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CITY ATTORNEY

REPORT NO. R 1 4 - 0 0 4 2
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REPORT RE:

**DRAFT ORDINANCE TO AMEND THE LOS ANGELES ADMINISTRATIVE CODE
REGARDING ETHICS COMMISSION OPINIONS AND ADVICE REGULATIONS**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality, that codifies changes to the Ethics Commission's regulations. The ordinance amends regulations regarding Ethics Commission advice and opinion procedures. This ordinance is submitted to enable the City Council to consider the revisions by February 18, 2014.

Summary of the Ordinance

The ordinance reflects the Ethics Commission's proposals to amend advice and opinion regulations. The amendments clarify and make some changes to the Ethics Commission's existing procedures for issuance of opinions and formal advice pursuant to the Commission's authority under Charter Section 705. The details of the changes are reflected in the report of the Ethics Commission on this matter. Among other things, the regulations clarify that while a person requesting an opinion may be entitled to immunity from enforcement by the Ethics Commission on the same matter, others who are similarly situated also may rely on the opinion as evidence of good faith. Further, the regulations clarify that any person with duties under the City laws and policies within the Ethics Commission's jurisdiction, including the Ethics Commission Executive Director and Enforcement Director, may request an opinion from the Ethics

Commission. With regard to informal advice, the regulations clarify that the advice may be confidential as required by Charter Section 706 (investigations and enforcement).

Time Limit and Authority for Council Action

Pursuant to Charter Section 703, the City Council must hold a public hearing and either approve or disapprove Ethics Commission regulations within 60 days of adoption by the City Ethics Commission. If not disapproved within that time, the Mayor has 10 days to approve or disapprove the regulations. If not disapproved by the Mayor, the regulations have the force of law. The City Ethics Commission adopted these regulations on December 18, 2013. Because the 60th day falls on a holiday, pursuant to City Charter Section 106, the deadline for the Council to act on this matter is February 18, 2014.

The City Council does not have the same authority to amend the ordinance as with other ordinances. The City Council may only approve or disapprove -- but cannot amend -- the ordinance, as the ordinance is the codification of the Ethics Commission's regulations. Los Angeles City Charter Section 703.

If you have any questions regarding this matter, please contact Deputy City Attorney Renee Stadel at (213) 978-7100. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:RS:ac
Transmittal

cc: City of Los Angeles Ethics Commission
Chief Legislative Analyst, City of Los Angeles