

MOTION

In the last several months, the United States Department of Justice has brought Federal criminal indictments against Councilmember Jose Huizar and former Councilmember Mitchell Englander. Several other former city employees also have pled guilty or appear to be under continuing investigation related to those indictments.

Among other things, the indictments contain allegations that real estate developers and others gave cash, cash equivalents, lavish gifts and other benefits to Huizar, Englander and other city employees with the intent to induce these public officials to violate their duties of trust to the people of Los Angeles.

California Government Code Section 1090 prohibits public officials, such as city employees and elected officials, from having a personal financial interest in contracts they enter into in their official capacity on behalf of the City. Government Code section 1092 provides that a contract that violates section 1090 may be avoided by any party.

I THEREFORE MOVE that the City Council request the City Attorney to evaluate whether Councilmember Jose Huizar violated Government Code Section 1090 with regard to any real estate development agreement or other contract to which the City is a party, and further evaluate whether such development agreement or other contract is thereby void or subject to rescission, and report back to the City Council with recommendations about the City's potential legal remedies.

I FURTHER MOVE that the City Council instruct the Chief Legislative Analyst, in consultation with the City Attorney, the Department of City Planning and the Department of Building and Safety, to report to the City Council with recommendations for suspending the certificate of occupancy and reconsidering any and all discretionary approvals or entitlements for all projects referenced directly or indirectly in the Federal indictment of Councilmember Jose Huizar, and any other project for which the discretionary approval or entitlement was induced by the illegal activity of Councilmember Jose Huizar.

I FURTHER MOVE that the City Council request the City Attorney to evaluate whether the City of Los Angeles should pursue civil remedies against the individuals or firms referenced in the recent Federal indictments of Councilmember Jose Huizar and Councilmember Mitchell Englander for, among other things, depriving or conspiring to deprive the public and the City of their right to the honest services of employees of the City, including potential causes of action for recovery of foreseeable resulting economic harm.

I FURTHER MOVE that the City Council request the City Attorney to draft an ordinance prohibiting any property owner or developer from seeking any discretionary approval or entitlement in the future from the City of Los Angeles, if the City Council or any court determines that such property owner or developer has induced or conspired to cause a violation of Government Code Section 1090 or otherwise engaged in criminal conduct to defraud the City.

Presented by: Paul Kerkorian Marqueece Harris-Dawson
PAUL KERKORIAN MARQUEECE HARRIS-DAWSON
Councilmember, 2nd District Councilmember, 8th District

Seconded by: Dorey Mitchell Englander [Signature] [Signature]

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