

# Governmental Ethics Ordinance

LAMC §§ 49.5.1 et seq.

## SEC. 49.5.2 Definitions

“**Administrative action**” [deleted].

“**Attempt to influence**” means to promote, support, oppose, or seek to modify or delay an action on a municipal decision by any means, including but not limited to providing or using persuasion, information, statistics, analyses, or studies.

“**Compensation**” means the receipt of any monetary or non-monetary payment and includes, but is not limited to, salary, wages, fees, partnership or other similar financial interest, or any other payment or reimbursement for the services or time of the person.

“**Direct communication**” [deleted].

“**Legislative action**” [deleted].

“**Lobbying entity**” means a lobbyist, a lobbying firm, or a lobbying organization, as those terms are defined in Section 48.02.

“**Lobbying firm**” [deleted].

“**Lobbyist**” [deleted].

“**Lobbyist employer**” [deleted].

“**Ministerial**” means not requiring the exercise of discretion concerning the outcome or a course of action.

“**Municipal decision**” means a determination regarding a legislative or administrative matter that is proposed or pending before a City official or agency, including a charter amendment, ordinance, resolution, rule, regulation, policy, nomination, contract, expenditure, regulatory proceeding, quasi-judicial proceeding, enforcement action, personnel action, license, permit, entitlement for use, project report, or other matter acted upon by a City official or agency. The term does not include a ministerial act.

“**Restricted source**” means the following with regard to each of the following classes of City officials.

- (1) With regard to high level filers and high level officials, “restricted source” means:
  - (a) a lobbying entity;

- (2) With regard to filers other than high level filers and officials other than high level officials, "restricted source" means:
  - (a) a lobbying entity seeking to influence a municipal decision in the filer's agency;
- (3) With regard to all filers and all City officials, a restricted source does not include an individual (other than a lobbyist, as that term is defined in Section 48.02) who is employed by a restricted source, provided that the gift or income is neither paid for by the employer nor provided at the direction of the employer.

#### **SEC. 49.5.9 Restrictions on Honoraria and Outside Earned Income**

##### **B. Restrictions on Honoraria and Other Outside Earned Income — Other Full Time City Officials and Employees.**

2. The approval required by Subdivision 1 must be denied if the general manager, other Chief administrative officer, or City Ethics Commission determines that the receipt of the income would be inconsistent, incompatible, or in conflict with or inimical to the City official's official duties or functions. In so determining, the general manager, other Chief administrative officer, and City Ethics Commission must consider whether one or more of the following factors applies:
  - (c) Whether the City official is in a position to make, to participate in making, or to influence a municipal decision that could foreseeably have a material financial effect on the source of income;

#### **SEC. 49.5.10 Restrictions on Gifts and Travel Expenses**

##### **A. Restrictions on Gifts.**

3. A person who is a restricted source may not offer or make, and a City official may not accept from a restricted source, a gift that would cause the cumulative amount of gifts from that source to the City official to exceed \$100 during any calendar year. This subdivision does not apply to lobbying entities.
4. A lobbying entity may not make a gift to a City official and a City official may not accept a gift from a lobbying entity if the lobbying entity is a restricted source as to that official.

5. A lobbying entity may not act as an agent or intermediary in the making of a gift or arrange for the making of a gift by another person to a City official.

**B. Restrictions on Travel Advances and Reimbursements.**

3. A lobbying entity may not act as an agent or intermediary in the making of or arrange for the making of an advance or reimbursement for travel expenses (including related lodging and reasonable subsistence expenses) by another person to a City official.

**SEC. 49.5.11 Lobbying Activities of Current and Former City Officials**

- A. A former City official or agency employee who personally and substantially participated in a municipal decision during City service may not, for compensation, attempt to influence that municipal decision on behalf of a person other than an agency. This prohibition applies only if the municipal decision is still pending before an agency or if an agency is a party to or has a direct or substantial interest in the specific matter. For purposes of this provision, personal and substantial participation includes, but is not limited to, making or voting on a decision or making a recommendation, rendering advice, investigation or conducting research.
- B. A former City official or agency employee may not, for compensation, knowingly counsel or assist a person other than an agency in connection with an appearance or communication in which the former official or employee is prohibited from engaging pursuant to Subsection A.
- D. For two years after leaving City service, a former elective City officer who left City service on or after January 1, 2007, may not, for compensation, attempt to influence a municipal decision on behalf of a person other than an agency. For one year after leaving City service, a former high level official other than an elective City officer who left City service on or after January 1, 2007, may not, for compensation, attempt to influence a municipal decision on behalf of a person other than an agency.
- E. For one year after leaving City service, a former City official may not, for compensation, attempt to influence an agency in which the former official served during the twelve months prior to leaving City service on behalf of a person other than an agency. For purposes of this subsection, the agency of a City Council office employee means the Council office in which the employee served and the Councilmember of that district.
- F. Upon the petition of an interested person, a court or the presiding or other officer, including but not limited to a hearing officer, in a judicial, quasi-judicial, or other proceeding, may, after notice and an opportunity for a hearing, exclude a person

found to be in violation of this section from further participation or from assisting or counseling another participant in the proceeding.

- G. This section does not prevent a former City official or agency employee from representing himself or herself, or a member of his or her immediate family, in connection with a matter pending before an agency.
- H. This section does not apply to the activities of a former City official or agency employee who is an elected or appointed officer or employee of another government entity, when the former official or employee is solely representing that entity in an official capacity.
- I. Members of City boards and commissions may not, for compensation, attempt to influence a municipal decision on behalf of another person. This subsection applies only to City board and commission members who are required to file statements of economic interests pursuant to the Political Reform Act of 1974. This subsection does not prohibit a member of a City board or commission from appearing before a City agency in the same manner as any other member of the general public solely to represent himself or herself on a matter related to his or her personal interests.

**SEC. 49.5.12 Future Employment of City Officials**

- D. A City official may not make, participate in making, or use an official City position to influence a municipal decision involving the interests of a person with whom the official has an agreement concerning future employment.

**SEC. 49.5.13 Participation of Elective City officers and Agency Employees in Governmental Decisions**

- A. In addition to the requirements of Government Code Sections 87100, *et seq.*, elective City officers and agency employees may not knowingly make, participate in making, or attempt to use their official positions to influence a municipal decision directly relating to a contract when they know or have reason to know that a party to the contract is a person by whom they were employed in the 12 months prior to the time they act on the matter.
- B. Persons who make payments for independent expenditures or non-behested member communications must make written disclosure of their involvement with municipal decisions under the circumstances identified below.
  - 1. Disclosure is required if a person made one or more payments for independent expenditures or non-behested member communications in support of an elective City officer at the time the officer was campaigning

for election or reelection to any office and, within 12 months of reaching the aggregate amounts in Subdivision 2, either of the following occurs:

- a. The person is directly involved in a municipal decision before the elective City officer. The provisions of 2 Cal. Code Regs. §§ 18704.1(a)(1)—(2) govern when a person is directly involved in a municipal decision.
  - b. The person attempts to influence the elective City officer regarding a municipal decision, either personally or through an agent.
2. The following aggregate amounts trigger the disclosure. Primary elections and general elections are aggregated separately.
- a. \$100,000 for a Mayoral candidate.
  - b. \$50,000 for a City Attorney or Controller candidate.
  - c. \$25,000 for a City Council candidate.
3. Disclosure must be made within 48 hours of the time the person becomes directly involved in or attempts to influence a municipal decision.
4. A payment is deemed to be made in support of an elective City officer if the person making the payment is required to disclose that fact pursuant to Section 49.7.26.
5. The disclosure must be made on a form provided by the City Ethics Commission, verified under penalty of perjury, and filed in a method and format prescribed by the City Ethics Commission. The disclosure must include the following information:
- a. The filer's name, address, and telephone number;
  - b. The elected City official in support of whom the payments were made;
  - c. The dates and amounts of the payments;
  - d. A description of the municipal decision, including any City reference number associated with it;
  - e. The date on which the filer became directly involved in the municipal decision, if disclosure is required under Subdivision 1(a);

- f. The dates of the attempts to influence the municipal decision, if disclosure is required under Subdivision 1(b); and
- g. The name and address of the filer's agent, if an agent attempted to influence the municipal decision on behalf of the filer.

**SEC. 49.5.16 Disclosure By Elective City Officers in Connection with Lobbying Interests**

- A. An elective City officer must make written disclosure when all of the following occur:
  - 1. The elective City officer makes, participates in making, or attempts to use an official position to influence a municipal decision;
  - 2. A lobbying entity has lobbied the elective City officer regarding that municipal decision; and
  - 3. The elective City officer knows or has reason to know that, in the prior 12 months, one or more of the following occurred:
    - a. The elective City officer or one of the officer's controlled committees paid the lobbying entity to act as campaign manager, campaign consultant, campaign fundraiser, or other campaign professional.
    - b. The elective City officer or one of the officer's controlled committees paid the lobbying entity \$1,000 or more during a calendar quarter to provide legal or other professional services relating to the officer's status or activities.
    - c. The elective City officer was the beneficiary of \$1,000 or more in payments benefiting a City official, as defined in Section 48.02, that were made by the lobbying entity. This includes but is not limited to free legal or other services.
- B. Disclosure is triggered only by business relationships existing on or after January 1, 2004.
- C. Written disclosure must be filed within two business days of making, participating in making, or in any way attempting to use an official position to influence a municipal decision.

1. The disclosure must include the following:
    - (a) The name, elective City office, and signature of the elective City officer;
    - (b) The municipal decision at issue and the date the elective City officer took action on it;
    - (c) The name of the lobbying entity that lobbied the elective City officer; and
    - (d) The activities under Subsection (A)(3) giving rise to the disclosure.
  2. The original must be filed with the City Ethics Commission, and a copy must be filed with the City Clerk.
  3. The City Ethics Commission must post the disclosure on its website within one business day of receipt. The City Clerk must make the disclosure available for inspection within one business day of receipt.
- D. Elective City officers and members of their City staffs may use City time, facilities, equipment, and supplies to track information and perform other necessary activities directly related to assisting the elective City officers in complying with the disclosure requirements of this Article. Those activities constitute City business.

**SEC. 49.5.19 Enforcement**

**A. Criminal Enforcement.**

3. A person convicted of a misdemeanor under this Article may not act as a lobbying entity or as a City contractor for four years following the date of the conviction, unless the court at the time of sentencing specifically determines that this provision does not apply.