council District Five. In that race, roughly 14 percent of the funds raised overall by the six candidates came from the candidates themselves. In all other City races as of June 30, candidates' personal funds accounted for no more than two percent of their overall funding.
- **Candidates have relied more heavily on individuals to fund their 2009 campaigns.** Over 77 percent of all contributions candidates reported raising through June 30, 2008 was from individuals.

The Commission's new graphics can be accessed through the Commission's home page at <http://ethics.lacity.org>, or directly at <http://ethics.lacity.org/CampaignFinance/2009electiongraphics/>.

**Campaign Finance Online!**

Visit our campaign finance web page at:

<http://ethics.lacity.org/campaignfinance.cfm>

View:

- Disclosure Statements
- Related Laws

Search:

- Contributions
- Expenditures
- Independent Expenditures
- Campaign Literature

Download:

- City Forms
- State Forms

File Online:

Campaign Finance Electronic Filing System

## Travel Do's and Don'ts

Dear Ethics Advisor,

*As a City official, I regularly receive offers for travel payments, as well as other gifts of travel. I know that, when in question, I should always seek the Ethics Commission's advice before accepting such gifts. However, are there any general tips you can offer to help guide my decisions when I'm confronted with these offers?*

*Sincerely,  
Troubled Traveler*

Dear Troubled Traveler,

One of the most common advice inquiries that the City Ethics Commission receives involves a City official's acceptance of travel payments from non-City sources. In some cases, gifts of travel may provide the City with a competitive advantage by allowing City officials the opportunity to better understand issues, products, or services essential for shaping successful public policies, programs, or services. In other cases, a gift of travel may not directly involve the City's interests but be offered as a personal gesture to a City official. Sometimes a proposed travel payment or reimbursement could serve both purposes. Whatever the case may be, there are various considerations that must be taken into account when determining whether a travel payment is allowable, limited, or prohibited and whether the payment is reportable. Remember, the rules apply whether or not the travel is provided as a result of your City position or your private personal life. While both City and state laws govern the acceptance of travel payments by City officials, the City's laws are generally more restrictive and are, therefore, a starting point when making an analysis.

It is important to note that because each travel payment scenario involves its own unique set of variables and the laws regarding travel are complicated, there is no generic, one-size-fits-all answer to questions concerning their acceptance. With that in mind, it is always advisable to seek advice from the City Ethics Commission or the Office of the City Attorney prior to accepting a gift of travel. As a general rule of thumb, however, there are several do's and don'ts that should be followed to provide direction in making an informed conclusion.



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## Need Advice?

The CEC offers two types of advice:

- **Informal**  
(provided in person or by phone)
- **Formal**  
(provided in writing)

Commission staff are happy to respond informally to your general questions about City ethics laws, but keep in mind that informal advice does not provide immunity in enforcement actions.

If you need binding advice, you should request formal advice before taking any action. Your request must be submitted in writing and must provide specific facts about your circumstances.

The CEC also issues **formal written opinions**, which interpret and clarify the law. All opinions and advice letters are available to the public.

To view advice letters that have been issued to others, visit the CEC's advice web page at:

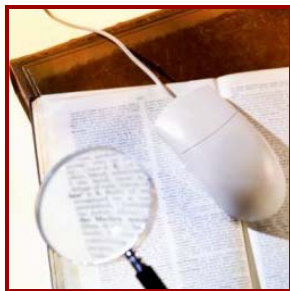
<http://ethics.lacity.org/Advice/advice.cfm>

## Lobbying Law Amendments (Continued from page 1)

for compensation once registered, legislative advocates had quarterly reporting requirements and were subject to regulations regarding their conduct.

In August 1994, the ordinance was significantly updated and established a compensation test for lobbyists of \$4,000 per calendar quarter. More recent changes include a legislative package approved by the voters in 2006 through Measure R, which replaced the compensation test with a 30-hour test for lobbyists, banned gifts and campaign contributions to City officials from lobbyists, and required bidders on City contracts to certify their compliance with the lobbying ordinance. (See the CEC's [policy web page](#) for staff memos).

A threshold test for determining who is a "lobbyist"—whether based on compensation or, as under the current law, on the number of hours of lobbying activity—has been part of City law for over 14 years. These thresholds have existed to ensure the law is reasonable in its breadth by balancing



the burdens of regulation with the benefits. By assessing the *amount* of regulated activity in which a person engages, they ensure that not every person engaged in every compensated act of advocating on behalf of another person is caught within the net of registration and reporting.

The Commission is now considering a proposal to balance these interests differently, by assessing the *type* of activity in which a person engages. This kind of balancing is proposed as a clearer and more equitable way to determine who qualifies as a lobbyist. While the definition of "lobbyist" would not contain a threshold test, the kinds of activities that would constitute lobbying would be far more narrow than under the current law.

For example, the following activities would be excluded:

1. Communicating on the record at a publicly noticed meeting that is open to the general public.
2. Submitting a document that is a public record in connection with an item on an agenda for a publicly noticed meeting.
3. Making a sales call in connection with a purchase that must go through a competitive bid process.
4. Submitting a bid to or participating in a bid selection process with the City official or agency specifically designated to receive the information.
5. Negotiating the terms of a contract after being selected as the contractor.
6. Communicating regarding the administration of an existing City contract.
7. Providing information compelled by a subpoena, law, or regulation.
8. Requesting advice or the interpretation of a law, regulation, or policy.
9. Responding to an enforcement proceeding.
10. Communicating with regard to a collective bargaining agreement or a memorandum of understanding with a City employee organization, a management decision regarding working conditions, or a proceeding before the Civil Service Commission or the Employee Relations Board.
11. Providing legal representation as a licensed attorney for a party in litigation or an enforcement proceeding.
12. Providing purely technical data, analysis, or expertise without advocating a particular result in a municipal decision.
13. Communicating regarding a ministerial step in an application for a license, permit, or entitlement for use.
14. Communicating under circumstances similar to those identified above, after having received written advice from the Ethics Commission that the communication is exempt.

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**City's "Wealthy Candidate" Provision** (Continued from page 1)

more than \$30,000 in personal funds.

Charter section 470 (c)10 is a longstanding provision of City law that pre-dates the 1990 creation of the City's comprehensive campaign financing system and partial public financing program. It was designed to provide relief to candidates facing opponents who contribute more than \$30,000 of their own money to fund their campaigns. Sec. 470 (c)10 allowed candidates who do not have, or choose not to use, large personal funds in their own campaigns to raise larger than normal contributions from donors, up to the total amount of personal funds used by their self-funded opponent. It also allowed donors to give up to a higher per person limit under those circumstances.

Specifically, the provision allowed opponents of the self-funded candidate to solicit and receive, and their contributors to make, contributions in excess of the limits established in Charter sections 470(c)3 and 470(c)4 "until such

opponent has raised contributions in amounts above such limits equal to the amount of personal funds deposited by the candidate in his or her campaign contribution checking account." To implement the provision, it required first that self-funded candidates a)

**"clear information for both candidates and contributors about the impact of the Court's decision is vital"**

deposit all personal funds in their campaign account no later than 30 days before the election, and b) to notify all opponents and the City Ethics Commission no later than 30 days in advance of the election of the amount of personal funds they plan to spend.

The Commission's resolution on the provision's enforceability for the 2009 elections was triggered by advice it sought from the City Attorney's Office in the wake of the Supreme Court's *Davis* decision on June 26, 2008. In an August 26, 2008, letter to the Commission's Executive Director, the City Attorney's Office stated that the



Supreme Court has "treated the 'asymmetrical' contribution limits as a spending limit on the self-financed candidate because, by providing advantages to the non-self-financed candidate, the self-financed candidate's spending and speech are burdened." Consequently, the Court struck down Sec. 319 (a) as unconstitutional. The City Attorney's Office concluded that the *Davis* case constituted "compelling legal authority to conclude that a challenge to the City's provisions on constitutional grounds could not be successfully defended."

With the 2009 municipal election cycle well underway, the Commission concluded that clear information for both candidates and contributors about the impact of the Court's

decision is vital. Citing its strong concern that the decision has created a "disparate impact" between self-funded and non-self funded candidates, however, the Commission also directed its staff to explore alternative policies that could be adopted in the future to allow candidates some ability to respond under a "wealthy candidate" scenario while addressing the Court's concerns.

For a copy of the City Attorney's August 26 communication, or a copy of the September 5 resolution adopted by the Ethics Commission, please contact the CEC.

Detail of all candidates' campaign fundraising and expenditure activities, including their use of personal funds, will continue to be updated regularly on the City Ethics Commission's **2009 Municipal and LAUSD Election Totals** web page, accessible at [http://ethics.lacity.org/efs/public\\_election.cfm?election\\_id=37](http://ethics.lacity.org/efs/public_election.cfm?election_id=37).

**New CEC Commissioners: Paul Turner** *(Continued from page 3)*

Reform Act of 2002 (the McCain-Feingold Act), Turner was part of the advocacy coalition that submitted amicus curiae briefs to the United States Supreme Court on the bill's behalf.

Turner began his

career as the community economic development coordinator for the Union Rescue Mission on Skid Row in Los Angeles. He then helped establish the West Angeles Community Development Corporation in South Los

Angeles, a non-profit development group affiliated with the 20,000-member West Angeles Church of God in Christ. Serving as Director of Economic Development from 1994 to 1998, Turner helped make

the West Angeles CDC into one of the largest and most effective faith-based community development organizations in America.

**New CEC Commissioners: Nedra Jenkins** *(Continued from page 3)*

violations and obtained civil penalties ultimately resulting in a \$1.8 million judgment. In August 2008, she successfully obtained a jury verdict in the amount of \$606,767 against a former Metro contract administration director for violation of Public Utilities Code § 130051.20, conversion, misappropriation of documents, and fraudulent inducement of employment.

Commissioner Jenkins was recognized as one of Southern California's rising stars in

2005, 2006, 2007, and 2008 by *Law & Politics* magazine and the publishers of *Los Angeles* magazine—the only attorney in the Office of the County Counsel to be awarded that recognition. She has also been recognized in *Who's Who Among African-Americans* and *Who's Who in Black Los Angeles* as a result of her outstanding legal work and community service. In 2005, she received the Distinguished Woman Award from the Pasadena Chapter of the

Top Ladies of Distinction.

Commissioner Jenkins has also provided leadership to various community service organizations, which highlights her commitment to giving back to the Los Angeles community. Since 1994, she has been actively involved with the Black Women Lawyers Association of Los Angeles, Inc (BWL) and, as its 2003-2004 president, helped spearhead the adoption of four deserving families who received mentoring, financial support,

school supplies, and scholarship money. Since 1997, she has advocated against domestic violence as a board member, and the 2005-2006 president, of the Harriett Buhai Center for Family Law. She is also a member of the Pasadena Tournament of Roses.

Commissioner Jenkins was appointed to the Ethics Commission in June 2008 by City Controller Laura Chick. Her five-year term will end in June 2013.

**City Ethics Commission Members**

The City Ethics Commission is comprised of a five-member panel of part-time Commissioners appointed by the Mayor, City Council President, City Council President Pro Tem, City Attorney, and Controller. Each Commissioner serves a five-year term and can be removed only for cause.

To learn more about our commissioners, log onto:

<http://ethics.lacity.org/about/about.cfm#commission>

## Lobbying Law Amendments *(Continued from page 7)*

In addition, the Commission will likely consider permitting a person to communicate with City officials a specified number of times without qualifying as a lobbyist, if that person is the client of an existing lobbyist.

The Commission is also expected to consider categorical exemptions from the lobbying ordinance. The current ordinance exempts three groups of persons from its requirements: public officials and government employees acting in their official capacities; mass media entities and their owners and employees when publishing news, editorials, or advertisements that attempt to influence municipal action; and 501(c)(3) organizations (and their employees while engaged in official duties) that receive government funding and provide free representation services to indigent persons.

Under the proposed amendments, the Commission will consider whether to expand the third exemption to any 501(c)(3) organization that provides human or social services directly to individual clients



free of charge, regardless of whether the organizations receive government funding. The exemption would not apply when the organization seeks City funding, property, or permits on its own behalf.

The staff report that was presented at the Commission's September 5<sup>th</sup> meeting can be viewed on the Commission's website at [http://ethics.lacity.org/PDF/agenda/2008/September/090508\\_A9\\_RegisUnderMLO.pdf](http://ethics.lacity.org/PDF/agenda/2008/September/090508_A9_RegisUnderMLO.pdf). A summary table of key proposals is also available online at <http://ethics.lacity.org/pdf/lobbying/KeyProposalsAug08.pdf>.

Written comments on the proposed lobbying changes are welcome and may be submitted to the Ethics Commission by e-mail at the following: [ethics.policy@lacity.org](mailto:ethics.policy@lacity.org).

## NC Financial Disclosure *(Continued from page 4)*

it also asks for the disclosure of gifts totaling \$390 or more per year from a single source with business before the filer's neighborhood council.

On September 5<sup>th</sup>, the Commission directed its staff to communicate its strong support for NCF-based disclosure made through Form 52. However, citing its understanding that the City Council might prefer a universal annual disclosure requirement, the Commission urged the Council to use Form 53, rather than Form 700, for that purpose.

On September 9<sup>th</sup>, the Education and Neighborhoods Committee considered both Form 52 and Form 53. After receiving input from the Ethics Commission, the Department of Neighborhood Empowerment, and neighborhood council activists, the committee voted to recommend that the NCF pilot project move forward without any financial disclosure requirement. The full City Council is expected to make a final decision in the coming weeks.

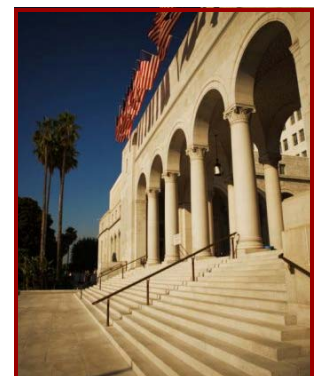
### Legislative Updates Online!

For policy bulletins and ongoing updates about legislative action on the City Ethics Commission's proposals, please visit the Commission's policy web page at:

<http://ethics.lacity.org/policy.cfm>.

There, you will also find information on the following:

- Lobbying Ordinance Review
- Full Public Financing
- Neighborhood Council Financial Disclosure



**Travel Do's and Don'ts** (Continued from page 6)

**DO'S**

Do ask questions. City Officials and donors should determine the following information to assist them, the Ethics Commission, and the Office of the City Attorney in establishing whether a gift of travel is allowable or not:

- **Intended Recipient**  
Determine whether the intended recipient of the travel payment is a City official or a City agency. Depending on which it is, there are different restrictions that will apply.
- **Relationship**  
Determine the relationship between the donor and the recipient. Is the donor a restricted source to the City official? Is the donor a disclosable source? Or a lobbyist or lobbying firm? A bidder in a competitive contracting matter? A transportation company? A campaign committee? Or is it related to the official's private business or employment? Knowing the relationship between the donor and recipient will dictate the types of restrictions that are applicable and whether the travel payment is allowable or not. Also, knowing whether the donor is a government entity or charity and whether the City or official is a member of that entity will help determine whether any exceptions apply.
- **Purpose**  
Determine the purpose

of the travel payment. Is the travel payment to be used for official City business or for personal use? Also, will the city official be giving a speech? If so, the location (whether within California, in the U.S., or a foreign country) and duration of the travel are also important. Knowing the purpose of the travel payment and your role and related information will dictate whether certain exceptions apply.

- **Value**  
Determine what services are being provided and the value of the travel payment. This figure should include all related costs, including transportation, lodging, meals, registration fees and other related goods or services included in the payment. In some instances, the payment will be prohibited, while other travel payments may be limited to \$100 or \$390 (in conjunction with other gifts from the same source), just reportable, or not limited and not reportable. Also, acceptance of travel payments may require a City official to recuse on matters impacting that donor, intermediary or agent of the donor.

- **Intermediaries**  
Determine whether there are any third parties that may have contributed to the gift of travel being provided by the donor. Is the donor acting as an intermediary on behalf of

Is the donor acting as an intermediary on behalf of anyone else? A donor may never give a gift of travel as an intermediary for a third party contributing to the payment without disclosing the donor's and the third party's name, address, and business activity and lobbyists and lobbying firms may never act as an intermediary of a gift.

**DON'TS**

Don't break the law. City officials and donors should be cautious about following the laws that govern travel payments, keeping the following in mind:

- City Officials**
  - Must not solicit or accept any advance or reimbursement for travel expenses intended to influence him or her in any official act
  - Must not solicit or accept any advance or reimbursement for travel expenses from a restricted source
  - Must not solicit or accept any advance or reimbursement for travel expenses from a lobbyist or lobbying firm
  - Must not accept free or discounted passes from transportation companies if the official is a public officer

- Donors**
  - Must not offer or make any advance or reimbursement for travel

- expenses intended to influence a City official in any official act
- Must not offer or make any advance or reimbursement for travel expenses if the donor is a restricted source
- Must not act as an intermediary in making a gift of travel expenses without disclosing the donor's and the third party's name, address, and business

**Lobbyists and Lobbying Firms**

- Must not act as an agent or intermediary in making or arranging any advance or reimbursement for travel expenses

Keeping these key points in mind can help City officials and donors act in accordance with the law to promote public trust that governmental decisions are based only on the best interests of the City.

Again, we strongly recommend that City officials and donors seek advice from the City Ethics Commission or the Office of the City Attorney when determining whether a gift of travel is permissible. Our analysts are only a phone call away and ready to assist you in making an informed decision.

**Our Commissioners:**

**Helen E. Zukin**  
*President*

**Sean P. Treglia**  
*Vice President*

**Michael Camuñez**

**Paul H. Turner**

**Nedra Jenkins**

**Mission Statement**

As an independent voice for more open and responsive City government, the Los Angeles City Ethics Commission acts through its voter-established mandate to preserve the public trust. Through meaningful public disclosure and effective education, the Commission is committed to supporting and equipping an informed citizenry. Dedicated to upholding the public interest, the Commission shapes, administers and enforces City ethics, campaign finance and lobbying laws that ensure Los Angeles elections and government decision making are fair, transparent and accountable.



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