

RULES, ELECTIONS, AND INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT relative to updating the Governmental Ethics Ordinance and Form 51 (Recusal Notification Form).

Recommendation for Council action:

REQUEST the City Attorney to prepare and present an Ordinance amending Los Angeles Municipal Code (LAMC) Section 49.5.6, and others as appropriate, as detailed in the December 15, 2023 City Ethics Commission report, attached to the Council File, to updating the Governmental Ethics Ordinance and Form 51 (Recusal Notification Form).

Fiscal Impact Statement: None submitted by the City Ethics Commission. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

Summary:

On April 19, 2024, your Committee considered a December 15, 2023 City Ethics Commission report relative to updating the Governmental Ethics Ordinance and Form 51 (Recusal Notification Form). According to the Commission, under the state's Political Reform Act and the common law doctrine against conflicts of interests, public officials are prohibited from making, participating in making, or in any way attempting to use their official positions to influence governmental decisions in which they know or should know they have a financial interest. California Government Code (Cal. Gov't Code) Section 87100.

Other state, federal, and City laws may also prohibit public officials from taking official action, such as California Government Code section 1090 and Los Angeles City Charter section 222. A "public official" includes both elected and appointed officials. Cal. Gov't Code § 82048. The state requires specified public officials to publicly disclose certain personal financial interests, such as income, gifts, investments, and real property, by filing Form 700. In addition to Form 700, the City requires its high-level officials, including elected officials and board and commission members, to file Form 60 to disclose personal interests related to restricted sources (essentially, persons with business before the City). LAMC Section 49.5.9(B). These statements of economic interests (SEIs) provide

transparency to the public and help City officials make unbiased governmental decisions by identifying the potential for conflicts between their personal interests and their responsibilities to the City.

In addition to the SEI filing requirements, members of City boards and commissions who are required to file Form 700 are required to file a City recusal notification (Form 51) with the Ethics Commission each time they recuse themselves from participating in a matter due to an actual or apparent conflict of interests. LAMC Section 49.5.6(D). Form 51 requires the filer to disclose information about the recusal, including a description of the interest giving rise to the conflict, the date of the meeting at which the recusal occurred, the agenda number of the item affected by the conflicting interest, and whether the item involved the making of a contract. Like City board and commission members, elected City officials are required to file SEIs upon assuming office and annually thereafter for the duration of their term. Unlike board and commission members, they are not currently required to file Form 51 or otherwise provide written documentation of their state-mandated recusals. After consideration and having provided an opportunity for public comment, the Committee moved to recommend approval of the recommendation as detailed in the City Ethics Commission report. This matter is now forwarded to the Council for its consideration.

Respectfully Submitted,

RULES, ELECTIONS, AND INTERGOVERNMENTAL RELATIONS COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
KREKORIAN:	YES
HARRIS-DAWSON:	YES
BLUMENFIELD:	YES

ARL
4/19/24

-NOT OFFICIAL UNTIL COUNCIL ACTS-