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# LOS ANGELES CITY ETHICS COMMISSION

## N E W S

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### **Council Again Delays Enactment of Lobbying Reforms Ordinance Slated for Final Action by Council Instead Referred to Committee**

Without comment or public discussion, the City Council today inexplicably referred back to committee a package of lobbying reforms that it approved in large part in January. The reforms would increase public information about the role that lobbyists play in raising campaign cash for the elected City officials they lobby and enact a new recusal requirement to help combat the perception that acting as a paid consultant to City officials or raising big campaign money for them improves a lobbyist's access to and influence with those officials. The proposals were transmitted by the City Ethics Commission in September 2001 and were designed to ensure that the City's decision making process is not - - and is not perceived to be -- distorted by contributions, fundraising activities, or other financial relationships that exist between lobbyists and the City officials they seek to influence. In the intervening 22 months, the Council and its Rules Committee considered the package at 10 public hearings and took three separate votes to move forward to enact the reforms. In announcing the Council's action today, Council President Alex Padilla included no time frame for the next Rules Committee hearing on the ordinance, nor did he specify when the matter would be reported back to the full Council for final action. No explanation was given for the Council's referral.

"The Council has considered, debated, voted on and discussed these reforms for nearly two years," said Commission President Miriam Krinsky. "There is absolutely no reason why the Council could not have taken final action today and thereby reassure the public that it is not 'business as usual' in Los Angeles." "The Council's action today simply appears to reflect a lack of political will," added LeeAnn Pelham, the Commission's Executive Director. "Despite ongoing analyses and continued outreach, no issues or concerns have been identified that have not already been addressed in what has been an extraordinarily lengthy legislative process."

The draft ordinance pending before the Council would take steps to limit the potential for undue access and influence by City Hall lobbyists and contractors in the City's decision making process. As proposed, City Hall lobbyists would be required to disclose on quarterly public reports the fundraising

activities that they conduct on behalf of any City candidate or elected official (in addition to the contributions they make which current law already requires to be disclosed). Further, for the first time, City officials would be prohibited from acting on matters involving a lobbyist who attempts to influence them if that lobbyist has in the prior 12 months:

- Made contributions of more than \$7,000 to any campaign, officeholder or legal defense fund committee controlled by the elected official;
- Engaged in “fundraising activities,” such as hosting or sponsoring an event to raise contributions totaling more than \$15,000 on behalf of a City Councilmember or more than \$25,000 on behalf of a City-wide elected official;
- Provided the official with paid campaign consulting, legal or other professional services.

During its deliberations in January, the Council referred to its Rules Committee to consider within 30 days two discrete remaining issues: the Ethics Commission’s proposal to include toward the recusal threshold all contributions to or fundraising for ballot measure committees controlled by a City official, and whether any charitable donation of \$20,000 or more that is made by a lobbyist to a nonprofit organization at the request of an elected official should trigger recusal. Those issues were resolved by the Rules Committee on April 16, well beyond the 30-day timeframe requested by Council, with the Committee voting to exclude ballot measure contributions and fundraising, as well as charitable donations, from the recusal threshold. In a separate unusual action, the Committee also voted 2 to 1 (with Councilmember Miscikowski dissenting) to alter a prior decision by the Council to establish a \$10,000 monetary threshold to trigger recusal for Councilmembers and instead raised that amount to \$15,000.

In the wake of the Rules Committee’s approval of the package, the Mayor’s office then raised an isolated issue regarding a possible conflict between the proposed recusal requirement and the Mayor’s Charter-imposed responsibilities, and on June 6th, the Council received a letter from former Charter Reform Commissioners Erwin Chemerinsky and George Kieffer detailing their concerns. The Ethics Commission requested the City Attorney’s office to consider the issue. In a written opinion issued on June 24<sup>th</sup>, the City Attorney, citing no legal impediments, concluded that “[t]he proposed ordinance is consonant with the Mayor’s authority under the City Charter.” At the Commission’s request, however, the opinion also offered alternative language for the Council to consider should it conclude that the issue warrants a modified policy approach.

A chronology of the legislative process to date is attached. For more information, contact the City Ethics Commission at (213) 978-1960.

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