

ORDINANCE NO. _____

An ordinance adding Article 26 to Chapter 1, Division 10 of the Los Angeles Administrative Code requiring a prospective contractor of the City to disclose all contracts with or sponsorship of the National Rifle Association.

WHEREAS, since the Sandy Hook Elementary School shooting in December 2012, there have been more than 1,600 mass shootings in the United States. In October 2017, a total of 58 people were killed and 489 wounded in an outdoor concert in Las Vegas;

WHEREAS, on average, 100 Americans are killed with guns on a daily basis, while hundreds more are injured. In 2018 alone, there have been more than 300 mass shooting incidents. On October 27, 2018, 11 people were killed and 6 others wounded in a shooting inside a synagogue in Pittsburgh, Pennsylvania. The most recent local mass shooting occurred on November 7, 2018, inside a Thousand Oaks' restaurant where 12 people were shot and killed;

WHEREAS, the National Rifle Association (NRA) has sought to block sensible gun safety reform at every level of government across the nation. The NRA's influence is so pervasive in Congress that no national gun safety legislation has been enacted since the 1994 assault weapons ban, a ban that expired in 2004;

WHEREAS, the NRA has five million members, 69% of whom support sensible gun control regulation. The NRA's leadership, however, ignores its members' perspective by continuing to lobby for easy access to firearms, no background checks, no limits on magazine capacity, no regulation of assault weapons, no mandatory training, and no age restrictions;

WHEREAS, in 2015, the NRA collected \$163 million in membership dues. In return for membership in the NRA, members receive an array of benefits and corporate discounts to products and services including: home, car, health, and life insurance; travel discounts, including vehicle rentals and hotel stays; online privacy and personal data protection services; club memberships; and access to an exclusive medical network and global security services;

WHEREAS, the benefits and discounts the NRA arranges for its membership entices new members to join and existing members to renew their NRA membership. The millions of dollars generated from the new and renewed membership dues fund the NRA agenda of opposing legislative efforts throughout the country to adopt sensible gun regulations. The membership dues also finance the NRA's nationwide effort to repeal existing gun control measures and to diminish local and state government's ability to adopt sensible gun legislation;

WHEREAS, in the aftermath of the synagogue shooting, the Pittsburgh City Council is now considering adopting gun control measures, including a measure to

allow the courts to take guns away temporarily from individuals deemed to pose a significant danger to themselves or others. Although the measures have yet to be adopted, the NRA has declared that it will sue Pittsburgh to try and stop its adoption of this and other sensible gun safety measures;

WHEREAS, even with the increasing number of mass shootings throughout the country, the NRA leadership, with the financial support of its dues paying members, continues to lobby against gun safety regulations. For example, the NRA leadership continues to resist efforts by state and local governments to require mental health screenings for firearm purchases, even though between 70-80% of NRA members support universal background checks;

WHEREAS, the City of Los Angeles has enacted ordinances and adopted positions that promote gun safety and sensible gun ownership. The City's residents deserve to know if the City's public funds are spent on contractors that have contractual or sponsorship ties with the NRA. Public funds provided to such contractors undermines the City's efforts to legislate and promote gun safety; and

WHEREAS, this ordinance requires those seeking to do business with the City to fully and accurately disclose any and all contracts with or sponsorship of the NRA.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Article 26 is added to Chapter 1, Division 10 of the Los Angeles Administrative Code to read as follows:

CHAPTER 1, ARTICLE 26

**DISCLOSURE OF CONTRACTS AND SPONSORSHIP OF THE
NATIONAL RIFLE ASSOCIATION**

Sec. 10.52. Definitions.

The following definitions shall apply to this article:

A. **"Awarding Authority"** means the governing body, board, officer or employee of the City authorized to award a Contract and shall include a department which has control of its own funds if the department adopts policies consonant with the provisions of this article.

B. **"City"** means the City of Los Angeles and all Awarding Authorities thereof.

C. **“Contract”** means any agreement, franchise, lease or concession, including an agreement for any occasional professional or technical personal services, for the performance of any work or service, the provision of any materials or supplies or the rendering of any service to the City of Los Angeles, which is awarded or entered into with or on behalf of the City of Los Angeles or any Awarding Authority of the City.

D. **“Designated Administrative Agency (DAA)”** means the Department of Public Works, Bureau of Contract Administration, which shall bear administrative responsibilities under this article.

E. **“Person”** means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity that may enter into a Contract.

F. **“Sponsorship”** means an agreement between a Person and the NRA to provide a discount to the NRA or an NRA member of the customary costs, fees or service charges for goods or services provided by the Person to the NRA or an NRA member.

G. **“Subsidiary”** means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity owned or controlled by a Person.

Sec. 10.52.1. Disclosure Requirement.

A. Each Awarding Authority shall require that a Person fully disclose, prior to entering into a Contract, all of its and its Subsidiaries' contracts with or Sponsorships of the NRA.

B. The disclosure required under this section shall continue throughout the term of the Contract, thereby obligating a Person to update its disclosure each time the Person or its Subsidiary contracts with or enters into a Sponsorship with the NRA.

The Awarding Authority may terminate a Contract if at any time it determines a Person failed to fully or accurately disclose all of its and its Subsidiaries contracts with or Sponsorships of the NRA.

Sec. 10.52.2. Exceptions.

This article shall not be applicable to the following Contracts:

- A. Contracts for the investment of:
- (1) City trust moneys or bond proceeds;
 - (2) pension funds;

- (3) indentures, security enhancement agreements for City tax-exempt and taxable financings;
- (4) deposits of City surplus funds in financial institutions;
- (5) the investment of City moneys in securities permitted under the California State Government Code and/or the City's investment policy;
- (6) investment agreements;
- (7) repurchase agreements;
- (8) City moneys invested in United States government securities; or
- (9) Contracts involving City moneys in which the Treasurer or the City Administrative Officer finds that the City will incur a financial loss or forego a financial benefit, and which in the opinion of the Treasurer or the City Administrative Officer would violate his or her fiduciary duties.

B. Grant funded Contracts if the application of this article would violate or be inconsistent with the terms or conditions of a grant or grant Contract with an agency of the United States, the State of California or the instruction of an authorized representative of any of those agencies with respect to any grant or grant Contract.

C. Contracts with a governmental entity such as the United States of America, the State of California, a county, city or public agency of one of these entities, or a public or quasi-public corporation located in the United States and declared by law to have a public status.

D. Contracts awarded on the basis of exigent circumstances whenever an Awarding Authority finds that the City would suffer a financial loss or that City operations would be adversely impacted unless exempted from the provisions of this article. This finding must be approved by the DAA prior to Contract execution.

E. Contracts for goods covered under a United States patent or only available from a single source.

F. Contracts for repairs, alterations, work or improvements declared in writing by the Awarding Authority to be of urgent necessity for the preservation of life, health or property. The declaration shall give the reasons for the urgent necessity and must be approved by the Council or its designee.

G. Contracts entered into during time of war or national, state or local emergency declared in accordance with federal, state or local law, where the Council adopts a resolution by two-thirds vote and is approved by the Mayor, the suspension of any or all the restrictions of Section 371 of the Los Angeles City Charter or their applicability to the Awarding Authority.

H. Contracts for equipment repairs or parts obtained from the manufacturer of the equipment or its exclusive agent.

Sec. 10.52.3. Administration.

The DAA shall administer the requirements of this article. The DAA shall develop an affidavit to be used by the Awarding Authority in obtaining the disclosure required under this article. The DAA shall promulgate rules and regulations consistent with this article for the implementation of the provisions of this article.

Sec. 10.52.4. Application of this Article.

This article is applicable to Contracts entered into after the effective date of this ordinance.

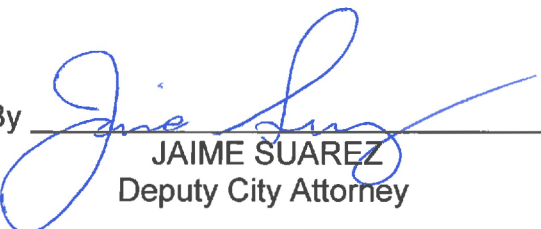
Sec. 10.52.5. Severability.

If any part or provision of this article, including, but not limited to, a section, subsection, paragraph, sentence, phrase or word, or the application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this article. The City Council hereby declares that it would have adopted this article and each and every section, subsection, paragraph, sentence, phrase and word thereof not declared invalid or unconstitutional, without regard to whether any portion of this article would be subsequently declared invalid or unconstitutional.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
JAIME SUAREZ
Deputy City Attorney

Date 2/12/2019

File No. 18-0896

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I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____