

**WEST HOLLYWOOD
ETHICS REFORM TASK FORCE
SPECIAL MEETING AGENDA
MONDAY, FEBRUARY 25, 2019
6:30 P.M.**

**CITY HALL COMMUNITY MEETING ROOM
8300 SANTA MONICA BOULEVARD
WEST HOLLYWOOD, CA 90069**

1. CALL TO ORDER

- A. Pledge of Allegiance
- B. Reminder to Speak Clearly into Microphone and to Turn Off All Mobile Devices
- C. Roll Call
- D. Approval of the Minutes (September 17, 2018)

- 2. PUBLIC COMMENT: This time is set aside for members of the public to address the Task Force on matters related to ethics reform and the City's regulations. The City Council created the Task Force to develop recommendations relating generally to regulation of campaign finance, government ethics, and lobbyists. The Task Force is looking to hear from community members and all other interested persons on these topics. PLEASE NOTE THAT YOU MAY ALSO EMAIL YOUR COMMENTS TO THE TASK FORCE AT EthicsTaskForce@weho.org. Emails sent to the Task Force are public records.**

3. TASK FORCE comments, questions, deliberations

DISCUSSION TOPICS

- **Consideration of establishing a City Code of Ethics for City Consultants and City Contractors**
- **Consideration of Amendments to City's Lobbyist Regulations, including providing input on direction from City Council to prepare an ordinance prohibiting campaign consultants from serving as lobbyists**

4. COMMENTS FROM STAFF

This time is set aside for staff to provide any announcements or updates relevant to the Task Force's business and to confirm the next meeting date.

- 5. ADJOURNMENT** – The Ethics Reform Task Force will adjourn to its next meeting.

ETHICS REFORM TASK FORCE MEMBERS: Joseph Guardarrama, Max Kanin, and Elizabeth Ralston.

STAFF: Melissa Crowder, Assistant City Clerk; Yvonne Quarker, City Clerk; Lauren Langer, Assistant City Attorney

If you require special assistance to participate in this meeting (e.g., a signer for the hearing impaired), you must call, or submit your request in writing to the Office of the City Clerk at (323) 848-6356 at least 48 hours prior to the meeting. The City TDD line for the hearing impaired is (323) 848-6496.

Special meeting-related accommodations (e.g., transportation) may be provided upon written request to the Office of the City Clerk at least 48 hours prior to the meeting. For information on public transportation, call 1-323-GO-METRO (323/466-3876) or go to www.mta.net.

This agenda was posted at City Hall, the West Hollywood Library on San Vicente Boulevard, and the West Hollywood Sheriff's Station.

If you would like additional information on any item appearing on this agenda, please contact Melissa Crowder at (323) 848-6356 or via email at mcrowder@weho.org.

**WEST HOLLYWOOD
ETHICS REFORM TASK FORCE
SPECIAL MEETING MINUTES
MONDAY, SEPTEMBER 17, 2018
6:30 P.M.**

**CITY HALL COMMUNITY MEETING ROOM
8300 SANTA MONICA BOULEVARD
WEST HOLLYWOOD, CA 90069**

1. CALL TO ORDER – Chair Kanin called the meeting to order at 6:33 p.m.

- A. Pledge of Allegiance
- B. Roll Call

PRESENT: Task Force Member Guardarrama, Task Force Member Kanin, and Task Force Member Ralston.

ABSENT: None.

ALSO Assistant City Attorney Langer and Assistant City Clerk

PRESENT: Crowder.

- C. Approval of the Minutes of July 12, 2018. **Motion by Task Force Member Guardarrama, seconded by Task Force Member Ralston and approved.**

2. PUBLIC COMMENT: None.

3. TASK FORCE comments, questions, deliberations

DISCUSSION TOPICS

- **New Direction from City Council related to a code of ethics for City consultants and contractors and researching policies related to elected officials serving on the boards of directors for nonprofit organizations.**

Chair Kanin requested further clarification of the City Council's request. Assistant City Clerk Crowder provided the direction from the City Council to the Ethics Reform Task Force from the July 16th City Council meeting. Assistant City Attorney Langer commented that the City previously implemented a policy to address this issue and subsequently reversed it. She also indicated that it is essentially direction to conduct research on other jurisdiction's policies, if any, and based on the research recommend whether or not the City adopts a policy. The Task Force briefly discussed Government Code § 1090.

Staff will conduct research on policies related to elected officials serving on the boards of directors for nonprofit organizations and a code of ethics for contractors and report back to the Task Force.

The Ethics Reform Task deferred further discussion on this Item to the next meeting.

- **AB 2880- FPPC enforcement services.**

This item was Tabled to the next meeting.

- **Update on Public Financing Systems.**

Task Force Member Guardarrama commented that this Item is related to Howard Jarvis Taxpayers Association v. Brown challenging S.B. 1107, legislation which amended California's Political Reform Act to empower the state and local governments to establish citizen-funded elections. He provided an update from the Fair Political Practices Commission's website on the case. It is currently under appeal.

GENERAL PUBLIC COMMENT (taken out of order):

- MARNE CARMEAN, WEST HOLLYWOOD, spoke regarding issues of ageism and sexism that she experienced with the West Hollywood Sheriff's Department.

- **Follow-up discussion on AB 249-- California Disclose Act.**

Task Force Member Kanin spoke regarding the California Disclose Act ("Act") and the constitutionality of the law as it is currently written. He further discussed issues with the Act.

(Task Force Member Guardarrama left the meeting at 7:29 p.m.)

MARNE CARMEAN, WEST HOLLYWOOD, spoke regarding campaign disclaimers.

This item was Tabled to the next meeting.

- **Recap of Task Force discussion topics and proposed recommendations to date.**

The Task Force postponed discussion on Public Financing, AB 249, and AB 2880. Staff will conduct research on policies related to elected officials serving on the boards of directors for nonprofit organizations and a code of ethics for contractors and report back to the Task Force.

4. COMMENTS FROM STAFF

None.

5. ADJOURNMENT – The Ethics Reform Task Force adjourned at 7:41 p.m.

APPROVED BY A MOTION OF THE ETHICS REFORM TASK FORCE ON THIS 25TH DAY OF FEBRUARY, 2019.

MAX KANIN, CHAIR

MELISSA CROWDER, SECRETARY

ETHICS REFORM TASK FORCE
SPECIAL MEETING

FEBRUARY 25, 2019

SUBJECT: CODE OF ETHICS FOR CITY CONSULTANTS AND
CONTRACTORS

INITIATED BY: Melissa Crowder, Assistant City Clerk
Yvonne Quarker, City Clerk
Lauren Langer, Assistant City Attorney

STATEMENT ON THE SUBJECT:

The Ethics Reform Task Force will consider recommending to the City Council a Code of Ethics for City consultants and City contractors.

RECOMMENDATIONS:

- 1) Review the Code of Ethics for City consultants and City contractors from other agencies.
- 2) Discuss whether to recommend to the City Council adoption of a similar Code of Ethics and if so, provide recommendations on draft language/provisions to be included as part of that recommendation.

BACKGROUND AND ANALYSIS:

At the July 16, 2018 City Council meeting, City Council directed the Ethics Reform Task Force ("Task Force") to evaluate the creation of a code of ethics for City consultants and contractors. In the July 16, 2018 City Council staff report prepared by the Community and Legislative Affairs division, the following information was provided:

"This item seeks to expand the work program of the Ethics Reform Task Force by directing the Task Force to evaluate the creation of a code of ethics for consultants and contractors that are doing business with the City of West Hollywood. Currently, the City of West Hollywood does not have conduct or ethics requirements for consultants or contractors. Through the contracting process, consultants and contractors are required to agree to comply with all applicable federal, state, and local laws, codes, ordinances, and regulations. They must agree not to discriminate against any employee or applicant for employment because of race, religion, color, national origin, sex, sexual orientation, gender identity, political affiliation or opinion, medical condition, or pregnancy or pregnancy-related condition. Additionally, the consultant or contractor must affirm that they do not honor the Arab League Boycott of Israel.

In California, state and federal laws have established a complex set of ethics laws and requirements for public officials. The City of West Hollywood has established a code of conduct for elected and appointed officials, which consists of policies

and rules intended to advance the City's goals of providing efficient and high quality services to its residents and providing a safe and productive work environment for its employees. This code is applicable to all City Council, Commission and Advisory Board members; however, the code does not apply to consultants or contractors that work with the City.

Often companies or consultants have created their own code of ethics or adhere to the code of ethics of various professional organizations. For example, the Institute for Management Consultants USA (IMC) created a code of ethics that all of its members must pledge to abide by as a condition of membership and certification (Attachment 1). The purpose of the code is to help members maintain their professionalism and adhere to high ethical standards as they provide services to clients and in their dealings with their colleagues and the public. The commitments in the code stress the importance of integrity, competence, objectivity, confidentiality, and fiscal responsibility. IMC's code also includes provisions that the consultant will avoid conflicts of interest or the appearance of such, and will not accept commissions, remuneration, or other benefits from a third party in connection with the recommendations to a client without that client's prior knowledge and consent.

The Federal Acquisition Regulation ("FAR") requires organizations contracting with the federal government to have a code of business ethics and compliance policies and procedures. The rules apply to contractors and subcontractors with contracts over \$5 million and a performance period of 120 days or longer. Though this policy has limitations and does not impose requirements for small business contracts, it does serve as a standard for all federal government contractors. The FAR regulates that applicable contractors must have a written code of business ethics and promote an organization with ethical values and conduct that complies with the law.

The City will further its goals of institutional integrity and transparency by requiring consultants and contractors who do business with the City of West Hollywood to abide by a standard or formal code of ethics. Without a formal code of ethics requirement in place, the City may have inconsistent review procedures for potential consultants and contractors. By reviewing the existing process and making recommendations to the City Council, the Ethics Reform Task Force will determine if the existing process is sufficient or if additional steps are necessary to ensure the City is working with consultants and contractors that share the City's business ethics and values."

The item was brought to the Task Force on September 17, 2018. At that time, the Task Force directed staff to research other jurisdictions policies, if any, pertaining to a Code of Ethics for consultants and contractors.

Staff has researched other jurisdictions including: Seattle, Washington DC, Metropolitan Transit Authority (New York and Long Island), Orange County, New York, and the Federal Acquisition Regulations (FAR). These policies and codes are attached to this report.

Staff is requesting that the Task Force review the information from the other agencies and discuss whether a Code of Ethics is appropriate for the City of West Hollywood's consultants and contractors. If so, the Task Force is requested to create a recommendation for the City Council. The recommendation could include topics to be covered in a Code of Ethics, or creation of a recommended draft code to present to the City Council.

The City currently has contracts with over 517 unique vendors and 605 unique contractors. The services provided cover areas such as:

The City currently requires in all of its service contracts that the contractor confirm that it has no financial, contractual, or other interest or obligation that conflicts with or is harmful to performance of its obligations. The contractor agrees to a non-discrimination and equal employment opportunity clause, and confirms that they do not honor the Arab League Boycott of Israel.

This proposal for a code of ethics would be another requirement for any company or individual doing business with the city as a consultant or contractor.

Attachments:

- 1) Institute of Management Consultants USA Code of Ethics
- 2) Seattle Ethics and Elections Commission
- 3) Washington DC Code of Ethics
- 4) Metropolitan Transit Authority (New York) Vendor Code of Ethics
- 5) New York State Procurement Guidelines
- 6) Orange County Procurement Procedures Manual
- 7) Los Angeles Government Ethics Ordinance
- 8) Los Angeles Municipal Code – Chapter IV, Article 9.7
- 9) Federal Acquisition Regulations (FAR)

**ATTACHMENTS
PROVIDED AS SEPARATE
LINK DUE TO SIZE**

ETHICS REFORM TASK FORCE
SPECIAL MEETING

FEBRUARY 25, 2019

SUBJECT: AMENDMENTS TO CITY'S LOBBYIST REGULATIONS
INITIATED BY: Melissa Crowder, Assistant City Clerk
Yvonne Quarker, City Clerk
Lauren Langer, Assistant City Attorney

STATEMENT ON THE SUBJECT:

Consideration of amendments to City's Lobbyist Regulations, including providing input on direction from City Council to prepare an ordinance prohibiting campaign consultants from serving as lobbyists

RECOMMENDATIONS:

- 1) Review the City's current lobbyist regulations.
- 2) Deliberate the issue of campaign consultants as lobbyists.
- 3) Provide direction and input to staff for inclusion in proposed amendments to the City's Lobbyist regulations related to campaign consultants as lobbyists.

BACKGROUND AND ANALYSIS:

In recent years, the City has adopted various ethics reform initiatives meant to increase transparency, promote integrity, and further the City's commitment to open and fair government. This item builds on those proposals by recommending that the Ethics Reform Task Force review the current City's lobbyist regulations, deliberate the issue of campaign consultants as lobbyists, and providing direction to staff.

As defined in the West Hollywood Municipal Code § 2.72.010, a lobbyist is "any individual who is employed, retained or contracts for economic consideration to communicate with any elected official or any officer or employee of the City of West Hollywood for the purpose of influencing a legislative or administrative action." State law does not regulate individuals or entities that lobby cities or other local government agencies, if regulations are consistent with the First Amendment. Currently, the City has an ordinance that addresses "revolving door" politics, but the ordinance does not address campaign managers or those involved in political campaigns for City Council candidates.

At the November 7, 2016, the City Council approved an item that directed the City Attorney to draft an ordinance to prohibit campaign consultants from serving as lobbyists. Staff is requesting that the Ethics Reform Task Force review the current regulations, deliberate the issue and provide further direction to staff that could be included in a proposed ordinance for City Council consideration. The November 7, 2016 staff report is included for reference, explaining the City Council's direction. Possible for topics for discussion include but are not limited to when there should

be any time limit on a restriction or any limit on what campaign roles are covered by the restriction. For context, Councilmembers, Planning Commissioners, Department Heads, and Division Managers shall not, for a period of one year after leaving that office or employment, act as agent or attorney for, or otherwise represent, for compensation, any other person, by making any formal or informal appearance before, or by making any oral or written communication to, the City Council or any committee, subcommittee, Board, Commission, or present member thereof, or any officer or employee of the City, if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property.

Attachments:

- 1) November 7, 2016 City Council Staff Report
- 2) West Hollywood Municipal Code §2.72.090 Post-Employment Lobbying

APPROVED
JB 11/7/16

CITY COUNCIL
UNFINISHED BUSINESS

NOVEMBER 7, 2016

SUBJECT: **AMENDMENTS TO CITY'S LOBBYIST REGULATIONS**

INITIATED BY: **MAYOR LAUREN MEISTER**
MAYOR PRO TEMPORE JOHN HEILMAN

PREPARED BY: Andi Lovano, Project Development Administrator 

STATEMENT ON THE SUBJECT:

The City Council will consider directing the City Attorney to draft an ordinance to prohibit campaign consultants from serving as lobbyists.

RECOMMENDATION:

Direct the City Attorney to draft an ordinance prohibiting campaign consultants, including individuals or entities who participate in campaign management or in the development of campaign strategy, from serving as lobbyists.

BACKGROUND / ANALYSIS:

This item was originally brought before the City Council on October 17, 2016, but was tabled for further discussion until the following meeting.

In recent years, the City has adopted various ethics reform initiatives meant to increase transparency, promote integrity, and further the City's commitment to open and fair government. This item builds on those proposals by directing the City Attorney to draft an ordinance to prohibit campaign consultants, including individuals or entities who participate in campaign management or in the development of campaign strategy, from serving as lobbyists.

As defined in the West Hollywood Municipal Code, a lobbyist is "any individual who is employed, retained or contracts for economic consideration to communicate with any elective official or any officer or employee of the City of West Hollywood for the purpose of influencing a legislative or administrative action." State law does not regulate individuals or entities that lobby cities or other local government agencies. However, cities may regulate lobbyists appearing before city boards and agencies, if regulations are consistent with the First Amendment. The City currently requires lobbyists to register with the City Clerk. The City also has an ordinance to address "revolving door" politics, by which former members of the City Council and their deputies, members of the Planning Commission, department heads, and division managers, are prohibited from serving as lobbyists for a period of one year after leaving that office or employment.

Another type of “revolving door” lobbyist is one who was previously a campaign consultant for a City Councilmember. Campaign consultants give political and strategic advice to City Council candidates and forge strong relationships with those candidates. A lobbyist can help a candidate get elected and then lobby that same Councilmember on behalf of a developer or other client. Unlike the former elected officials or staff who must wait at least one year before lobbying, there is no regulation on campaign consultants. This “revolving door” between doing campaign work and lobbying is unrestricted and creates the appearance of impropriety.

In April 2015, the City Council convened an Ethics Reform Task Force to review the City's ethics laws and regulations, seek input from the community, and recommend any revisions or reforms the Task Force deemed warranted or desirable. The four key issue areas identified by the City Council for the Ethics Reform Task Force to evaluate were: Government Ethics, Campaign Finance, Lobbyists Regulation and Revolving Door Ordinance, and Enforcement. Prohibiting campaign consultants from serving as lobbyists was a topic that was discussed by the Ethics Reform Task Force, but no recommendation on the topic was presented to the City Council.

Lobbyist Regulation in Other Jurisdictions

The Center for Public Integrity found that increasingly throughout the country, campaign consultants are turning to lobbying once the elections are over, or lobbyists dip in and out of campaign activity to increase business year round. Several jurisdictions have passed or attempted to pass regulations to address this issue.

San Francisco, CA

In order to protect public confidence in the electoral and governmental processes and to prohibit campaign consultants from exploiting or appearing to exploit their influence with City officials on behalf of private interests, the City and County of San Francisco adopted comprehensive lobbyist regulations. San Francisco's Campaign and Governmental Conduct Code prohibits campaign consultants from becoming lobbyists. Article II, Chapter 1, Section 2.117 reads:

No campaign consultant, individual who has an ownership interest in the campaign consultant, or an employee of the campaign consultant shall communicate with any officer of the City and County who is a current or former client of the campaign consultant on behalf of another person or entity (other than the City and County) in exchange for economic consideration for the purpose of influencing local legislative or administrative action.

The Ordinance prohibits campaign consultants from lobbying current clients or clients they advised in the last five years.

Portland, Oregon

In order to improve transparency, the Portland City Council passed an ordinance in April 2016 to require reporting by City elected officials and certain political consultants. The ordinance requires political consultants to register within 15 calendar days of providing consultant services to a City elected official, a successful candidate for City office, or a campaign committee. In the disclosure information, the campaign consultant must provide the date services began and, upon completion, a notice of termination of services.

The issue surfaced in Portland when a well-known campaign consultant who advised three of the City Council's five members, lobbied City Hall on behalf of ride-hailing company Uber, giving some in the community the perception of a conflict of interest.

Los Angeles, CA

Like San Francisco, the cities of San Diego, Oakland, and Los Angeles have Ethics Commissions. The Los Angeles Ethics Commission administers and enforces City and state laws relating to campaign financing, governmental ethics, conflicts of interests, and lobbying in order to promote elections and government decisions that are fair, transparent, and accountable.

The City's lobbying ordinance requires certain individuals and entities to register with the Ethics Commission and to publicly disclose their lobbying activities, including money received and spent. In addition, Los Angeles maintains a prohibition against lobbyists serving on City Commissions whose members are required to file financial disclosure statements.

Alternatives

If the City Council should choose to consider alternative recommendations, possible alternatives include:

- Direct the City Attorney to draft an ordinance to prohibit a campaign consultant from serving as a lobbyist during the time they are participating in campaign work and for at least four years after the election.
- Direct the City Attorney to draft an ordinance to prohibit a campaign consultant from serving as a lobbyist during the time they are participating in campaign work and for at least two years after the election.
- Direct the City Attorney to draft an ordinance to require a City Councilmember to recuse him or herself if the issue at hand involves a lobbyist who was the Councilmember's campaign consultant in the previous election or is a campaign consultant for an incumbent candidate in an upcoming election.

CONFORMANCE WITH VISION 2020 AND THE GOALS OF THE WEST HOLLYWOOD GENERAL PLAN:

This item is consistent with the Primary Strategic Goal(s) (PSG) and/or Ongoing Strategic Program(s) (OSP) of:

OSP-2: Institutional Integrity.

In addition, this item is compliant with the following goal(s) of the West Hollywood General Plan:

- G-2: Maintain transparency and integrity in West Hollywood's decision-making process.

EVALUATION PROCESSES:

N/A.

ENVIRONMENTAL SUSTAINABILITY AND HEALTH:

N/A.

COMMUNITY ENGAGEMENT:

N/A.

OFFICE OF PRIMARY RESPONSIBILITY:

ADMINISTRATIVE SERVICES DEPARTMENT / CITY CLERK DIVISION

FISCAL IMPACT:

None at this time.

Memo

To: Mayor, City Councilmembers, City Manager, and City Attorney

From: Alyssa Poblador, Administrative Specialist IV *AP*

CC: A. LOVANO

Date: November 4, 2016

Re: Correspondence concerning Item 4.B. on the 11/7/16 Agenda

Attached please find correspondence received relating to Item 4.B. on the November 7, 2016 City Council Agenda.

4.B. AMENDMENTS TO CITY'S LOBBYIST REGULATIONS

Alyssa Poblador

From: Melissa Crowder
Sent: Friday, November 04, 2016 7:49 AM
To: Alyssa Poblador
Cc: Yvonne Quarker
Subject: FW: Please Approve Amendments to City's Lobbyist Regulations/Item 4.B/CC 110716

~Melissa

From: voweho@gmail.com [mailto:voweho@gmail.com]
Sent: Friday, November 04, 2016 12:28 AM
To: City Council Web Email Address
Cc: Yvonne Quarker; Melissa Crowder
Subject: Please Approve Amendments to City's Lobbyist Regulations/Item 4.B/CC 110716

I have followed the work of the city's Ethics Reform Task Force, listened to prior deliberations of the City Council, and reviewed the staff report on Item 4.B. AMENDMENTS TO CITY'S LOBBYIST REGULATIONS.

To maintain transparency and integrity in West Hollywood's decision-making process, I strongly urge that the City Council vote to direct the City Attorney to draft an ordinance prohibiting campaign consultants, including individuals or entities who participate in campaign management or in the development of campaign strategy, from serving as lobbyists.

Thank you for your consideration and for making this message a matter of the public record.

Victor Omelczenko, West Hollywood Resident

West Hollywood Municipal Code							
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[Title 2 Administration and Personnel](#)
[Article 4 – Miscellaneous](#)
[Chapter 2.72 Lobbying](#)

2.72.090 Post-Employment Lobbying.

a. Members of the City Council and their deputies, members of the Planning Commission, department heads, and division managers are “designated employees and officials” for purposes of this section.

b. Designated employees and officials shall not, for a period of one year after leaving that office or employment, act as agent or attorney for, or otherwise represent, for compensation, any other person, by making any formal or informal appearance before, or by making any oral or written communication to, the City Council or any committee, subcommittee, Board, Commission, or present member thereof, or any officer or employee of the City, if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property.

c. Subsection (b) shall not apply to any individual who is, at the time of the appearance or communication, a board member, officer, employee, or representative of another local government agency, a public agency, or a nonprofit organization, and is appearing or communicating on behalf of that agency or organization.

(Ord. 14-941 § 1, 2014)

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