



STAFF REPORT

Meeting Date: July 5, 2016
To: Honorable Mayor & City Council
From: Kevin Kearney, Senior Management Analyst
Subject: Request by Vice Mayor Krasne to Amend the Revolving Door Ordinance

Attachments:

1. Municipal Code 1-9-203, 1-9-205
2. City of Santa Monica, Municipal Code
3. City of West Hollywood, Municipal Code
4. City of Los Angeles, Revolving Door Policy
5. City of Los Angeles, Post-City Service Reminders
6. City of Burbank, Municipal Code

INTRODUCTION

This report transmits information on the Revolving Door ordinance at the request of Vice Mayor Krasne, as she has indicated a desire to increase the time limits set forth in the ordinance.

INTRODUCTION

The City's municipal code addresses restrictions pertaining to former city employees and elected officials was created to promote and maintain the highest standards of personal and professional conduct among all involved in city government and in order to avoid any appearance of undue influence on city and elected officials in making governmental actions and decisions. At the time of original implementation in 2006, the City Council desired to impose reasonable restrictions on the ability of former city employees, elected officials and planning commissioners to influence the City, or its officers and employees.

Municipal code 1-9-203, also known as the Revolving Door Prohibition, addresses three categories. First, the following positions shall not represent a person for compensation for the purpose of influencing administration / legislative action for the following time periods:

- No former city employees who were required to file a form 700, for a period of two (2) years leaving city employment,
- No elected official or planning commissioner for a period of one (1) year after leaving office if their term of office ended before April 1, 2009, and

Meeting Date: July 5, 2016

- No elected official or planning commissioner for a period of thirty (30) months after leaving office if they were in office after April 1, 2009.

Second, the municipal code also specifies that no former elected official shall represent for compensation any person or entity by making any communication to the city if the communication is related to land use matters that were voted upon by the elected official during his or her term in office. Land use matters are defined in this section of the municipal code as both legislative and quasi-judicial.

Lastly, elected officials, city employees and planning commissioners who participate in land use matters shall be prohibited for thirty (30) months from the date of the decision from receiving from the applicant anything of value that exceeds five-hundred dollars (\$500).

There are exceptions to these regulations, as detailed in municipal code section 1-9-205. The following are exceptions for appearances or communications from former city employees, elected officials or planning commissioners:

- Appearances/communication before a city commission or committee concerning their personal interests, such as development of their home
- Appearances/communications at the request of, or on behalf of any government entity or public agency, including the City of Beverly Hills
- Appearances/communications by those who are engaged in such activity without compensation.

The municipal code also allows an exemption for those whose only activity is submitting a competitive bid, who submits a request for more information, or who participates in an oral interview process. This exemption, however, does not cover a person trying to influence a city employee or elected official outside an interview or public meeting.

The following cities were surveyed to benchmark the Revolving Door policy: Santa Monica, Culver City, West Hollywood, Glendale, Burbank and Los Angeles. Of those cities surveyed, Glendale and Culver City were the only ones without a policy.

- *City of Santa Monica*
 - No former City employee, within two (2) years after his or her employment. A City employee is more detailed in Attachment #3 under code 2.08.020(b).
 - No former City official, within two (2) years after his or her office. City official is defined as a member of the City Council, Planning Commission, Architectural Review Board and Rent Control Board.
- *City of West Hollywood*
 - No former City employee, within one (1) year after his or her employment. A City employee is defined as a deputy to the City Council, department heads and division managers
 - No former City official, within one (1) year after his or her employment. A city official is defined as City Council and Planning Commission

Meeting Date: July 5, 2016

- *City of Burbank*
 - No former City official, within one (1) year of leaving office. City official is referred to as a Councilmember, City Clerk, City Treasurer and Planning Board member
 - No former City high level employee or appointee, for a period of one (1) year after leaving City service. Definition of high level employee and appointee are detailed in Attachment #6.

- *City of Los Angeles*
 - Elected officials: a two (2) year ban on attempting to influence any City agency
 - High-level officials: a one (1) year ban on attempting to influence any city agency
 - All other City officials: a one (1) year ban on attempting to influence a City agency in which the official served during the twelve (12) months before leaving City service.

FISCAL IMPACT

There are no known fiscal impacts to the City at the moment.

RECOMMENDATION

It is recommended that the City Council review this report and provide direction to staff on how to proceed.



George Chavez

Approved By

Attachment 1

1-9-203: PROHIBITION OF CERTAIN ACTIVITIES:

A. Revolving Door Prohibition:

1. No former city official, for a period of two (2) years after leaving city office or employment and no elected official or planning commissioner for a period of one year after leaving city office, shall represent, for compensation, any other person, by making any formal or informal appearance before, or by making any oral or written communication to, the city, the city council or any member thereof, or any commission, committee, subcommittee of the city or member thereof, or any other officer or employee of the city, if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property.
2. For any elected official or planning commissioner who is in office as of April 1, 2009, such elected official or planning commissioner shall not, for a period of thirty (30) months after leaving city office, represent, for compensation, any other person, by making any formal or informal appearance before, or by making any oral or written communication to, the city, the city council or any member thereof, or any commission, committee, subcommittee of the city or member thereof, or any other officer or employee of the city, if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property.

B. Representation By Former Elected Official: No former elected official shall represent, for compensation, any person or entity, by making any communication to the city, if the communication is related to a land use matter which was voted upon by the elected official during his or her term of office.

C. Acceptance Of Gifts From Applicant: Elected officials, city officials and planning commissioners who participate in a decision to approve a land use matter, shall be prohibited for a period of thirty (30) months from the date of the decision from receiving from the applicant anything of value that exceeds five hundred dollars (\$500.00), including, without limitation, any gift, payment of money, or other compensation that exceeds five hundred dollars (\$500.00). This prohibition shall continue in effect after the elected official, city official or planning commissioner leaves office during the thirty (30) month period. For the purposes of this prohibition, the "applicant" shall include partners, majority shareholders, and officers of the applicant, as well as any other person who provides anything of value to the elected official, city official or planning commissioner on behalf of the applicant. If the applicant is making an application as an agent of a principal, then for the purposes of this subsection the applicant shall be considered the principal, not the agent. (Ord. 07-O-2535, eff. 12-14-2007)

1-9-205: EXCEPTIONS:

The prohibitions in this article shall not apply to the following:

- A. Appearances or communications by former city officials, elected officials or planning commissioners representing their personal interests, such as, but not limited to, an appearance before a city commission or committee concerning development of their home.

- B. Appearances or communications by former city officials, elected officials or planning commissioners at the request of, or on behalf of any government entity or public agency, including the city of Beverly Hills.

- C. Appearances or communications by former city officials, elected officials or planning commissioners who are engaged in such activity without compensation.

- D. Any former city official, elected official or planning commissioners whose only activity is submitting a bid on a competitively bid contract, who submits a written or oral response to a request for more information, or who participates in an oral interview process. This exemption shall not apply to any person who attempts to influence the actions of any city official or elected official with regard to any such contract outside an interview or public meeting. (Ord. 07-O-2535, eff. 12-14-2007)

Attachment 2

Chapter 2.08 DISQUALIFICATION OF FORMER CITY OFFICERS AND EMPLOYEES

2.08.010 Name, purpose and scope.

(a) This Chapter shall be called the "Revolving Door Ordinance." It is intended to impose restrictions on activities of specified City employees or officials after their term of employment or office has ceased.

(b) This Chapter is designed to prohibit or limit the designated former City employees or officials from representing any party or engaging in lobbying activities on behalf of any party before the City Council, its boards and commissions, or where applicable, the Rent Control Board, in any matter in which the former City employee or official participated personally and substantially during his or her term of employment or office. Certain former City employees and designated City officials would be barred from such representation or lobbying activities whether compensated or not, for a period of two years following termination of employment or office.

(c) In addition, this chapter would prohibit the designated former City employees and officials from engaging in any compensated lobbying or advocacy activities before specified bodies for a period of two years following termination of employment or office.

(d) Finally, this chapter would also prohibit or restrict specified City officials from accepting employment with any organization or entity which either receives more than fifty percent (50%) of its funding from the City of Santa Monica or is governed by a board of directors fifty percent (50%) or more of whose members are appointed by action of the City Council. (Prior code § 2150; amended by Ord. No. 1517CCS adopted 3/13/90; Ord. No. 1670CCS § 1 (part), adopted 2/23/93)

2.08.020 Definitions.

The following words and phrases as used in this Chapter shall have the following meanings for purposes of this Chapter:

(a) **City Administrative Agency.** The City Council, the Rent Control Board, and every City or Rent Control Board office, department, division, board, and commission.

(b) **City Employee.** City Attorney; Assistant City Attorney; Deputy City Attorney; City Clerk; Assistant City Clerk; City Engineer; City Librarian; City Manager; Assistant City Manager; City Treasurer; Budget Coordinator; each Senior Management Analyst in the City Manager's Office; Director of Civic Auditorium; Director of Cultural and Recreation Services; Cultural Arts Administrator; Director of Finance; Director of General Services; Director of Land Use and Transportation Management; Director of Personnel; Director of Resource Management; Director of Transportation; Fire Chief; Chief of Police; Information Systems Director; Purchasing Agent; and the Administrator, Information Systems Manager, Hearings Department Manager, General Counsel and Staff Attorneys of the Rent Control Board.

Any change in titles of the designated employee positions subject to this Chapter shall automatically be incorporated herein.

(c) **City Official.** Each member of the City Council, Planning Commission, Architectural Review Board, and the Rent Control Board.

(d) **Judicial, Quasi-Judicial, or Other Proceeding.**

(1) For former employees and officials of the City of Santa Monica, except the Rent Control Board, any

proceeding, application, request for ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the City of Santa Monica is a party or has a direct and substantial interest.

(2) For former employees and officials of the Rent Control Board only, any proceeding, application, request for ruling, or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the Rent Control Board is a party or has a direct and substantial interest.

(e) **Participated.** To have taken part personally and substantially through decision, approval, disapproval, formal written recommendation, rendering advice on a substantial basis, investigation, or otherwise during the City official's or employee's term of office or employment. A City official's refusal from voting on a matter on the basis of a conflict of interest shall not constitute participation hereunder. (Prior code § 2151; amended by Ord. No. 1517CCS, adopted 3/13/90; Ord. No. 1670CCS § 1, adopted 2/23/93)

2.08.030 Restrictions on activities of former City employees.

(a) No former City employee, within two years after his or her employment has ceased, shall, whether compensated or not, act as agent, representative, or attorney for or otherwise represent any other person (except the City of Santa Monica or the Rent Control Board) before any City administrative agency, or officers or employees thereof by making any formal or informal appearance, or by making any oral or written communication, with the intent to influence, in connection with any judicial, quasi-judicial, or other proceeding if:

(1) The City of Santa Monica or, where applicable, the Rent Control Board is a party or has a direct and substantial interest; and

(2) The proceeding is one in which the former City employee participated.

(b) No former City employee, within two years after his or her employment has ceased, shall, whether compensated or not, aid, advise, counsel, consult, or assist in representing any other person (except the City of Santa Monica or the Rent Control Board) in any proceeding in which the employee would be prohibited from appearing under subsection (a) of this Section.

(c) No former City employee, within two years after his or her employment has ceased, shall for compensation act as an agent, representative, or attorney for, or otherwise represent, any other person (except the City of Santa Monica or the Rent Control Board) before any City administrative agency, or officers and employees thereof, by making any formal or informal appearance or by making any oral or written communication, with the intent to influence, in connection with any judicial, quasi-judicial, or other proceeding if the City of Santa Monica or, where applicable, the Rent Control Board is a party or has a direct and substantial interest. (Prior code § 2152; amended by Ord. No. 1517CCS, adopted 3/13/90; Ord. No. 1670CCS § 1, (part), adopted 2/23/93))

2.08.040 Restrictions on activities of former City officials.

(a) No former City official, within two years after his or her office holding has ceased, shall, for compensation, act as agent, representative, or attorney for, or otherwise represent any other person (except the City of Santa Monica or the Rent Control Board) before any City administrative agency, officers, employees or, where applicable, the Rent Control Board, departments, officers, or employees, by making any formal or informal appearance, or by making any oral or written communication, with the intent to influence, in connection with any judicial, quasi-judicial, or other proceeding if:

(1) The City of Santa Monica or, where applicable, the Rent Control Board is a party or has a direct and substantial interest; and

(2) The proceeding is one in which the former City official participated.

(b) No former City official, within two years after his or her term of office has ceased, shall, for compensation, aid, advise, counsel, consult, or assist in representing any other person (except the City of Santa Monica or the Rent Control Board) in any proceeding in which the official would be prohibited from appearing under subsection (a) of this Section.

(c) No former City official, within two years after his or her office holding has ceased, shall, for compensation, act as an agent, representative, or attorney for, or otherwise represent, any other person (except the City of Santa Monica or the Rent Control Board) before the body on which such official served by making any formal or informal appearance or by making any oral or written communication, with the intent to influence such body.

(d) No former City official, within two years after his or her office holding has ceased, shall accept any position of employment or management for compensation, or act as a director or officer for compensation of any organization or entity which:

(1) Receives more than fifty percent of its funding from the City of Santa Monica, as determined by the City; or

(2) Has fifty percent or more of its board members, officers or directors appointed by the City Council. (Prior code § 2153; amended by Ord. No. 1517CCS, adopted 3/13/90; Ord. No. 1670CCS § 1 (part), adopted 2/23/93; Ord. No. 1838CCS § 1, adopted 2/13/96)

2.08.050 Exemptions.

The prohibitions contained in Sections 2.08.030 and 2.08.040 shall not apply:

(a) To appearances or communications by former City employees or officials concerning matters of a personal or individual nature, such as obtaining a business license;

(b) To prevent a former City employee or official from making or providing a statement based upon the former City employee's or official's own special knowledge in the particular area that is the subject of the statement, provided that no compensation is thereby received other than that regularly provided for by law or regulation for witnesses;

(c) To prevent a former City employee or official from giving a testimony under oath, or from making statements required to be made under penalty of perjury;

(d) To prevent former Deputy City Attorneys in the Criminal or Civil Divisions of the City Attorney's Office, Staff Attorneys or Hearing Examiners of the Rent Control Board, or City officials who are attorneys, from serving as representatives of defendants in criminal proceedings, where the offense(s) for which such representation is made occurred at least three months following termination of the former employee's employment or expiration of the former City official's term of office with the City. (Prior code § 2154; amended by Ord. No. 1517CCS, adopted 3/13/90; Ord. No. 1670CCS § 1 (part), adopted 2/23/93)

2.08.060 Application of requirements.

(a) The requirements imposed by this Chapter shall not apply to any person whose employment or term of office terminates prior to the effective date of this Chapter, except that any such person who returns to employment or office with the City on or after the effective date of the ordinance codified in this Chapter shall thereafter be covered thereby.

(b) Nothing in this Chapter is intended to prevent former employees or officials of the City of Santa Monica from acting as an agent, representative, or attorney or from giving aid, advice, counsel, consultation, or assistance in any proceeding before the Rent Control Board, or any of its departments, if the former employee was not employed by the Rent Control Board within two years of leaving City employment or, if an official, within twenty-four months of leaving office, and if the former employee or official did not participate in the proceeding while employed by the City of Santa Monica.

(c) Nothing in this Chapter is intended to prevent former employees or officials of the Rent Control Board from acting as an agent, representative, or attorney, or from giving aid, advice, counsel, consultation, or assistance in any proceeding before any department, board, commission, or official body of the City of Santa Monica, if the former employee was not employed by the City of Santa Monica within two years of leaving City employment or, if an official, within twenty-four months of leaving office, and if the former employee did not participate in the proceeding while employed by the Rent Control Board. (Prior code § 2155; amended by Ord. No. 1517CCS, adopted 3/13/90; Ord. No. 1670CCS § 1 (part), adopted 2/23/93)

2.08.070 Disapproval of transactions.

If a former City employee or official violates any provision of this Chapter, such violation or violations shall be adequate grounds for the City to disapprove any contract, approval, permits, or other transaction which was related to any such violation. (Prior code § 2156; amended by Ord. No. 1517CCS, adopted 3/13/90; Ord. No. 1670CCS § 1 (part), adopted 2/23/93)

2.08.080 Criminal and civil penalties.

(a) Each violation of the provisions of this Chapter shall constitute a misdemeanor.

(b) A civil action may also be brought by the City or any interested party before any court of competent jurisdiction. In addition to all other remedies authorized by law, the court may impose a civil penalty of up to five hundred dollars for each violation of this Chapter. (Prior code § 2157; amended by Ord. No. 1517CCS, adopted 3/13/90; Ord. No. 1670CCS § 1 (part), adopted 2/23/93)

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Attachment 3

Chapter 2.72 Lobbying

2.72.010 Lobbyist – Defined.

“Lobbyist” shall mean any individual who is employed, retained or contracts for economic consideration to communicate with any elective official or any officer or employee of the City of West Hollywood for the purpose of influencing a legislative or administrative action.

(Ord. 85-44, 1985; prior code § 21000)

2.72.020 Registration.

Prior to conducting any activities for the purpose of influencing any action by the City of West Hollywood, any lobbyist shall register with the City Clerk by filing a written statement containing:

- a. The lobbyist’s full name, business address and telephone number;
- b. The name, business address and telephone number of any individual or entity by whom the lobbyist is employed or with whom he or she contracts to perform lobbying services in the city; and
- c. A description of the subject matter of the lobbyist’s engagement.

(Ord. 97-491 § 1, 1997; Ord. 85-44, 1985; prior code § 21001)

2.72.030 Registration Equivalents.

A lobbyist is deemed to be registered with the City Clerk if he or she has otherwise provided the City of West Hollywood in writing with the information required by Section 2.72.020 or has appeared at a public meeting of the City of West Hollywood and has stated the required information for the record.

(Ord. 85-44, 1985; prior code § 21002)

2.72.040 Registration Fee.

The City Clerk may charge a fee for filing, amending and/or renewal of a registration, the amount of which shall be determined by resolution of the City Council.

(Ord. 97-491 § 2, 1997; prior code § 21003)

2.72.050 Registration – Time.

Every lobbyist required to file a registration statement under this chapter shall register with the City Clerk no later than ten days after being engaged as a lobbyist, and shall renew the registration annually as required in Section 2.72.060.

(Ord. 97-491 § 3, 1997; prior code § 21004)

2.72.060 Registration – Duration.

Registration shall be renewed with the City Clerk on an annual basis between May 21st and June 1st of each year. Registration shall be valid for one year.

(Ord. 97-491 § 3, 1997; prior code § 21005)

2.72.070 Amendment of Registration Information.

If any change occurs concerning any of the information required by Section 2.72.020, the lobbyist shall file an amendment reflecting the change within ten days of the change.

(Ord. 97-491 § 2, 1997; Ord. 85-44, 1985; prior code § 21006)

2.72.080 Notice of Termination.

Lobbyists may file a notice of termination with the City Clerk within ten days after ceasing all activity which required registration.

(Ord. 97-491 § 2, 1997; prior code § 21007)

2.72.090 Post-Employment Lobbying.

a. Members of the City Council and their deputies, members of the Planning Commission, department heads, and division managers are “designated employees and officials” for purposes of this section.

b. Designated employees and officials shall not, for a period of one year after leaving that office or employment, act as agent or attorney for, or otherwise represent, for compensation, any other person, by making any formal or informal appearance before, or by making any oral or written communication to, the City Council or any committee, subcommittee, Board, Commission, or present member thereof, or any officer or employee of the City, if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property.

c. Subsection (b) shall not apply to any individual who is, at the time of the appearance or communication, a board member, officer, employee, or representative of another local government agency, a public agency, or a nonprofit organization, and is appearing or communicating on behalf of that agency or organization.

(Ord. 14-941 § 1, 2014)

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Attachment 4

CITY CONTRACTS

After you leave City service, state law may bar you (and possibly your new employer) from receiving any benefit from a contract that you participated in creating while with the City.

SELECT OFFICIALS

Individuals who hold an elected City office or any of the following positions in the 24 months before they leave City service are prohibited from lobbying any City agency in the year after they leave City service:

Mayor's Office

Chief of Staff
Deputy Mayor
Mayoral Aide VII
Mayoral Aide VIII

City Attorney's Office

Executive Assistant City Attorney
Chief Assistant City Attorney
Senior Assistant City Attorney
City Attorney Exempt Employee

Controller's Office

Chief Deputy Controller
Administrative Deputy Controller
Principal Deputy Controller

City Council Offices

Council Aide VI
Council Aide VII

Other Offices

Board of Public Works Commissioner
General Manager
Chief Administrative Officer

PRIOR RESTRICTIONS

Different revolving door provisions may apply if you left City service prior to February 10, 2014. Please contact the Ethics Commission for information.



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Revolving Door

This is a brief overview of the Revolving door laws. Please contact us for more information about how the laws apply to you or to report a possible violation.

Address:

200 North Spring Street
City Hall 24th Floor
Los Angeles CA 90012

Phone:

(213) 978-1960

Whistleblower Hotline:

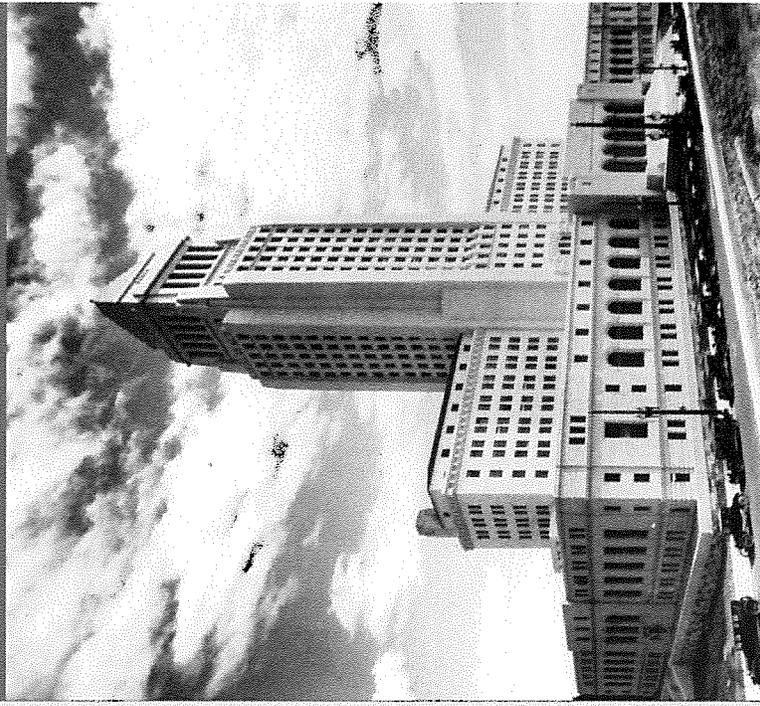
(800) 824-4825

Fax:

(213) 978-1988

Web:

ethics.lacity.org



INTRODUCTION

Like many government agencies, the City of Los Angeles has established "revolving door" provisions that apply to former City personnel.

The revolving door is a term used to describe the movement between public sector jobs and private sector jobs. Restrictions on this movement are established to prevent former City personnel from exercising or appearing to exercise improper influence over City actions. The restrictions help to ensure fair and impartial government decisions.

There are several revolving door restrictions to keep in mind when you leave City service. Some apply to all former City personnel, and some apply only to City officials (individuals who are required by a City conflict of interests code to file California Form 700).

TEMPORARY LOBBYING RESTRICTIONS

City law prohibits former City officials from receiving compensation to attempt to influence the actions of City agencies on behalf of other people (other than government entities) for **one year** after leaving City service. The ban applies to attempts made personally or through an agent.

The agencies that a former City official may not attempt to influence depend on the type of position the former City official held:

- **Elected & Select Officials**

Any City agency.

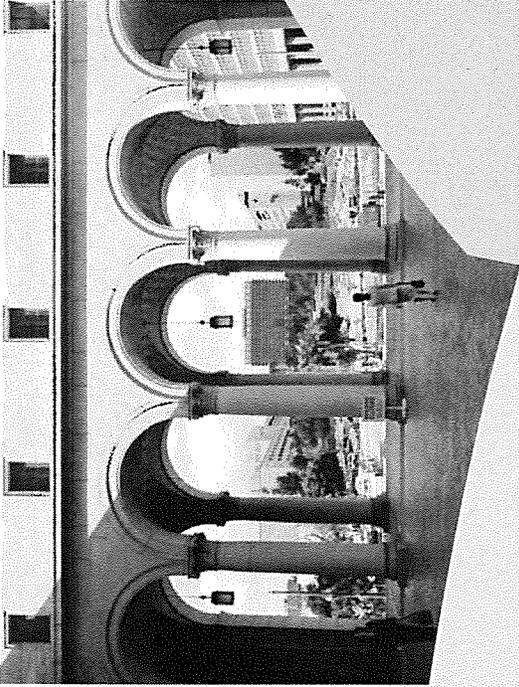
Select officials are identified on the reverse.

Elected officials are also subject to state revolving door laws that, in some respects, are stricter than City law.

- **All Other City Officials**

Any City agency in which the official served during the 24 months before leaving City service.

Retirement board officials are also subject to state revolving door laws that, in some respects, are stricter than City law.



PERMANENT RESTRICTIONS

City law also establishes two permanent prohibitions:

- **Lobbying**

Former City officials and employees may not receive compensation to attempt to influence any City agency regarding matters in which they personally and substantially participated during City service. They also may not be compensated to assist another person in attempting to influence a matter in which they were personally and substantially involved during City service. This ban lasts for as long as the matter is still pending with the City or the City is a party to the matter.

Personal and substantial participation includes activities such as making or voting on a decision, making a recommendation, conducting research or an investigation, and giving advice.

- **Confidential Information**

Former (and current) City officials and employees may not disclose or misuse any confidential information that they acquired in the course of their City service.

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the public trust.."*

OTHER REMINDERS

- **Future Employment**

The Mayor, City Attorney, Controller, and the heads of City agencies may not negotiate future employment or future business opportunities with a person (other than a government agency) who has a matter pending before the City official or the City official's agency.

Members of the City Council or a City board or commission may not negotiate future employment or future business opportunities with a person (other than a government agency) who has a matter pending before them or a body of which they are a voting member.

Other City officials may not negotiate future employment or future business opportunities with a person (other than a governmental entity) who has a matter pending before them.

Finally, City officials may not make, participate in making, or use their City positions to influence a City decision involving the interests of a person with whom they have an agreement for future employment or business opportunities.

- **Leaving Office Statement**

A City official must file a California Form 700 statement of economic interests within 30 days after leaving City service. City officials can file Form 700 electronically after obtaining a login ID from the Ethics Commission.

Elected officials, members of City boards and commissions, and the heads of City agencies must also file the City's Form 60. This form is available on the Ethics Commission's web site.

- **Compliance**

Violations of these laws are subject to administrative enforcement.

Attachment 5

References

Los Angeles Municipal Code
§§ 49.5.3, 49.5.11, 49.5.12

California Government Code
§§ 87406.3, 87407, 1090

California Code of Regulations, Title II
§§ 18746.2-18747

The City Ethics Commission (CEC) has authority to investigate and enforce fines on violations of campaign finance provisions, the municipal lobbying ordinance, and governmental ethics laws.

To review these laws and other CEC publications in detail, please visit our website at:

<http://ethics.lacity.org>

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CITY ETHICS COMMISSION

For information about the City Ethics Commission, its programs, and/or the laws discussed on this brochure, please contact our office.

Address:

Los Angeles City Ethics Commission
200 N. Spring St. – CITY HALL
24th Floor
Los Angeles, CA 90012

General Office:

(213) 978-1960 Phone
(213) 978-1989 Fax

24 Hour Whistleblower Hotline:

1-800-824-4825

TTY:

(213) 978-2609

Website:

<http://ethics.lacity.org>



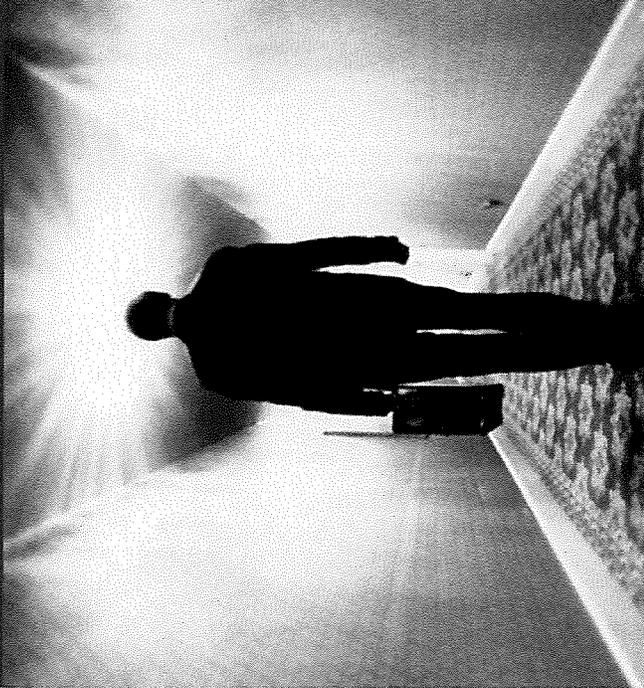
los angeles

CITY ETHICS COMMISSION

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Post-City Service Reminders

for Former City of LA
Officials and Employees



*“Dedicated to upholding
the public interest...”*

Other Reminders

Negotiating Future Employment

A City official may not negotiate future employment with a person (other than a government agency) who has a matter that is within the jurisdiction of the official's agency or is currently pending before the official. In addition, a City official may not participate in or influence a decision involving the interests of a person with whom the official (1) has an arrangement regarding future employment, or (2) is negotiating, including discussing possible employment, if the decision will have a material financial effect on the prospective employer. A “person” is an individual, a business, an organization, or any other group of persons acting in concert.

Leaving Office Statement

A City official who leaves City service must file a California Form 700 as a “leaving office” statement, which discloses the official's economic interests for the period beginning on the date of the official's last annual statement through the last date of City service. The official must file the form with his or her departmental ethics liaison within 30 days of leaving City service.

City Contracts

After you leave the City, state law may bar you or possibly your new employer from receiving any benefit from a contract that you participated in creating while with the City.

Please note that this brochure provides only general guidelines that apply to former City officials and employees. Applying the laws to a particular set of facts can be complex. Please contact the City Ethics Commission for more information about how these laws apply specifically to you.



Permanent Restrictions

City law also establishes two permanent prohibitions:

- **“Personal and Substantial” Ban**
Former City officials and employees may not receive compensation to attempt to influence any City agency regarding matters in which they personally and substantially participated during City service. This ban lasts for as long as the matter is still pending with the City or the City has an interest in it. The ban also prohibits a former City official or employee from receiving compensation to assist another person who is attempting to influence those matters.
- **Personal and substantial participation includes activities such as making a decision or a recommendation, conducting research and/or an investigation, and giving advice. There are some narrow exceptions to the ban; please contact the City Ethics Commission for more information.**
- **Use of Confidential Information**
Former (and current) City officials and employees may not disclose or use for personal gain any confidential information that they acquired in the course of their City service.

“Revolving Door” Reminders for Former City Officials and Employees

When City officials and employees leave City service, they may wonder what governmental ethics restrictions apply to them once their City service ends. Like many other governmental agencies, the City of Los Angeles has established certain “revolving door” provisions. The “revolving door” is a term used to describe the movement of a public official from a public sector job to one that involves lobbying government on behalf of a private sector employer or client. Restrictions on this movement are established to prevent former City officials and employees from exercising, or appearing to exercise, improper influence over City decisions and, thereby, assure fair and open governmental decision-making.

There are several revolving door restrictions to keep in mind when you leave City service.

Temporary Restrictions

City law prohibits a former City official from receiving compensation to attempt to influence actions of City agencies for a specific period of time that is based on the type of position the official held:

- **Elected Officials****
A 2-year ban on attempting to influence any City agency.
- **“High-level” Officials*****
A 1-year ban on attempting to influence any City agency.
- **All Other City Officials**
A 1-year ban on attempting to influence a City agency in which the official served during the 12 months before leaving City service.

* A City official is a person who is required to file a statement of economic interests (California Form 700) under a City conflict of interest code.

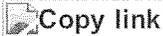
** Elected officials are also subject to state revolving door laws which in some respects are stricter than City law.

*** High-level officials are designated by position. To determine whether you were a high-level official, please refer to the City's Governmental Ethics Ordinance §49.5.2, downloadable at http://ethics.lacity.org/PDF/laws/law_geo.pdf, or contact the City Ethics Commission.

Attachment 6

DIVISION 2. RESTRICTIONS ON FORMER CITY OFFICIALS, APPOINTEES, AND CERTAIN EMPLOYEES

2-1-1620: DEFINITIONS:

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For the purposes of this article, the following definitions shall apply:

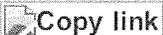
APPOINTEE: Park, Recreation and Community Services Board members, Transportation Commission members, Board of Building and Fire Code Appeals members, and Airport Authority commissioners.

CITY OFFICIAL: City Council members, the City Clerk, the City Treasurer, and Planning Board members.

HIGH LEVEL EMPLOYEE: Those employees holding the following City positions: City Manager, Assistant City Manager, Deputy City Manager, City Attorney, Chief Assistant City Attorney, Community Development Director, Chief Assistant Community Development Director, Police Chief, Fire Chief, Public Service Department General Manager, Public Service Department Assistant General Manager, Park, Recreation and Community Services Director, Deputy Director of the Park, Recreation and Community Services Department, Public Works Director, Assistant Public Works Director, Management Services Director, Financial Services Director, Library Services Director, and Information Systems General Manager. Any change in titles of the employee positions subject to this article shall automatically be incorporated herein.

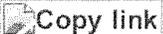
PARTICIPATED: To have taken part personally and substantially, as an official, high level employee, or appointee, through decision, approval, disapproval, recommendation, the rendering of advice on a substantial basis, or investigation. A City official's or appointee's refusal from voting on a matter on the basis of a conflict of interest shall not constitute participation hereunder. [Added by Ord. No. 3516, eff. 6/5/99.]

2-1-1621: ONE YEAR REPRESENTATION BAN FOR CITY OFFICIALS:

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No former City official, for a period of one year after leaving City office, shall, for compensation, appear as a representative for any person (other than the City), before the City Council or any City board, commission, officer, or employee, in connection with any proceeding, application, request for ruling or other determination, claim, controversy, permit, license, grant, contract or the sale or purchase of goods or property. [Added by Ord. No. 3516, eff. 6/5/99.]

2-1-1622: ONE YEAR REPRESENTATION BAN FOR HIGH LEVEL EMPLOYEES AND APPOINTEES IF THEY PARTICIPATED IN MATTER:

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A. No former City high level employee or appointee, for a period of one year after leaving City service, shall, for compensation, appear as a representative for any person (other than the City), before the City Council or any City board, commission, officer, or employee, in connection with any proceeding, application, request for ruling or other determination, claim, controversy, permit, license, grant, contract or the sale or purchase of goods or property, if the former City high level employee or appointee participated in the matter. [Added by Ord. No. 3516, eff. 6/5/99.]

2-1-1623: EXEMPTIONS:

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The prohibitions contained in Sections [2-1-1621](#) and [2-1-1622](#) of this article shall not apply:

- A. To prevent any former City official, high level employee, or appointee from representing himself or herself, or any member of his or her immediate family, in their individual capacities, in connection with any matter pending before the City Council or any City board, commission, officer, or employee;
- B. To prevent any former City official, high level employee or appointee who is or becomes an officer or employee of another government agency from making an appearance or communication before the City Council or any City board, commission, officer, or employee for the purpose of influencing action on behalf of such government agency;
- C. To prevent a former City official, high level employee or appointee who is an attorney from serving as a representative of a defendant in a criminal proceeding, where the offense(s) for which such representation is made occurred at least three (3) months following termination of the official, high level employee, or appointee's service with the City;
- D. To prevent a former City official, high level employee, or appointee from making or providing a statement

based upon the former official, employee, or appointee's own special knowledge in the particular area that is the subject of the statement, provided that no compensation is thereby received other than that regularly provided for by law or regulation for witnesses;

E. To prevent a former City official, high level employee or appointee from giving testimony under oath, or from making statements required to be made under penalty of perjury. [Added by Ord. No. 3516, eff. 6/5/99.]

2-1-1624: APPLICATION:



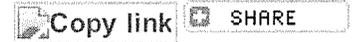
This article shall apply to all City officials, high level employees, and appointees who leave City office or employment on or after the effective date of this article. [Added by Ord. No. 3516, eff. 6/5/99.]

2-1-1625: DISAPPROVAL OF TRANSACTIONS:



If a former City official, high level employee or appointee violates any provisions of this article, such violation or violations shall be adequate grounds for the City to disapprove any contract, approval, permits, or other transaction that was related to any such violation. [Added by Ord. No. 3516, eff. 6/5/99.]

2-1-1626: CRIMINAL AND CIVIL PENALTIES:



A. Each violation of the provisions of this article shall constitute a misdemeanor.

B. A civil action may also be brought by the City or any interested party before any court of competent jurisdiction. In addition to all other remedies authorized by law, the court may impose a civil penalty of up to five hundred dollars (\$500.00) for each violation of this article. [Added by Ord. No. 3516, eff. 6/5/99.]