

RULES COMMITTEE JANUARY 15, 2019 —

Eric Preven: Thank you sir, happy new year to you, too. a couple of items on the agenda having to do with the ethics commission, first of all, "Everybody loves Greig Smith" I don't think that's in dispute. But there are some questions about lobbying activity during his period between his serving and you sticking him in CD12. So, I asked the Ethics Commission, who are tied up, although, they're all right here, so I think we need to take a look at that. There's nothing personal against the man; he's a great man, and everybody loves working with him but he wired up a lot of the waste stuff down here and you're not supposed to go out and lobby; which is a rule that they made, so I just think we have to look at it, face it, and then we can all move forward.

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.

Eric Preven: I also think that the item 12-1269-S6 is an opportunity to clarify that you will not be disclosing campaign funds that you are personally collecting for your county supervisor race, at the LA City Ethics Commission website. Because it's vague. So you've added: ...we only have to do that for CITY elections.

LAMC § 49.7.21

DISCLOSURE BY OFFICEHOLDER AND LEGAL DEFENSE COMMITTEES.

In addition to the campaign statements required by the Political Reform Act and Section 49.7.14, an elected City officer or a candidate for elected City office who controls an officeholder or legal defense committee shall file campaign statements for that committee as follows:

- A. Except as specified in Subsection B, quarterly statements shall be filed no later than the following dates:
 1. April 30 for the quarter ending March 31;
 2. July 31 for the quarter ending June 30;
 3. October 31 for the quarter ending September 30; and
 4. January 31 for the quarter ending December 31.

- B. When the officeholder or candidate has filed a Declaration of Intent to Solicit and Receive Contributions for a City election, quarterly statements shall be filed no later than the following dates:
 1. During the year prior to the election:
 - a. April 30 for the quarter ending March 31;
 - b. July 31 for the quarter ending June 30;
 - c. October 10 for the quarter ending September 30; and
 - d. January 10 for the quarter ending December 31.

Eric Preven: But I think that folks feel because you are so powerful, Sir, and fantastic and influential, that if people want to contribute to your county basket, what might happen is... city favors may just materialize. And who the hell can tell, cuz you're running the whole damn show. So, this is why the people of the city of LA have an opportunity to see that.

Now, I will say that Waste Management is a company that had done \$1.8 million dollars lobbying down here, but Mr. Smith is only responsible for about ten percent of that, the other is for Englander Knabe and Allen, a large portion. And some from the early years from some other groups.

Englander Knabe & Allen are our treasured partners. I believe that you Harvey Englander, Mitch Englander -- so this conspires to request that you **cancel the special election for CD12**. Because Nicole Bernson can serve as the CD12 voting member, for twenty months, then because apparently 9 months is good for Greig, but he doesn't want to do any more, because we gotta get 20 out of 22 months of campaigning going on in CD12, which is not what the public wantS.

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Herbert Wesson: It's good to see you, Greig.

Greig Smith: Thank you, Mr. President.

Herbert Wesson: My former colleague on this council, you know I just want to say this. Mr. Harris Dawson, you weren't there at the time, not only is Mr. Smith one of the highest, respected members of the council, he was very operative, knew how to get things done. And just a very good person; made solid arguments. I can't think of more experienced individual that we have, anywhere in the city, to be considered to come in and serve as a voting member of this council.

Greig, I do not know why the council has not appointed someone, I think the last time we did that was in the sixties. I believe that the reason why the council is empowered to do that is because that the people of this city recognize that there are going to be emergencies, and individuals are going to run for other offices, **people were going to be offered other jobs**, and the worst thing that can happen, is to have a vacant council seat, without a voting member.

Now, I am not suggesting or promoting that in the future every time there is an open seat we would appoint someone, but that option should be vetted, because in some situations, when the stars align perfectly, there could be perfect people. And I think that is what lead us to you. We do not want the people of this district not represented. And if the council moves forward with it's actions today there will not be a break of service from a council person in this district. And that is why I recommended you and others recommended you to this body.

I think if we had to do it all over again I was at an event yesterday speaking before a current affairs crowd, and someone asked me the question, that we're going to have to spend 2.4, 2.5 million on a special election and they asked if it was worth it? And We always want to afford the people to select vote for their representative but it was then suggested that somebody like a Mr. Smith could have finished the whole term, now I know Mrs. Smith probably wouldn't have been happy with that recommendation, but it the future that could be a possibility and **I do believe if we would have engaged individuals from this council district that they would have indicated to us that they would have said, take that 2.5 million spend it on homelessness or something, cuz we would be happy to have Mr. Smith for the duration.**

So, I think by appointing Mr. Smith now, in the future it will give the council the option to look at those things. The only concern is you don't want to give people an advantage and that's why I want to have Mr. Smith chat for a moment and publicly state where he is where it relates to being elected or running for this seat. So, Mr. Smith thank you and your family. And again I apologize to who is I think your grand daughter. And why don't you just, you know, give us a little info and tell us what you think about this situation. The floor is yours.

Greig Smith: Thank you, very Mr. President. Mr. Harris-Dawson, it's a pleasure to be here again and it's an honor. And you addressed something that was very interesting, the last time this was done, was John Ferraro, the man that this chamber is named after. And he was a permanent appointment to fill a vacant seat on a temporary, he did fill out the term that was existing at the time, so that is a wonderful option. I think what you're doing today is really forward thinking. For fifty years this council has not appointed anyone to fill a vacant seat. There's been numerous vacant seats that left a quarter million people in this city without representation which is a violation of our constitution, for one.

So what your doing is very forward thinking I think it should be the model for the future and in this case you were lucky you had an old timer sitting on the bench you could pull off the bench. It didn't always have to be someone who has served in the office it can be someone from the community, like John Ferraro was, who was serving as a commissioner at the time, who can fill the vacant seat as well. **I think it's a perfect model** and I'm glad you're doing it. I think this council, that we will address later today, is going to go down as the model of the way to do things rather than the one out option that you chose. So, I hope you are setting a trend for the future. I thank you very much for consideration.

And as far as I go, I don't know that I was as well liked and loved as the gentleman stated I was, after thirty two years in this building, this very chamber thirty-two years, I have a lot of friends, but I'm sure I have a few enemies as well. But a pleasure to be back, when I was here I was known as Mr. Recycling and today your recycling me. (laughter) It goes around, perfect circle.

To the gentleman's comments about **Waste Management**, I would love to address that. **When I left the office and went to work I did not go to work for Waste Management for a couple years. When I did go to work for them I went to the city ethics department, I went to ethics training, they cleared me to do that. They said it was within the council policies and the city charter. And I only registered as a lobbyist because Waste Management wanted me to. In my entire year and a half as a lobbyist, I never once lobbied anybody in this building. I acted as a consultant. Waste Management wanted to make sure that I registered so there'd be no question. I never did lobby.**

In my last year or so, I worked for them as a consultant on recycling issues for all of southern California, so my job with them was not lobbying representation, rather consulting for my expertise.

And in relation to today I've already had the complete ethics department look at it, Ms Tso has already talked to the City Attorney Ethics about it clarifying that I will be recused from any issues that deal with Waste Management directly that they benefit from, and I cannot discuss it with anyone in this council or anyone on the staff. So, very clearly in the public record if any of those issues with that one client I did have, I will not discuss with anybody in this building at any time. And I am more than happy to do that. Waste Management is fine with that, they understand. So, on that issue.

As far as my time here, I've enjoyed working with some of you. We sat in that corner together... you were my protector from Dennis Zine. You sat between us and kept me away from Dennis. But we worked together for many years... it's a pleasure to come back and maybe we could finally do that Smith Wesson gun control bill we've talked about.

Herbert Wesson: That we talked about years ago. Mr. Harris-Dawson? OK Why don't you for the record? Do you have any desire to seek re-election?

Greig Smith: No, I will not be running in the election for the seat in the twelfth district. I will not be a candidate in the election for the twelfth district.

Herbert Wesson: With that said, I appreciate you doing this, I appreciate your family, because I know this is a sacrifice, so without objection, I'd like to recommend Greig Smith to be appointed as a council member and, you know, full responsibilities of council. Without objection this will be taken up in about forty minutes before the full council. Let it be written, let it be done. Thank you. Hang out for another forty minutes.

Andrew Choi: Sir, correction on item 1, it should be pursuant to charter section 409 b Not 409 a