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CITY ATTORNEY

REPORT NO. R20-0080

MAR 09 2020

REPORT RE:

**APPLICATION OF CAMPAIGN CONTRIBUTIONS,
FUNDRAISING SOLICITATION, AND BEHESTED PAYMENT
RESTRICTIONS TO LAUSD**

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

Council File No. 19-0046

Honorable Members:

Pursuant to your request of December 4, 2019, this Office has prepared for your consideration this report regarding application of campaign contributions, fundraising, solicitation, and behested payment restrictions to Los Angeles Unified School District (LAUSD) officials after consultation with the Chief Legislative Analyst and City Ethics Commission.

The motion introduced at Council referenced requesting a report regarding “the application of similar restrictions to donations from builders requesting approvals from the Governing Board of the Los Angeles Unified School District”. However, other portions of the motion concerned behested payments and developer contribution restrictions to City officials and candidates. Accordingly, it was somewhat unclear as to the issues the Council desired to be addressed in our report.

The scope of the City’s authority over LAUSD is limited as provided in Article IX, Section 16(a) of the California Constitution, and any lawful restrictions are only enforceable if codified in the City Charter. See R06-0276 (CF 06-1800-S5). Certain

campaign finance restrictions and regulations regarding LAUSD, were approved by the voters as a Charter amendment in 2006. Any new restrictions would require a Charter amendment. Therefore, restrictions relating to contributions from construction contractors would require a Charter amendment. Even if the Charter were amended, other hurdles might exist. For example, any restrictions on LAUSD contractors which implicate LAUSD operations, would likely be seen as exceeding the City's scope of authority.

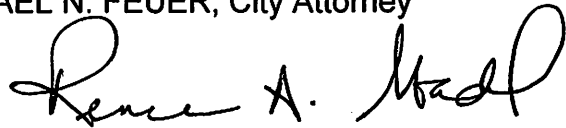
Additionally, the City only has authority to regulate candidates. Upon election, school board members are deemed to be state officials. Consequently, the City lacks the authority to impose any additional behested payment requirements on sitting LAUSD board members.

If you have any questions regarding this matter, please contact Assistant 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 questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By



RENEE STADEL
Assistant City Attorney

RS:cl
Transmittal