10-1926-S1

SPECIAL 1

DEC 13 2011

MOTION

It is critical that we do everything we can to stop the spread of HIV and other sexually transmitted diseases – including the spread of HIV in the adult film industry.

As one front in the fight against HIV, the AIDS Healthcare Foundation (AHF) has circulated petitions asking City residents to support a City ballot measure which would mandate that the City condition adult film permits on the production company's agreement to use condoms in its films. Last week, AHF turned in its petitions with over 70,000 signatures; these petitions currently are under review by the City Clerk's Office.

Counsel for the California Occupational Health and Safety Agency has opined that the City can require the use of condoms in the adult film industry as a condition of the City's grant of a film permit. Despite this legal advice from the state agency charged with enforcing workplace safety, the Office of the City Attorney has determined that the proposed ballot measure is preempted by California law, and, without prior approval from this Council, has sued to remove the measure from the ballot.

The use of condoms works to stop the spread of HIV and should be mandated in the adult industry. It is inexplicable that the City Attorney's Office would sue to ignore the will of the many thousands of Los Angeles residents who signed petitions to enact a condom requirement. The City should dismiss litigation against condom protections, and, instead, begin developing a workable plan for appropriately regulating condom use in the adult industry.

It appears that this litigation was filed late last week. The filing of this litigation was unknown to members of the Council until after the posting of the agenda for today's meeting. Moreover, the City Clerk's office is in the midst of reviewing the signature petitions from AHF, and it appears the City Attorney's Office is considering seeking urgent relief in the litigation. It is critical, therefore, that the Council act immediately to review this litigation prior to the Clerk issuing any opinion on the validity of the signatures on the ballot measure.

I THEREFORE MOVE that the City Council determine, as provided in Section 54954.2(b)(2) of the Government Code, and pursuant to Rule 23 of the Rules of the City Council, that there is a need to take immediate action on this matter AND that the need for action came to the attention of the City Council subsequent to the posting of the agenda for today' s Council meeting.

I FURTHER MOVE that pursuant to Section 272 of the City Charter the Council direct the City Attorney to dismiss litigation to remove from the ballot a proposed City ballot measure which would mandate that the City condition adult film permits on the production company's agreement to use condoms in its films.

I FURTHER MOVE that the City Attorney be requested to report today in closed session to the Council on this litigation.

CO-PRESENTED BY: _____ _____

BILL ROSENDAHL
Councilmember, 11th District

PAUL KORETZ
Councilmember, 5th District

SECONDED BY: _____

December 13, 2011

ORIGINAL

EPR