

**WEST HOLLYWOOD
ETHICS REFORM TASK FORCE
SPECIAL MEETING AGENDA
MONDAY, JULY 1, 2019
6:00 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 (**April 22, 2019**)

- 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 TOPIC

- **Review of Final Task Force Recommendations to the City Council from May 23, 2018-April 22, 2019 Task Force Meetings related to Government Ethics, Lobbyist Regulations and Enforcement topics.**

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
MINUTES
MONDAY, APRIL 22, 2019
6:00 P.M.**

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

1. **CALL TO ORDER** – Chair Ralston called the meeting to order at 6:00 p.m.
 - A. Pledge of Allegiance – Chair Ralston led the 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 Crowder.
PRESENT: Clerk Crowder.
 - C. Approval of the Minutes of February 25, 2019. **Motion by Task Force Member Guardarrama, seconded by Task Force Member Kanin, and approved.**
2. **PUBLIC COMMENT:** None.
3. **Discussion Items:**
 - **Restrictions on Campaign Officials Serving as Lobbyists** – Task Force Member Guardarrama commented that he prefers the approach taken under state law --if you are a lobbyist, you cannot lobby a person who is personally obligated to you. He referenced Government Code §86205(a) which states, “No lobbyist or lobbying firm shall: (a) Do anything with the purpose of placing any elected state officer, legislative official, agency official, or state candidate under personal obligation to the lobbyist, the lobbying firm, or the lobbyist’s or the firm’s employer.” Otherwise, there would be at least an appearance of impropriety and special influence or advantage. The Task Force further discussed this issue and recommended that the prior recommendations that were presented to City Council regarding lobbyist regulations be recommended again. Those recommendations were that a lobbyist shall not:
 - A. Do any act with the purpose and intent of placing any official under personal obligation to the lobbyist, the lobbying firm, or to the lobbyist’s or firm’s employer or client.
 - B. Fraudulently deceive or attempt to deceive any City official with regard to any material fact pertinent to any pending or purposed municipal legislation.

- C. Cause or influence the introduction of any municipal legislation for the purpose of thereafter being employed or retained to secure its passage or defeat.
- D. Cause any communication to be sent to any City official in the name of any nonexistent person or in the name of any existing person without the consent of such person.

Further, the Task Force requested that if there is evidence that campaign consultants serving as lobbyists becomes a documented problem, then they would recommend pursuing potential code changes that was appropriately tailored to address the specific problem.

Motion by Task Force Member Guardarrama, seconded by Task Force Member Kanin, and approved.

- **Policies Related to Elected Officials Serving on Boards of Directors for Non-Profits**

The Task Force expressed interest in requiring that positions held by elected and appointed officials on Boards of Directors for Non-Profits be included in the Form 700 – Statement of Economic Interest. They discussed Government Code §1090 which addresses recusals of officials.

Motion by Task Force Member Guardarrama to require Schedule C “Non-Profit Business Position” on elected and appointed officials Form 700, seconded by Task Force Member Ralston, and approved.

4. COMMENTS FROM STAFF

- **City Clerk’s Recommendation Regarding Term and Convening of the Ethics Reform Task Force**

Assistant City Clerk Crowder spoke to the Task Force about making them a standing body that would meet as needed. The City Clerk’s recommendation is based on the continuing requests from the City Council for them to review issues. The Task Force was open to the recommendation and City Clerk will present the recommendation to City Council.

5. ADJOURNMENT – The Ethics Reform Task Force adjourned at 6:56 p.m.

ETHICS REFORM TASK FORCE
SPECIAL MEETING

JULY 1, 2019

SUBJECT: DISCUSSION OF RECOMMENDATIONS TO THE CITY
COUNCIL

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 discuss the various recommendations that will be included in the Staff Report to the City Council for the September 16, 2019 meeting, based on items considered from May 23, 2018- April 22, 2019, related to Government Ethics, Lobbyist Regulations and Enforcement topics.

RECOMMENDATIONS:

- 1) Review the draft recommendations to the City Council.
- 2) Discuss any changes or additions to the recommendations or provide additional supporting information to be included in the final report to the City Council.

BACKGROUND AND ANALYSIS:

Since May 2018, the Task Force has been reviewing and considering various issues and recommendations related to Government Ethics, Lobbyist Regulations and Enforcement. The Task Force Agendas

Recommendation 1: NetFile

The Task Force recommends that campaign materials be included on the City's online campaign filing system, NetFile (including campaign reporting data and creating a repository for all campaign mailers). The City Clerk's office is in communication with Netfile and has confirmed that if the City Council accepts this recommendation, the Netfile system can accomplish this .

Recommendation 2: AB 2880 Fair Political Practices Commission (FPPC) Enforcement Services

The Task Force recommends that the City of West Hollywood enter into an agreement with the FPPC to provide enforcement services related to local campaign finance or government ethics laws. This service was recently made available through adoption of AB 2880 in 2018. The services are now offered statewide and authorized under Government Code §83123.6 which required the city to enter into an agreement with the FPPC. Once the agreement is executed,

the FPPC becomes the civil prosecutor of local campaign finance and ethics laws. As prosecutor, the Commission can provide advice, investigate possible violations and bring administrative or civil actions for violations (without authorization from the City to pursue actions). The City would also be required to consult with the FPPC before adopting or amending any local campaign finance or government ethics law that is subsequently enforced by the FPPC.

Recommendation 3: Lobbyists

The Task Force recommends that the City's Lobbyist log be placed on the City's website.

The Task Force further recommended a change to Municipal Code § 2.72.010 "Lobbyist – Defined" to state, "lobbyists being retained for \$1,000 or more in a calendar month, cumulative from any number of clients." Currently, the definition covers anyone who receives economic consideration to communicate with elected officials for the purpose of influencing a legislative or administrative action. This change would better clarify an amount of consideration exchanged for the lobbying services.

Recommendation 4: Campaign Contributions

The Task Force recommends that the \$500 campaign contribution limit be increased to \$1,000, and increased each election cycle by the cumulative CPI.

Recommendation 5: Public Financing System

In 2017, the Political Reform Act was amended through Senate Bill 1107 to allow cities to adopt systems for public campaign financing. The theory behind the bill at the state level was to enhance the integrity of the electoral process by reducing fund raising pressures on public office seekers to create a more level playing field and reduced influence of special interest groups. Those benefits could also be experienced at the local level too through public campaign financing. The Howard Jarvis Taxpayers' Association challenged the law and was successful in the trial court. This case is currently pending in the court of appeal. The Task Force recommended monitoring the matter and if the bill is upheld, would consider a future recommendation to the City Council to explore a public campaign financing program.

Recommendation 6: Code of Conduct for City Contracts

The City Council asked the Task Force to consider whether the City should create a code of ethical conduct for city contractors. The Task Force supported including the Institute of Management Consultants USA Code of Ethics into City contracts. The Task Force also requests that the City Council provide further information on any specific issues or perceived issues with City contractors so that they can better respond to the request. The Task Force also indicated that if Council desires, they can review and discuss possible restrictions on contractors who submit contracts or are awarded a contract from providing campaign donations.

Recommendation 7: Elected and Appointed Officials Serving on Boards of Directors for Non-Profit Organizations

The City Council asked the Task Force to consider whether the City should create a policy regarding elected officials serving on the boards of directors for non-profit organizations. The Task Force recommends requiring that positions held by elected and appointed officials on Boards of Directors for Non-Profits be required to be reported to the City through the Schedule C "Non-Profit Business Position" on their annual Form 700 – Statement of Economic Interest filing.

Recommendation 8: Restrictions on Campaign Officials Serving as Lobbyists

Lastly, the City Council directed an ordinance be prepared to prohibit campaign consultants from serving as lobbyists. Staff asked 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 Task Force discussed this issue and rather than restricting campaign officials from serving as lobbyists, the Task Force recommended that the prior recommendations that were presented to City Council in 2015 regarding lobbyist regulations be recommended again. Those recommendations were that a lobbyist shall not:

- A. Do any act with the purpose and intent of placing any official under personal obligation to the lobbyist, the lobbying firm, or to the lobbyist's or firm's employer or client.
- B. Fraudulently deceive or attempt to deceive any City official with regard to any material fact pertinent to any pending or proposed municipal legislation.
- C. Cause or influence the introduction of any municipal legislation for the purpose of thereafter being employed or retained to secure its passage or defeat.
- D. Cause any communication to be sent to any City official in the name of any nonexistent person or in the name of any existing person without the consent of such person.

Further, the Task Force requested that if there is evidence that campaign consultants serving as lobbyists becomes a documented problem, then they would recommend pursuing potential code changes that was appropriately tailored to address the specific problem.

In conclusion the Task Force is being asked to review and confirm that these recommendations should be forwarded to the City Council and to provide any additional justification or supporting information to be included in the

recommendations. The recommendations will be provided to the City Council at a future meeting later this year.