

ORDINANCE NO. 16-981

AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING WEST HOLLYWOOD MUNICIPAL CODE TO PROVIDE NEW REGULATIONS ON GOVERNMENT ETHICS

The City Council of the City of West Hollywood does hereby ordain as follows:

Section 1. Section 2.76.020 of Article 4 of Title 2 of the West Hollywood Municipal Code is amended to add a new definition to the alphabetical list of definitions to read as follows and renumbering the definitions accordingly:

b. "Campaign materials" means written materials created for the purpose of expressing support or opposition to a candidate for City Council, including without limitation mass mailers, websites, emails and campaign signs.

Section 2. A new Section 2.76.065 is added to Chapter 2.76 of Article 4 of Title 2 of the West Hollywood Municipal Code to read as follows:

2.76.065 Committee Disclosure of Top Donors.

All Primarily Formed Committees shall identify on all campaign materials the names of the top three donors that have made the highest total contributions to the committee as reported in the Form 497 filings submitted to the City Clerk, or any equivalent form required by law, at the time the campaign materials are disseminated to the public. For purposes of this section, the term Primarily Formed Committee shall be as defined in the Political Reform Act.

Section 3. A new Chapter 2.88 titled Regulation on Government Ethics is added to Article 4 of Title 2 of the West Hollywood Municipal Code to read as follows:

2.88 Regulation of Gifts.

2.88.010 Definitions.

As used in this Chapter:

1. "Business before the City" A person or entity has "business before the City" if within twelve (12) months of offering a gift to a City official or employee, the person or entity: i) has or will submit a bid or proposal to

the City to perform services or provide supplies or equipment; or ii) has or will submit an application to the City for a permit, license or regulatory approval of any kind.

2. "City official" means any elected or appointed official of the City of West Hollywood.
3. "Gift" means any bestowal of money or anything of value, or provision of a discount or rebate, to any City official or employee for which nothing of equal or greater value is exchanged, or which is not required by law to be given, or which is given in appreciation of service rendered or perceived rendered by a City official or employee in the course and scope of his/her duties. "Gift" does not include: i) any discount or rebate made in the regular course of business and offered to the general public without regard to official status; ii) receipt of something of value from those who do not have business before the City; iii) inheritances; iv) plaques and trophies; and v) campaign contributions.

2.88.020 Prohibition on Gifts to City Officials and Employees.

No person or entity with business before the City shall make and no City official or City employee shall accept a gift from any such person unless the gift (i) is edible and can be shared (such as candy); (ii) can be displayed publicly in City Hall (such as flowers or art) and is conveyed immediately upon receipt to the City Manager, or his/her designee, for such purpose; or (iii) is turned over immediately upon receipt to the City Manager, or his/her designee, and used as a raffle prize, the proceeds of which shall be donated to charity or deposited in the City's General Fund. Under no circumstances shall a City official or employee accept a gift of cash from any person or entity with business before the City.

Any City official or employee who is offered or receives a gift shall advise the offeror of this policy and of the ultimate disposition of the proffered gift, and shall provide the offeror an opportunity to withdraw or reclaim the gift.

Nothing herein shall prohibit a gift or donation to the City in furtherance of its governmental purposes.

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 18th day of April, 2016 by the following vote:

AYES:	Councilmember:	D'Amico, Duran, Horvath, Mayor Pro Tempore Heilman, and Mayor Meister.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.



LAUREN MEISTER, MAYOR

ATTEST:

for Rocio Martinez
YVONNE QUARKER, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF WEST HOLLYWOOD)

I, YVONNE QUARKER, City Clerk of the City of West Hollywood, do hereby certify that the foregoing Ordinance No. 16-981 was duly passed, approved, and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 18th day of April, 2016, after having its first reading at the regular meeting of said City Council on the 4th day of April, 2016.

I further certify that this ordinance was posted in three public places as provided for in Resolution No. 5, adopted the 29th day of November, 1984.

WITNESS MY HAND AND OFFICIAL SEAL THIS 19th DAY OF APRIL, 2016.

for Rocio Martinez
YVONNE QUARKER, CITY CLERK

ORDINANCE NO. 20-1099

AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE REGULATIONS GOVERNING CONTRIBUTIONS TO MUNICIPAL ELECTION CAMPAIGNS FOR CITY COUNCIL OFFICES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 2.76.030 in Chapter 2.76 of Article 4 of Title 2 of the West Hollywood Municipal Code is amended to read as follows:

No person shall make a contribution to any candidate that would cause the total amount contributed by such person to exceed one thousand dollars (\$1,000.00) in connection with any single election. No candidate for City Council shall solicit or accept a contribution from any person that would cause the total amount received from such person to exceed one thousand dollars (\$1,000.00) in connection with any single election.

For purposes of this section:

- a. Contributions by spouses or domestic partners shall be treated as separate contributions and shall not be aggregated.
- b. Contributions by children under the age of eighteen shall be attributed equally to each parent or guardian.

This section shall not apply to expenditures by a candidate of his or her own funds in support of his or her own campaign.

Section 2. This ordinance shall apply prospectively only for any contribution to any candidate for City Council in an election that occurs after the effective date of this ordinance.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 2nd day of March, 2020 by the following vote:

AYES:	Councilmember:	Duran, Heilman, Mayor Pro Tempore Horvath, and Mayor D'Amico.
NOES:	Councilmember:	Meister.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.



JOHN D'AMICO, MAYOR

ATTEST:



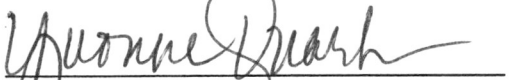
YVONNE QUARKER, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF WEST HOLLYWOOD)

I, YVONNE QUARKER, City Clerk of the City of West Hollywood, do hereby certify that the foregoing Ordinance No. 20-1099 was duly passed, approved, and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 2nd day of March, 2020, after having its first reading at the regular meeting of said City Council on the 18th day of February, 2020.

I further certify that this ordinance was posted in three public places as provided for in Resolution No. 5, adopted the 29th day of November, 1984.

WITNESS MY HAND AND OFFICIAL SEAL THIS 3rd DAY OF MARCH, 2020.



YVONNE QUARKER, CITY CLERK

CITY OF WEST HOLLYWOOD
ADMINISTRATIVE REGULATION

No. 414

Effective Date: 03-24-97

SUBJECT: POLITICAL ACTIVITY

Purpose

The City of West Hollywood encourages its employees to participate in the political and government process and be informed on public issues and candidates for public office. However, the City has established guidelines relating to political activities of City employees based upon federal, state, and local laws and prohibits political activity that is illegal.

Application

The City's Administrative Regulation applies to all City employees (including City Manager, Assistant City Manger, Department Directors and Division Managers). Other City representatives such as City officials, Members of City Commissions, Boards, and Task-Forces, contractors, or consultants may also be prohibited from using their official relationship with the City to endorse or oppose political candidates or activities.

Policy

1. It is unlawful for the City of West Hollywood or its employees to expend City funds on partisan and/or political matters and on other issues that are on a ballot for an election. Additionally, this policy prohibits the use of employees' time, City equipment and supplies, and the payment of expenses for City officials who travel for the purpose of promoting a particular view on political matters.
2. The City may also prohibit or limit the solicitation or receipt of political funds or contributions to promote the passage or defeat of a ballot measure concerning working conditions during the working hours of its officers and employees. The City also has the right to limit entry into City offices for such purposes during working hours.
3. California Government Code prohibits officers and employees of the City from directly or indirectly soliciting political funds or contributions from other officers or employees of the City unless the solicitation is done through the mail and is part of a solicitation directed to a large segment of the public which may incidentally include officers and employees of the City of West Hollywood. This is designed to protect employees from feeling pressured into contributing to political causes or for fear that if they fail to do so, their job will be affected.

4. No City employee or official shall participate in political activities of any kind while in a uniform or other clothing that is issued by the City.
5. City employees and officials are prohibited from engaging in political activity or solicitation during working hours and on the City's property.
6. The Hatch Act applies to all employees whose positions are funded by federal funds. According to this Act, the following acts or activities are prohibited:
 - a) Use of an employee's official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.
 - b) Direct or indirect coercion, attempts at coercion, commanding or advising a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purposes.
 - c) Candidacy for a partisan elective office.
 - d) Participation in partisan or non-partisan political activities during working hours.

Employees who are on sick leave, vacation or other leave are governed by the provisions of the Hatch Act while on the leave.

Responsibilities

1. The City expects all employees, City officials, Members of City Commissions, Boards, and Task-Forces to be responsible for adhering to the City's policy regarding political activities. Additionally, contractors, consultants, or others doing business for or with the City will be required to abide by the City's policy regarding political activities while engaged in City business or activities.
2. It is the responsibility of the City Manager, all Department Directors, Division Managers and any other supervisory employee to use their best efforts to take the necessary and proper steps, including disciplinary action, to prevent improper or illegal political activities by City employees.
3. Supervisors should promptly investigate any complaint or report of improper or illegal political activities and notify the Human Resources Division or City Manager of any findings or suspected findings.
4. Any employee who feels that improper political activities are occurring on City property is strongly encouraged to bring the issue up to his/her supervisor, the Human Resources Manager, or the City Manager.
5. The Human Resources Manager is responsible for promptly initiating an investigation after receiving a complaint or report of suspected illegal political activity.

Procedures

1. In determining whether a reported political activity is improper, the totality of circumstances, the nature of the act or behavior, and the context in which the reported incident occurred will be investigated.
2. Individuals found to have engaged in any form of improper or illegal political activity, as defined by this policy, will be subject to disciplinary action, according to the City's disciplinary procedures, which will be based on a number of factors including the severity of the conduct and the past history of the individual's conduct.
3. Statement of findings and disciplinary action taken will be included in the offending party's permanent personnel file and in his/her performance evaluation, unless the investigation discloses no misconduct.
4. An employee or individual working for or representing the City who knowingly makes a false claim against another employee of improper or illegal political activity will be subject to disciplinary action up to and including termination.

CITY OF WEST HOLLYWOOD
ADMINISTRATIVE REGULATION

No. 306 revised

Revised effective 4-1-91

SUBJECT: TRAVEL REIMBURSEMENT PROCEDURES RULES AND
REGULATIONS

The City of West Hollywood recognizes the constructive value of professional conferences, seminars, and meetings. To that end, the City provides travel funds for City officials, department directors, division managers, and other employees who attend such official events. This is recognized as "administrative" travel. However, in an effort to allow more employees to travel, while also keeping costs low, it is necessary to keep travel expenditures at a minimum.

Travel funds for out-of-state meetings will normally be provided only for City elected officials, department directors and division managers. Other employees may be provided with travel funds for conferences held within the State of California. Any exceptions shall be submitted to the City Manager for approval. Final travel approval shall come from the City Manager via a Travel Request form (attached), submitted near the actual date of travel.

Requests for additional travel funds will not normally be approved except in cases of emergency or other special situations. In such instances, requests must be routed through the Finance Division for City Manager approval.

Per Diem and Computation

Any officer or employee who is required or authorized by the Council or City Manager to travel in the discharge of his/her duties shall receive, in addition to his transportation and hotel accommodation expenses, a per diem allowance for each day or fraction thereof while so engaged on a trip lasting more than one day. For those City employees who elect to use actual versus per diem rate, reimbursement will be made up to \$80.00 per day.

Councilmembers/City Manager	\$50 per diem, or may elect actual expenses
Other employees	\$50 per diem

For trips of only one day, or when overnight lodging was not required, receipts must be submitted for expenses other than travel, and the employee will be reimbursed for either receipts or per diem, whichever is less.

Per diem shall be allowed or reimbursed for days actually spent on City business, for programmed days of a conference or meetings, and for time spent in travel by air. Per diem for time spent in travel other than by air, such as rail or automobile, must be

approved by the City Manager. Per diem shall be computed for the days of the conference attended and for travel days not to exceed one day before and after the conferences, and shall be allowed only if time and/or travel schedules prohibit travel at reasonable hours on the actual beginning and ending days of a conference.

Department directors may adjust per diem (not to exceed the maximum allowable) in instances (a) in which some or all meals are provided by the school or seminar or in the registration fee, or (b) in which the employee commutes to the conference from home. A similar adjustment may be made in departure/arrival times.

Transportation

1. Travel by Air - All travel on City business by one employee outside the six county SCAG region and the City of Santa Barbara shall be by air unless the City Manager approves another mode of transportation. Reimbursement shall be calculated on the basis of the cost of travel by air using the shortest and most direct route. All air travel shall be booked at least a week in advance, when possible, so as to receive the lowest fares possible, other than night coach, which may be chosen by the individual but is not required. No air travel shall be first class. If two or more employees are traveling within a day's drive (no more than 4 hours), they should usually travel together, by car, instead of air.
2. Use of Private Vehicle - If a personal vehicle is used for travel, transportation allowance or reimbursement shall be based on the cost of air travel and transportation from the airport to the point of destination and return, or the current per mile rate allowed under IRS rules, whichever is less (see example below).

Example:

- Drive to Santa Barbara = 185 miles round trip
- Reimbursed \$.24 per mile = \$.24 x 185 = \$44.40
- Air travel to Santa Barbara = \$101 round trip
- Transportation to conference from airport by Air Limo = \$13.00 round trip
- \$101 + \$13 = \$114.00

(\$44.40 < \$114.00, so the reimbursement is \$44.40)

3. Use of City-owned Vehicle - There shall be no allowance or reimbursement for transportation when a City-owned vehicle is used. However, any out-of-pocket expenses incurred in operating the vehicle shall be reimbursed. All receipts, including those acquired from the use of a City credit card, must be turned in upon return and charged to the proper department.

Hotel Accommodations

All officers and employees shall either prepare a Request for Payment and receive funds in advance, be reimbursed for hotel accommodations, or by City credit card.

Reimbursable days for lodging requests should correspond to the foregoing travel policy regarding dates of arrival and departure. The expenses of local telephone calls and official long distance calls, which are billed on the hotel statement, are allowed as hotel accommodation expenses.

Additional Allowance

Authorized City officials and employees will be reimbursed for conference registration fees, vehicle parking expenses and, if travel is by air, transportation expenses at the point of destination to the hotel and for return from the hotel to the point of departure. The

City Manager is authorized to make exceptions or restrictions in the above policy when such variations will be more economical to the City.

PROCEDURE

The traveler should submit a travel request form to his/her Division Manager (under \$1,000) or Department Director (\$1,000 or over) and, if necessary, the City Manager, at least two weeks ahead of the scheduled trip. Once the trip is approved, the proper forms (explained below) must then be completed and forwarded to the Finance Division for processing.

A. Travel Advance Requested

Advance travel expenses for travel outside the metropolitan Los Angeles area should not be drawn from petty cash. Under emergency or special circumstances, it may be necessary to use a petty cash advance; however, this should be an exception and avoided whenever possible.

If an advance is approved by the Division Manager (under \$1,000) or Department Director (\$1,000 or over), the following procedure should be followed:

1. A Request for Payment form should be prepared indicating expenses for which funds are required.
2. Advance public transportation will usually be handled through a local travel bureau. Advance booking of air travel shall be expected so the City may take advantage of reduced rates. In most cases, the travel agency will bill the City directly. A Request for Payment should be processed in those instances where the warrants are to be made payable to the travel agency.
3. Advance hotel reservations (requiring deposit) and registration fees should be processed on a Request for Payment form(s) in those instances where the warrants are to be made payable to the hotel and/or the conference sponsor.
4. It is desirable that all Request for Payments pertaining to the scheduled trip be submitted to Finance at the same time.
5. Immediately upon return from a trip, the traveler should complete a Travel Expense form according to instructions found on the form and forward it to the Finance for processing.
6. If the form indicates that cash advances exceeded actual expenses, the traveler's personal check, made payable to the City, should accompany the submittal.
7. Where applicable, a reimbursing warrant will be issued to the traveler.

B. No Travel Advance Requested (Approved)

1. All expenses incurred by the traveler must be documented with receipts, except those covered by per diem.
2. Immediately upon return from a trip, the traveler should complete a Travel Expense form according to instructions found on the form and forward it to Finance for processing.
3. If the form indicates cash advances have exceeded actual expenses, the traveler's personal check, made payable to the City, should accompany the submittal.
4. Where applicable, a reimbursing warrant will be issued to the traveler.

C. Travel Expense Report

This report must be completed by all persons upon returning from travel within 5 working days and submitted to Finance.

NOTE: WHEN TRAVEL IS REIMBURSED BY A GRANT, SPECIAL ARRANGEMENTS MUST BE MADE WITH THE FINANCE OFFICER TO ASSURE APPROPRIATE COMPENSATION.

CITY OF WEST HOLLYWOOD
TRAVEL REQUEST

NAME _____ DEPARTMENT _____

REASON FOR TRAVEL/CONFERENCE TITLE: _____

LOCATION: _____

DATES: _____

DATES OF TRAVEL: _____

ESTIMATED CONFERENCE EXPENSE

TRAVEL - AIR \$ _____

- Personal car @ \$.25/mile _____

- Other (specify) _____

HOTEL _____ nights @ \$ _____

PER DIEM _____

REGISTRATION _____

OTHER _____

TOTAL \$ _____

ADVANCE OF FUNDS YES NO Amount \$ _____

Traveler's signature

Department Director's/Division Head's Signature

Amount Budgeted \$ _____

Finance Director

Funds Available? Yes No Per Diem
Actual Expenses

City Manager's Signature

Date

CITY OF WEST HOLLYWOOD
TRAVEL EXPENSE REPORT

ASSOCIATION _____ WHERE _____

DATE ARRIVED _____ DATE DEPARTED _____

Please itemize your expenses and return to the City within 7 days following the conference.
Items directly paid by the City (either check or charge card) need not be reported on this form.

ADVANCE TRAVEL EXPENSE check # _____ \$ _____

TRAVEL EXPENSES:

Registration \$ _____

Transportation: plane, bus, train \$ _____

Mileage: _____ miles @ \$ _____ per mile \$ _____

Lodging: _____ nights @ \$ _____ \$ _____

PER DIEM OR ACTUAL EXPENSES:

PER DIEM

_____ X \$ _____ \$ _____
number of days per diem rate

OR

ACTUAL (attach receipts)

Meals \$ _____

Miscellaneous and incidental \$ _____
(list on reverse side)

TOTAL EXPENDITURES \$ _____

AMOUNT OF EXPENSES IN EXCESS OF ADVANCE \$ _____

AMOUNT OF ADVANCE IN EXCESS OF EXPENSES \$ _____

Approved by Finance Officer

Signature

Date

CITY OF WEST HOLLYWOOD
MILEAGE REIMBURSEMENT CLAIM

TO: Finance Department

FROM: _____ Name
 _____ Department

	Date: MM/DD/YY	Purpose of Trip/Destination	Parking	Total
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				

Employee's Signature: _____ Total Miles: _____ @ \$. ____/mile.

Supervisor's Signature: _____ Total Reimbursement \$ _____

Department Director's Signature _____ To Account # _____

CITY OF WEST HOLLYWOOD

CODE OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS (Revised March 2021)

I. Introduction

The purpose of this Code of Conduct (“Code”) is to define the role of elected and appointed officials (members of the City Council and its subsidiary Commissions and Boards, collectively “City officials” or “officials”) in the governance of the City. This Code consists of policies and implementing 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.

II. Background

West Hollywood is a general law city governed by the council/manager form of government. The City Council, with the assistance of its advisory commissions and boards makes policies and fundamental governmental decisions; the City Manager is charged with implementing those policies and decisions and administering the day-to-day affairs of the City with the assistance of his/her/their staff. The City Council has direct authority over the City Manager and the City Attorney; all other employees of the City are under the direct authority of the City Manager. This Code establishes rules that contribute to the success of this basic structure and to maintaining positive and effective working relationships between officials and employees.

III. Limitations

This Code addresses selective aspects of the governance of the City and supplements, but does not supplant, other laws and rules that prescribe the legal responsibilities of City officials. Those include, among others, the California Constitution, various provisions of the California Government Code (including the Brown Act and the Political Reform Act) and Labor Code, federal laws prohibiting discrimination and harassment, and the provisions of the City’s own Municipal Code. Elected and appointed officials should be familiar with these laws to assure that they exercise their responsibilities properly; to that end, the City provides periodic training and education programs which should be attended by all City officials. In addition, the City Attorney is available to respond to questions about these matters.

It is not possible for a code of this kind to anticipate and provide a rule of conduct for all situations. At bottom, it is expected that officials will manage their behavior in a manner consistent with the rules that follow, respect the chain of command and behave within the bounds of their authority. It is also expected that officials will treat each other, City employees, residents and business people with courtesy and respect in a manner that reflects well on the City.

IV. Policies and Rules

What follows are general policies governing the conduct of City officials. Following each policy is a set of rules that give specific application to the policy. In *italics* following each rule, is an explanation of the rule and guidance for interpreting and applying the rule.

Policy 1. City officials shall deal with the administrative service solely through the City Manager or his/her/their delegee.

Rules:

1.1 Officials shall not direct, order or make demands on any City employee, other than inquiries that can be answered routinely and without research and support requested in accordance with a protocol established by the City Manager.

City staff is organized in a hierarchical structure, and City employees work under the direction and control of several layers of management culminating with the City Manager. Individual officials are not part of that management structure and have no authority to direct employees. When an official attempts to give an employee direction, the employee is put in an awkward position and the management structure is undermined. In some cases such actions have the potential for liability. Officials are not authorized directly to give work assignments to Employees, except that City Councilmembers may seek the assistance of employees designated by the City Manager in accordance with a support protocol promulgated by the City Manager. Employees are instructed not to take directions or work assignments from officials and to report any such attempts to their Department Director. An official may ask a routine question of staff; beyond that, concerns about work assignment should be addressed to the City Manager or to the appropriate Department Director.

1.2 Officials shall not attempt to reorganize an employee's priorities or influence the manner by which City staff perform their assigned functions or duties.

City employees are directed in their everyday tasks by their immediate supervisor in accordance with approved work plans. Interference with an employee's work routine, priorities or decision-making processes by an official creates confusion and stress and places the employee in the difficult position of either disregarding his/her/their assigned work or appearing to disrespect the official's wishes. All requests for work or research should be directed to the appropriate Department Director. From time to time an official may believe that a problem must be looked into immediately and is tempted to direct an employee to drop everything and focus on that problem. Officials must, however, communicate their concern to the appropriate Department Director or the City Manager.

1.3 Officials shall not retaliate or threaten to retaliate against employees as a result of disagreements over policy recommendations.

It is critical to the success of the City that its employees enjoy a workplace free of the fear of retaliation. The City takes great pride in its creativity and its receptivity to new and different ideas; creativity is fostered by an open and nonjudgmental atmosphere where candor is not penalized. City employees are hired to offer their professional judgments and opinions. Officials are certainly free to disagree with those judgments; indeed, those officials ultimately may have the final word. But, those disagreements must not extend to threats or generate fear of reprisal. Officials enjoy substantial authority within City Hall; this authority must not be exercised in a manner that intimidates staff and degrades morale with resulting damage to the fabric of the organization.

1.4 Officials shall not threaten a City employee with disciplinary action.

If an official is concerned about the performance of a City employee, that concern should be expressed privately to the City Manager or to the employee's Department Director. Such criticisms can then be addressed in accordance with the City's personnel rules, in a manner that protects the employee's rights and protects the City's authority properly to discipline its employees. It is never acceptable for an official directly to threaten disciplinary action of any kind. And, rarely, if ever, is it appropriate to criticize publicly a non-managerial employee. Officials should certainly have high expectations of employees' work performance; but, there is no room in the City organization for public humiliation of any person.

Policy 2. City officials shall act collectively in a properly noticed and constituted meeting; officials have no authority to make decisions or take actions on behalf of the body unless expressly authorized to do so.

Rules:

2.1 Officials shall not make representations or promises to any third party regarding the future actions of the City or of the body of which they are a member, unless such representation or promise has been duly authorized by the appropriate body.

When officials engage in conversations with residents, applicants, developers, lobbyists and officials of other governmental agencies, they should be cautious not to make representations or promises that they cannot legally make or keep. Future actions of a legislative body cannot be promised or predicted with certainty. Individual officials do not have authority to make commitments on behalf of the City unless expressly authorized to do so by the body of which they are a member.

2.2 When making public utterances, officials shall make it clear whether they are authorized to speak on behalf of the body of which they are a member, or whether they are presenting their own views.

Officials occasionally speak before other public bodies, neighborhood groups or to the press. When doing so, they should always make it clear whether they are presenting their own point of view or whether they have been authorized by the body of which they are a member to present a particular view. They should be clear in all oral and written utterances whether they are using their title for identification purposes or because they are speaking in an official capacity. Use of City letterhead shall comply with Rule 4.1 herein. The actions and recommendations of subsidiary bodies are presented to the City Council as part of the staff report, and often memorialized in a resolution. If a subsidiary body feels it necessary to supplement these written transmittals, it should expressly authorize one of its members to speak on its behalf. Seldom should an individual member of a commission or board feel it necessary to explain his/her/their votes at a City Council meeting.

2.3 Officials shall not interfere with the manner by which the City Manager performs his/her/their duties.

The City Manager takes direction from the Council acting as a body, not from individual members. And, while the Council as a body may offer its views on matters within the Manager's area of authority (such as hiring subordinates), it is the Manager, as chief executive officer of the organization,

that makes the final decisions on such matters. The Manager cannot function effectively if he/she/they receives inconsistent direction from individual Councilmembers or is not given the support and independence necessary to administer the City.

2.4 City officials shall not interfere with the implementation by City staff of approved projects and programs.

The City Manager is charged with the implementation of approved projects or programs. City Councilmembers must avoid interfering with or directing the Manager's method of carrying out the City Council's decisions, even if the project or program was conceived and initiated by an individual Councilmember. Once a project or program receives Council approval, it is an official activity of the City, not of any individual Councilmember. City officials do not have authority and should refrain from giving directions or instructions to City contractors or consultants working on City projects or programs.

2.5 Officials representing the City on regional bodies shall vote in a manner that is consistent with Council direction and/or policy.

City officials, primarily Councilmembers, represent the City on various regional and multi-agency bodies. When serving in that capacity, officials shall vote in a manner that is consistent with direction provided by the City Council or with articulated City policy; if no direction exists, officials should endeavor to place the matter on a City Council agenda early enough to obtain direction. Officials should routinely report their activities on regional bodies under the Council Comments agenda item.

Policy 3. Appointed bodies shall limit their activities to matters within their subject matter jurisdiction.

Rules:

3.1 Commissions and Boards shall address only those matters determined by the Municipal Code or by the Council to be within their subject matter jurisdiction; staff need not place on an agenda, provide resources for or implement requests, directions or actions outside that jurisdiction. Unless directed otherwise by the City Council, Commissions and Boards shall refrain from consideration of policy issues that are under active consideration by the Council.

The Municipal Code sets forth the subject area jurisdiction of the City's Commissions. The City Council establishes the duties of its advisory boards. These subsidiary bodies are limited to acting and/or making recommendations within the area of their jurisdiction, and in accordance with by-laws approved by the City Council.

3.2 The City Council as a whole shall provide direction and guidance to its subsidiary bodies.

There may be times when the Council perceives that an advisory body is straying from its mission or making decisions or recommendations inconsistent with the Council's vision for the City. It is preferable for the Council to communicate its concerns to such bodies in a joint study session.

Policy 4. City resources shall be used solely for proper governmental purposes, and only with proper authorization.

Rules:

4.1 City letterhead may be used by City Councilmembers for official City business.

City letterhead must be used with care to avoid misunderstandings. Letterhead may be used to communicate official City policy or actions. It is also routinely used by Councilmembers to respond to inquiries or communicate their individual opinions, in which event the author should be clear about whose view is being presented. Letterhead shall only be used for communications that relate directly to City business; if a Councilmember has any doubt about whether the communication is appropriate for use of City letterhead and an appropriate use of City resources (for example, where the same communication on letterhead is being mailed to multiple recipients in accordance with FPPC regulations governing mass mailings), inquiry should be made to the City Manager or the City Attorney. Appointed City officials are not authorized to use City letterhead.

4.2 City employees shall not be asked or directed to spend time on non-City business.

It is improper to ask or require a City employee to engage in non-City related activities. Non-City activities include, among other things, election campaign-related activities and personal errands. Further, City employees should not be solicited to engage in political activity on behalf of a City official; they may, of course, choose to do so when off-duty and away from City Hall.

4.3 When traveling on City business, officials shall adhere to the City's AB 1234 Policy.

The City Council has adopted an AB 1234 Policy governing reimbursements for city-related business expenses. It is expected that all officials will adhere strictly to this policy.

4.4 Officials shall not use or disclose information obtained through City service for improper purposes.

Officials often acquire information in performing their duties that is not generally available to the public, including information received in closed sessions. Sometimes this information is confidential or highly sensitive. Information that is not generally available to the public must remain confidential and be used only for the purposes for which it was divulged. In particular, this information can never be used for personal gain.

Policy 5. When representing the City, officials shall conduct themselves in a dignified manner and in accordance with all legal requirements.

Rules:

5.1 When representing the City on official business, officials shall behave responsibly and in a manner as to project a positive image for the City.

Whenever an official is representing the City, in or out-of-town, the official is “on-duty” and should behave in a manner that will reflect well on the City. When out-of-town or at social events there is a temptation to behave more informally than one might in City Hall, which can lead to awkward or embarrassing situations, and in extreme cases to improper or illegal behavior. When at official functions, officials should avoid drinking alcohol to excess.

5.2. Officials shall exercise best efforts to avoid the appearance of impropriety in the performance of their official duties.

The public’s confidence in the integrity and fairness of City government often hinges on the behavior of City officials. Real or perceived ethical lapses by City officials undermine the effectiveness of the City and cast a shadow on the decisions of its legislative bodies. Often, ethical considerations extend beyond the legal requirements of conflict of interest law.

5.3. Officials shall identify themselves by their titles only in those circumstances when it is directly relevant.

Officials must avoid creating the perception that they are abusing their authority or attempting to obtain special consideration or favors by identifying themselves by their title (i.e. “Mayor,” “Mayor Pro Tem,” “Councilmember,” or “Commissioner”) in circumstances where their City position has no relevance. When representing themselves as City officials in appropriate situations, officials should do so accurately and not misrepresent their authority.

5.4. Officials shall recuse themselves from voting on City-funded grants to non-profit organizations for which the Official serves on the organization’s Board of Directors.

Officials must not use their official position to help secure city funding for non-profit organizations for which the official serves on the Board of Directors. Officials must avoid creating the perception that they are using their official position to help secure city funding for these non-profit organizations.

5.5. Officials shall use social media platforms in a manner that complies with the Brown Act and shall not engage in serial meetings.

Officials may engage in separate conversations or communicate on social media platforms to answer questions, provide information to the public, or solicit information from the public regarding City business. However, Officials shall not do either of the following on a social media platform:

A. *Discussion by a majority: Discuss City business with a majority of members of the same legislative body. That includes communicating, posting, sharing, commenting, or using digital icons (i.e., a thumbs up or an emoji); and*

B. *Direct Responses: Respond directly to another member’s communication, comment or post if the two are on the same legislative body of the City and the topic concerns City business.*

5.6. Officials should avoid taking on paid work in their personal or professional capacity that will come before their own city legislative body for a decision. In the event that work is accepted that requires a decision with the Official’s own legislative body, and in addition to applicable recusal

requirements in the Political Reform Act, the following additional rule shall apply. For quasi-judicial matters, these additional conflict of interest rules run with the project or matter and remain applicable until the City has made a final decision on the matter.

Officials shall not attend any meeting of their body where their work is being discussed or considered. This means the Official shall take an absence for the entire meeting, not just the agenda item, when the work is being discussed.

The Political Reform Act (PRA) prohibits an Official in this situation with a financial conflict of interest from attempting to influence the City decision on their work by prohibiting the Official from engaging with city staff on the work matter. This rule covers city staff that are assigned to the Official's legislative body. This clear separation from engaging on the matter with assigned city staff under the PRA shall remain in effect until a final city decision is made on the matter.

5.7. An Official who has participated in the creation of a city policy, rule, ordinance or program shall not accept paid work in their personal or professional capacity for the implementation of that city policy, rule, ordinance or program before the city.

Officials should avoid creating the perception that an Official is being hired (and is receiving financial benefits) because of their work with the city and their familiarity with city policies, rules, ordinances or programs. This rule applies while the official serves on the legislative body and subject to the City's Revolving Door prohibition.

5.6 and 5.7 are intended to prospectively supplement and complement any governing law on conflicts of interest.

Policy 6. Officials should conduct themselves in a professional and businesslike manner during the meetings of the bodies of which they are members.

Rules:

6.1 Officials shall treat each other, members of the public and staff with respect.

Public meetings are the place where City officials and staff most often interact. The public has a right to participate in meetings in accordance with the structure and rules of the body. Public participation is a foundational element of participatory democracy. Officials should make a point of paying attention to public testimony and treating speakers courteously. Commentary should focus on issues, not personalities; ad hominem attacks should be avoided.

6.2 Officials should be engaged and attentive during public meetings. To avoid disruptions, electronic devices shall be set to silent or vibrate mode during public meetings. The use of electronic devices during official City meetings (except during recesses or breaks) for any purpose aside from reading agenda materials and related resources and taking notes shall be kept to a minimum. Officials shall not use electronic devices to communicate either directly or through social media with other members of the body or with any other person regarding a public hearing item during the hearing. *Use of smartphones, laptops, etc. during meetings can be distracting, create the appearance that officials are not paying attention and can compromise the rights of those with business before the City.*

In particular, surreptitious communications regarding public hearing items undermines the integrity and fairness of a public hearing.

V. Enforcement

The City is committed to maintaining a healthy, fulfilling and humane workplace. To that end, every City official is expected to observe the foregoing policies and rules when engaged in City business.

Complaints alleging a violation of this Code of Conduct by a City official should be directed to the City Manager or the City Attorney. Upon receipt of a complaint of a minor nature, the City Manager and the City Attorney shall together determine a course of action. The City Manager and the City Attorney shall, should they fail to resolve the complaint or should the complaint be of a serious nature, consult with the Mayor (unless the Mayor is the subject of the complaint, in which event they shall consult with the Mayor Pro Tem or other Councilmember, in order of seniority, as is appropriate under the circumstances) in order to determine an appropriate course of action.

The goal of enforcement of this Code of Conduct is corrective, rather than penal, and a progressive approach to curing violations shall be employed, beginning with informal methods and proceeding to more formal methods as necessary. If appropriate, informal counseling and instruction (including referral to the Employee Assistance Program if appropriate) shall be utilized to correct the official's behavior prior to recommending imposition of sanctions.

Should less drastic measures fail, the City Council may in a public meeting impose one or more of the following sanctions:

Reprimand

Censure

Travel or expense reimbursement restrictions

Loss of committee or liaison assignments

Removal from an appointed commission or board

Loss of staff support or use of City resources

Restrictions on access to City facilities

Other penalties as may be applicable under the circumstances

**CITY OF WEST HOLLYWOOD
CODE OF ETHICS FOR CONTRACTORS**

Rules:

2.1 CONTRACTOR will agree in advance with the CITY on the basis for fees and expenses and will charge fees that are reasonable and commensurate with the services delivered and the responsibility accepted.

2.2 CONTRACTOR will not accept commissions, remuneration, or other benefits from a third party in connection with the recommendations to the CITY and will disclosure in advance any financial interests that form any part of recommendations to the CITY.

Policy 3. CONTRACTORS shall be committed to the public and the profession.

Rules:

3.1 CONTRACTOR will report to the CITY Manager any violation of this Code of Ethics, dangerous behavior, or illegal activities witnessed by the CONTRACTOR during the performance of the services for the CITY.

3.2 CONTRACTOR will respect the rights of consulting colleagues and consulting firms and will not use their proprietary information or methodologies without permission.

3.3 CONTRACTOR will represent the profession with integrity and professionalism in relations with clients, colleagues, and the general public.

3.4 CONTRACTOR will not advertise services in a deceptive manner or misrepresent or denigrate individual consulting practitioners, consulting firms, or the consulting profession.

3.5 CONTRACTOR will promote adherence to the Code of Ethics by other member CONTRACTORs working on CONTRACTOR's behalf.

Approved by City Council Minute Order on February 3, 2020

Election and Campaign Regulations

West Hollywood Municipal Code, Chapter 2.76

Chapter 2.76 Election and Campaign Regulations

2.76.010 Purpose.

The purpose of this chapter is to establish limits on the amounts of money that may be contributed to political campaigns in municipal elections for City Council office. It is the City Council's intent to address the perception that unregulated campaign contributions lead to improper influence over elected officials and to establish realistic, narrowly tailored and enforceable limits on the amounts which may be contributed to political campaigns consistent with rights of political expression protected by the United States Constitution.

The City Council finds that the establishment of campaign contribution limits is authorized by Section 10202 of the California Elections Code and Section 81013 of the California Government Code.

The Council further finds that the limit imposed herein is not so low as to infringe on candidates' ability to communicate with the voters, as evidenced by the research and report prepared by the City Clerk indicating that in recent municipal elections the large majority of contributions were in amounts at or lower than the limit imposed herein. (Ord. 09-835 § 1, 2009; Ord. 09-830 § 1, 2009)

2.76.020 Definitions.

The definitions set forth in the Political Reform Act of 1974, as amended (California Government Code Section 81000 *et seq.*) shall govern the interpretation of this chapter. As used in this chapter:

- a. The word "candidate" shall include a candidate's controlled committee.
- b. "Campaign materials" means written materials created for the purpose of expressing support or opposition to a candidate for City Council, including, without limitation, mass mailers, websites, emails and campaign signs.
- c. A "committee" shall be limited to a committee formed or existing primarily to support or oppose a candidate for City Council. (Ord. 16-981 § 1, 2016; Ord. 09-835 § 1, 2009; Ord. 09-830 § 1, 2009)

2.76.030 Contribution Limitations.

No person shall make a contribution to any candidate that would cause the total amount contributed by such person to exceed one thousand dollars (\$1,000.00) in connection with any single election. No candidate for City Council shall solicit or accept a contribution from any person that would cause the total amount received from such person to exceed one thousand dollars (\$1,000.00) in connection with any single election.

For purposes of this section:

- a. Contributions by spouses or domestic partners shall be treated as separate contributions and shall not be aggregated.

b. Contributions by children under the age of eighteen shall be attributed equally to each parent or guardian.

This section shall not apply to expenditures by a candidate of his or her own funds in support of his or her own campaign.

(Ord. 20-1099 § 1, 2020; Ord. 11-866 § 1, 2011; Ord. 09-835 § 1, 2009; Ord. 09-830 § 1, 2009)

2.76.040 Election Cycle.

No person shall make a contribution to any candidate or any committee prior to the date that is twenty-four months before the election for which the contribution is made. No candidate for City Council or any committee shall solicit or accept a contribution from any person prior to the date that is twenty-four months before the election for which the contribution is made.

(Ord. 13-907 § 1, 2013; Ord. 09-835 § 1, 2009; Ord. 09-830 § 1, 2009)

2.76.050 Campaign Accounts.

No candidate for City Council or committee shall expend contributions received in connection with a particular election on campaign expenses associated with a subsequent election. Campaign accounts of candidates elected to office in which there is a surplus following payment of campaign debts shall be redesignated as officeholder accounts and maintained in compliance with Section 2.76.060. Any surplus funds beyond those permitted to be retained in an officeholder account shall be expended exclusively in compliance with Government Code Section 89515 or remitted to the city to be used for programs that enhance voter education and participation in elections. Candidates shall provide the City Clerk with documentary evidence that the balance in their campaign accounts complies with Section 2.76.060 within ten days of redesignation of the account as an officeholder account.

(Ord. 13-907 § 1, 2013; Ord. 09-835 § 1, 2009; Ord. 09-830 § 1, 2009)

2.76.060 Officeholder Accounts.

Following the municipal election at which a candidate is elected or re-elected, the candidate's campaign account shall be redesignated as an officeholder account. No person shall make and no City Councilmember shall solicit or accept a contribution directly into an officeholder account. An officeholder account shall not hold more than ten thousand dollars (\$10,000.00) at any one time. Funds in an officeholder account shall be used only for officeholder expenses associated with holding office in accordance with Sections 89512 through 89519 of the California Government Code, excluding that part of Subsection 89513(g) pertaining to loans to candidates, political parties or committees. Funds in an officeholder account shall not be used or expended: (a) in connection with an election of the City Councilmember or any other person for any elected office; (b) for campaign consulting, research, polling or similar services in connection with an election; (c) for membership dues in any athletic club or similar club or organization membership in which is primarily personal or social (but excluding membership in or contributions to community-serving or civic organizations); (d) as supplemental compensation for city employees for performance of an act that would be required or expected of that person in

the regular course of his or her duties; or (e) for any expenditure that would violate the provisions of Government Code Sections 89506 and 89512 through 89519. Every City Councilmember who establishes and maintains an officeholder account shall file with the City Clerk a semi-annual report on a form provided by the Clerk enumerating all deposits into the officeholder account and identifying all disbursements from the account in excess of one hundred dollars (\$100.00) by showing the payee, date, amount, person(s) whose expenses were reimbursed and purpose of each such disbursement. The Councilmember shall retain all receipts, invoices and other documents documenting disbursements from the account.

(Ord. 09-835 § 1, 2009; Ord. 09-830 § 1, 2009)

2.76.065 Committee Disclosure of Top Donors.

All primarily formed committees shall identify on all campaign materials the names of the top three donors that have made the highest total contributions to the committee as reported in the Form 497 filings submitted to the City Clerk, or any equivalent form required by law, at the time the campaign materials are disseminated to the public. For purposes of this section, the term primarily formed committee shall be as defined in the Political Reform Act.

(Ord. 16-981 § 2, 2016)

2.76.067 Electronic Filing of Campaign Statements.

a. Any elected officer, candidate, committee, or other person required to file statements, reports or other documents prescribed by Chapter 4 (Campaign Disclosure) of Title 9 (Political Reform) of the California Government Code that has received contributions and made expenditures of one thousand dollars (\$1,000.00) or more, shall electronically file such statements using procedures established by the City Clerk.

b. Once an elected officer, candidate, committee, or other person files a statement, report, or other document electronically pursuant to subsection (a), all future statements, reports, or other documents on behalf of that filer shall be filed electronically.

c. In any instance in which an original statement, report, or other document must be filed with the California Secretary of State and a copy of that statement, report, or other document is required to be filed with the City Clerk, the filer may, but is not required to file the copy electronically.

d. If the City Clerk's electronic system is not capable of accepting a particular type of statement, report, or other document, an elected officer, candidate, committee, or other person shall file that document with the City Clerk in an alternative format.

(Ord. 16-987 § 2, 2016)

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West Hollywood Municipal Code

Title 2 Administration and Personnel

Article 4 – Miscellaneous

Chapter 2.72 Lobbying

2.72.010 Lobbyist – Defined.

“Lobbyist” shall mean 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.

(Ord. 85-44, 1985; prior code § 21000)

2.72.020 Registration.

Prior to conducting any activities for the purpose of influencing any action by the City of West Hollywood, any lobbyist shall register with the City Clerk by filing a written statement containing:

- a. The lobbyist’s full name, business address and telephone number;
- b. The name, business address and telephone number of any individual or entity by whom the lobbyist is employed or with whom he or she contracts to perform lobbying services in the city; and
- c. A description of the subject matter of the lobbyist’s engagement.

(Ord. 97-491 § 1, 1997; Ord. 85-44, 1985; prior code § 21001)

2.72.030 Registration Equivalentents.

A lobbyist is deemed to be registered with the City Clerk if he or she has otherwise provided the City of West Hollywood in writing with the information required by Section 2.72.020 or has appeared at a public meeting of the City of West Hollywood and has stated the required information for the record.

(Ord. 85-44, 1985; prior code § 21002)

2.72.040 Registration Fee.

The City Clerk may charge a fee for filing, amending and/or renewal of a registration, the amount of which shall be determined by resolution of the City Council.

(Ord. 97-491 § 2, 1997; prior code § 21003)

2.72.050 Registration – Time.

Every lobbyist required to file a registration statement under this chapter shall register with the City Clerk no later than ten days after being engaged as a lobbyist, and shall renew the registration annually as required in Section 2.72.060.

(Ord. 97-491 § 3, 1997; prior code § 21004)

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2.72.060 Registration – Duration.

Registration shall be renewed with the City Clerk on an annual basis between May 21st and June 1st of each year. Registration shall be valid for one year.

(Ord. 97-491 § 3, 1997; prior code § 21005)

2.72.070 Amendment of Registration Information.

If any change occurs concerning any of the information required by Section 2.72.020, the lobbyist shall file an amendment reflecting the change within ten days of the change.

(Ord. 97-491 § 2, 1997; Ord. 85-44, 1985; prior code § 21006)

2.72.080 Notice of Termination.

Lobbyists may file a notice of termination with the City Clerk within ten days after ceasing all activity which required registration.

(Ord. 97-491 § 2, 1997; prior code § 21007)

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)



POLITICAL ADVERTISING

CAMPAIGN LITERATURE

Mass Mailing

1. Section 84305 of the Government Code provides:
 - (a) Except as provided in subdivision (b), no candidate or committee shall send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the organization's address is a matter of public record with the Secretary of State.
 - (b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.
 - (c) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).
2. Section 89001 of the Government Code provides:

No newsletter or other mass mailing shall be sent at public expense.

West Hollywood Municipal Code – 2.76.065 - Committee Disclosure of Top Donors

1. All primarily formed committees shall identify on all campaign materials the name of the top three donors that have made the highest total contributions to the committee as reported in the Form 497 filings submitted to the City Clerk, or any equivalent form required by law, at the time the campaign materials are disseminated to the public. For purposes of this section, the term primarily formed committee shall be as defined in the Political Reform Act. (Ordinance 16-981)

Campaign Literature Containing Polling Place of Vote

Candidates are requested not to send out any campaign literature telling a voter where his or her polling place is located. It is not only confusing to voters, but some polling place changes may occur in the last few days prior to an election. I am sure you can understand the problems this causes the Office of the City Clerk and the Los Angeles County Registrar of Voters, as well as for the candidate.

OUTDOOR POLITICAL ADVERTISING

Political Signs - State Requirements/Guidelines

Section 5405.3 of the Business and Professions Code provides:

Nothing in this chapter, including, but not limited to, Section 5405, shall prohibit the placing of temporary political signs, unless a federal agency determines that such placement would violate federal regulations. However, no such sign shall be placed within the right-of-way of any highway or within 660 feet of the edge of and visible from the right-of-way of a landscaped freeway.

A temporary political sign is a sign which encourages a particular vote in a scheduled election.

Campaign signs may only be placed on PRIVATE property. West Hollywood Municipal Code Sections 19.34.050 (f) and 19.34.090 A.2 prohibit the placement of political signs in the public right-of-way including medians, telephone & light poles, signals, trees, etc

Sign Type	Maximum Number	Maximum Area	Maximum Height	Time Limit	Additional Requirements
Political signs	No maximum	12 sq. ft. per sign, except billboards	5 ft.	Shall be removed within 10 days after the election if its message is connected with a candidate or proposition	Shall not project more than 6 in. from any structure or may be freestanding. Allowed on private property only.

[Chart excerpted from West Hollywood Municipal Code §19.34.050 (f)]

RESOLUTION NO. 14-4554

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF WEST HOLLYWOOD REVISING THE
POLICY FOR THE DISTRIBUTION OF TICKETS
AND PASSES RECEIVED BY THE CITY OF WEST
HOLLYWOOD

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES
HEREBY RESOLVE AS FOLLOWS:

SECTION 1: The City Council finds as follows:

A. On January 1, 2012, the California Fair Political Practices Commission ("FPPC") amended its regulations regarding the distribution of tickets and passes received by public agencies, and the circumstances under which such distribution would not require disclosure by public officials as income or a gift;

B. The FPPC regulations continue to require the City to set forth a written policy regarding the distribution of tickets and passes received by the City;

C. The FPPC recognizes the discretion of local agency governing bodies, including the City Council, to determine if the distribution of tickets and passes serves a legitimate public purpose of the agency;

D. The receipt of such tickets and passes is a resource of the City and not of its officials or employees;

E. The City desires to continue to distribute this resource in a manner that furthers the public purposes of the City, as described herein; and

F. The City has a strong public purpose in ensuring the quality and continued improvement of events and attractions in the City.

SECTION 2: Definitions. Unless specifically stated to the contrary, all terms in this Resolution shall be defined as set forth in California Government Code section 82000, *et seq.*, and California Code of Regulations, Title 2, Division 6, Section 18944.1.

SECTION 3: Purpose of Policy. The purpose of this policy is to ensure all tickets and passes received by the City are distributed in furtherance of the City's stated public purposes and in accordance with California Code of Regulations, Title 2, Division 6, Section 18944.1.

SECTION 4: Application. This resolution shall apply only to tickets or passes distributed by the City to, or at the behest of, public officials. This

includes distribution of any tickets or passes received under contract or agreement where the consideration to the City includes a certain number of tickets or passes to the event which is the subject of the contract or agreement. Tickets or passes received by an official from sources other than the City shall be treated in accordance with any applicable section of the Political Reform Act and FPPC regulations.

SECTION 5: Public Purposes. Tickets and passes shall be distributed by the City only in furtherance of any or all of the following public purposes:

- A. Promotion of local businesses, events, tourism, or public facilities.
- B. Promotion of public or private events on City-owned property.
- C. Promotion of City programs, facilities, and available resources.
- D. Promotion of programs and resources available to the City's residents from sources other than the City.
- E. Promotion or acknowledgement of the achievements or accomplishments of residents or businesses of the City.
- F. Promotion of special events under any City contract or agreement.
- G. Fostering or promotion of economic growth or economic development in the City.
- H. Employee recognition or retention.
- I. Practicing open government through appearances by public officials or participation at public or private events.
- J. Hosting of public or private events intended to serve any of the public purposes identified in this Resolution.
- K. As an incident to the above public purposes, allowing for the immediate family of public officials to accompany the officials to events to accomplish any of the purposes listed in this Resolution.

SECTION 6: Limitations on Tickets or Passes Distributed to Public Officials. Tickets or passes distributed to a public official under this policy are solely for the personal use of the official or his or her immediate family or no more than one guest solely for their attendance at the event. Any unused ticket or pass distributed to a public official under this policy must be returned to the City for redistribution if the ticket or pass remains valid. Under no circumstances may the ticket or pass be sold or further distributed by the official, except to the official's immediate family for their personal use.

SECTION 7: Other Benefits Not Included. Recipient officials are cautioned to consult Section 18944.1(f) of the FPPC regulations, which limits the ticket or pass gift exemption to only the benefit the official receives that are provided to all members of the public with the same class of ticket.

SECTION 8: Ticket or Pass Distribution. The City Manager, or his or her designee, shall be responsible for distribution of tickets or passes in accordance with this policy. The City Council hereby authorizes the City Manager to exercise the City's discretion in determining if distribution of the tickets or passes complies

with this policy, including any distribution to the City Manager or his or her immediate family.

SECTION 9: Posting of Policy. This policy shall be posted on the City's website in a prominent fashion.

SECTION 10: Posting of Ticket or Pass Distribution. In accordance with Section 18944.1(d) of the FPPC's regulations, any distribution of passes or tickets under this policy shall be recorded on FPPC Form 802 and maintained as a public record. The form will be forwarded to the FPPC for posting on their website. The form will also be posted in a prominent fashion on the City's website within thirty (30) days of the distribution. The posting shall contain all information required by Section 18944.1(d). The posting shall use FPPC Form 802, or other form approved for this purpose by the FPPC.

SECTION 11: The City Clerk is directed to certify the adoption of this Resolution; record this Resolution in the book of the City's original resolutions; and make a minute of the adoption of the Resolution in the City Council's records and the minutes of this meeting.

SECTION 12: This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 5th day of May, 2014 by the following vote:

AYES:	Councilmember:	Duran, Land, Prang, Mayor Pro Tempore Heilman and Mayor D'Amico.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.



JOHN D'AMICO, MAYOR

ATTEST:



YVONNE QUARKER, CITY CLERK

RESOLUTION NO. 15-4766

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF WEST HOLLYWOOD UPDATING THE
CITY'S PUBLIC OFFICIALS EXPENSE
REIMBURSEMENT POLICY**

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES HEREBY
RESOLVE AS FOLLOWS:

SECTION 1. The City Council finds and declares as follows:

- A. Elected and appointed City Officials are responsible for promoting and protecting public health, safety, and welfare. Among other things, these duties may require City Officials to:
1. Discuss the City's concerns with state and federal officials;
 2. Participate in regional, state and national organizations that affect the City's interests;
 3. Attend educational seminars designed to improve City Officials' skills and provide information;
 4. Promote public service and morale;
 5. Attend meetings, ceremonial events and other activities sponsored by constituents, neighborhood groups, business organizations and similar groups;
 6. Promote economic development; and
 7. Meet with constituents, business owners and others with an interest in the City.
- B. It is in the public interest to reimburse City Officials' expenses incurred in connection with these activities consistent with the provisions of this Resolution.

SECTION 2. *Declaration of Policy and Purpose.* Among other things, this Resolution is intended to update and implement Resolutions No. 06-3354 and 14-4583 as adopted by the City Council on February 21, 2006 and June 23, 2014 respectively (the "AB 1234 Resolution") and any subsequent amendments to that resolution, which were adopted to comply with Government Code §§ 53232.2 and 53232.3.

The policy set forth in this Resolution shall be known as the West Hollywood Public Official Expense Reimbursement Policy (referred to herein as the "Policy"), and shall apply to all reimbursement for expenses associated with City business including, without limitation, travel, meals and mileage.

SECTION 3. *Definitions.* Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this Policy. Words and phrases not given a meaning by this Policy have the meaning set forth in the AB1234 Resolution or Government Code § 53232.

- A. "Actual and necessary" means expenses that were incurred due to practical necessity, not mere convenience, based on prevailing business practices and consistent with this Policy.
- B. "Public Official" means members of the City Council and members of boards, commissions, and committees appointed by the City Council; provided, however, appointed officials are not entitled to reimbursement for any expenses unless approved in advance by the City Manager. The term "Public Official" does not include City employees.
- C. "Reimbursement" means all forms of payment for expenses incurred by Public Officials in the course of their official duties whether paid directly by the City (including, without limitation, with a City-issued credit card) or advanced by Public Officials with personal funds and later reimbursed from City funds.

SECTION 4. *City Business – Authorized Activities.*

- A. Actual and necessary expenses incurred while engaging in the following City business activities are generally authorized expenses if all requirements of this Policy are fulfilled:
 - 1. Communicating with representatives of regional, state and national government on City adopted policy positions;
 - 2. Attending educational seminars or conferences designed to improve Public Officials' skill and information levels, or conferences for the purpose of attracting or retaining businesses in the City;
 - 3. Participating in regional, state and national organizations whose activities affect the City's interests;

4. Attending City-sponsored or organized events and meetings;
 5. Attending meetings with constituents, neighborhood groups, business organizations, and others regarding matters of City business.
 6. Representing the City at ceremonial events or legal proceedings.
- B. Expenditures incurred in connection with activities or events not listed in this Policy, not listed in the approved City budget, or foreseeably exceeding \$5,000, require prior approval by the City Council.
- C. Public Officials may, if they choose, use personal funds to pay for expenses that exceed reimbursable rates.

SECTION 5. Unauthorized Expenses. The City will not reimburse Public Officials for expenses incurred outside the scope of their duties including, and not limited to, the following examples:

- A. The personal portion of any trip. For example, if a Public Official elects to travel to an event in advance or stay longer on personal business, the City need only reimburse for roundtrip travel costs and costs incurred during the event's duration;
- B. Political or charitable contributions or events;
- C. Family expenses, including partner's expenses when accompanying a Public Official on City-related business, as well as children- or pet-related expenses;
- D. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
- E. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline;
- F. Personal losses incurred while on City business except as provided in the PARSAC memorandum of coverage;
- G. Expenses for which the Public Official receives reimbursement from another agency;
- H. Alcohol/personal bar expenses;

- I. Restaurant meals exclusively among Public Officials and/or employees; and
- J. Expenses incurred in violation of federal or state law, or City ordinance or policies.

The City will not reimburse Public Officials for expenses that exceed budget limits for the category of expense. Any questions regarding the propriety of a particular type of expense should be resolved by the City Council before the expense is incurred.

SECTION 6. Transportation.

- A. *Generally.* Public Officials must use the most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements, using a direct and time-efficient route. Government and group rates must be used when available.
- B. *Airfare.* The lowest possible airfare, as reflected by a comparison of airfares offered directly by commercial airlines or fare comparison websites such as Kayak or Farecast, shall be used when purchasing flights. No Public Official shall be reimbursed for the cost of upgrades to class or seating type for which a fare higher than basic, economy, or coach class is charged. Airfare expenses should be prepaid directly by the City where possible.
- C. *Automobile.*
 - 1. Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect (see www.irs.gov). For 2015 the rate is 57.5 cents per mile. These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable.
 - 2. Only a Public Official's travel for City business outside of West Hollywood is authorized for reimbursement.
 - 3. A Public Official may leave from his/her home for City business. However, the City will not reimburse for mileage that exceeds mileage from City Hall to the destination point.
- D. *Car Rental.* Rental rates that are equal or less than those available through the State of California's website

(www.catravelsmart.com/default.htm) are considered the most economical and reasonable for purposes of reimbursement under this policy.

- E. *Taxis/Shuttles.* Taxis or shuttles fares may be reimbursed, including a 15 percent maximum gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.
- F. *Parking.* Parking fees incurred at either a hotel or at a parking facility are reimbursable. However, unless the Public Official can demonstrate that no other reasonable alternative existed, valet parking cost will not be reimbursed beyond that incurred for a normal self parking fee at the location. When airport parking is used for travel exceeding 24 hours, long-term rather than short-term parking must be used.
- G. *Baggage Fees.* Standard baggage fees may be reimbursed, including a 15 percent maximum gratuity, with accompanying airline receipts.
- H. *Internet:* Internet usage associated with City-related business will be reimbursed at a not to exceed amount of \$15 per day. If a portion of the internet service is used for non-city related business, indicate the percentage used for city-related business in the expense report.
- I. *Other:* Public Officials and Employees may, if they choose, use personal funds to pay for expenses that exceed reimbursable rates.

SECTION 7. Lodging.

- A. Lodging expenses will be reimbursed only at the single occupancy rate for rooms.
- B. Lodging expenses will be reimbursed when travel on official City business in the City Manager's judgment reasonably requires an overnight stay.
- C. *Conferences/Meetings.* If lodging is associated with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking.
- D. *Other Lodging.* Travelers must request government rates, when available. A listing of hotels offering government rates in different

areas is available at www.catravelmart.com/lodguideframes.htm. Lodging rates that are equal to or less than government rates are presumed to be reasonable and hence reimbursable for purposes of this policy. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence reimbursable.

SECTION 8. Meals and Incidental Expenses.

- A. For any overnight trip, a Public Official may receive a per diem or be reimbursed for actual expenses for meals for each day or fraction thereof they are traveling. If the Employee receives per diem, it will be based on the limit for the City or County to which he/she is traveling as established by the U.S. General Services Administration (www.gsa.gov). Examples of per diem rates and reimbursable meals and incidental expenses, inclusive of tax and tip, are set forth in Attachment A to this policy, which will be updated annually or as otherwise determined to be necessary by the City Council, on the recommendation of the City Manager.
- B. Meals authorized by this policy consumed by a Public Official not associated with an overnight trip are reimbursed in amounts established by the U.S. General Services Administration and set forth in Attachment A to this policy.
- C. Per Diem rates will be deducted for applicable meals included in conference or seminar registration or program fees.
- D. The time calculations for per diem starts when the Public Official begins travel. The first and last calendar day of travel are eligible for reimbursement at 75% of the per diem rate, and the Public Official can claim the full per diem amount for each 24-hour period thereafter.
- E. Receipts are not required to claim per diem. However, a Travel Expense Report indicating time, place, and business purpose must be completed upon return.
- F. Any reimbursement claim for expenses that exceed the per diem rate may constitute additional income for tax purposes.
- G. Gratuities or tips associated with meals at a restaurant or provided by the City should not exceed 15%.
- H. Meals are reimbursable for All-Day Training Courses or Educational Seminars to the extent that the meal was for a valid business

purpose and included the conduct of City-related business. For example, a lunch during which training participants collaborated on an assigned case study as part of a training session would constitute a reimbursable meal. The meal must be a venue for discussion or other consideration of a business-related topic, and the characterization as such must be documented in order to qualify for reimbursement and avoid triggering taxable income pursuant to the Internal Revenue Code.

- I. Meals for Third Parties: As a general rule, public funds may not be expended by Public Officials to purchase meals for third parties, such as constituents, legislators and private business owners. The City Manager is authorized to approve exceptions to this general rule in advance on a case-by-case basis for meals included or associated with an official City-sponsored event or official City business.

SECTION 9. Expense Allowances.

- A. Telephone and Internet Access Allowance. Councilmembers will receive a flat allowance of \$150 per month for telephone and internet access expenses incurred in connection with the performance of City business. Submission of bills is not required.
- B. Miscellaneous Office and Transportation Allowance. Councilmembers will receive a flat allowance of \$100 per month for expenditures on office equipment and supplies, personal vehicle use, taxi service, and parking expenses incurred while representing the City. Submission of bills is not required. This allowance is in addition to other reimbursable transportation expenses defined in Section 6, which are generally associated with business travel.

SECTION 10. Cash Advance Policy.

- A. From time to time, it may be necessary for a Public Official to request a cash advance to cover anticipated expenses while traveling or doing business on the City's behalf. Such request for an advance should be submitted to the City Manager five (5) days before the need for the advance with the following information:
 1. The business purpose of the expenditure(s);
 2. The benefits of such expenditure to the residents of the City;

3. The anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and
 4. The dates (time and place) of the expenditure(s).
- B. Any unused advance must be returned to the City's Finance & Technology Services Department within five (5) business days of the Public Official's return, along with an expense report and receipts documenting how the advance was used in compliance with this Policy.
 - C. In the event the City Manager is uncertain as to whether a Public Official's request complies with this policy, the City Manager must seek City Council approval.

SECTION 11. Expense Report Content and Submission Deadline.

- A. All cash advance expenditures, credit card expenses and expense reimbursement requests must be submitted on an expense report form provided by the City.
- B. Expense reports must document that the expense in question met the requirements of this policy. For example, if a meeting is with a legislator, the Public Official should explain whose meals were purchased, include name, title and organization, what issues were discussed and how those relate to the City's adopted legislative positions and priorities.
- C. Public Officials must submit their expense reports within thirty (30) days after an expense is incurred, accompanied by receipts documenting each expense. Both an itemized restaurant receipt and credit card authorization receipt (or final receipt if paid with cash) are required for reimbursement for any meals purchased.
- D. Inability to provide such documentation in a timely fashion may result in the expense being borne by the Public Official.
- E. All expenses are subject to verification that they comply with this policy.
- F. Reimbursement for any expenses associated with mileage or food/beverages must be submitted through the accounts payable process and not through petty cash.

SECTION 12. Reports to Legislative Body. At the meeting of their respective legislative body following an activity, each Public Official must briefly report on meetings, seminars, conferences, educational programs, and other authorized

activities attended at City expense. If multiple Public Officials attended, a joint report may be made.

SECTION 13. Compliance with Laws. Some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the California Public Records Act.

SECTION 14. Violations. Use of public resources or falsifying expense reports in violation of this Policy may result in any or all of the following:

- A. Loss of reimbursement privileges;
- B. A demand for restitution to the City;
- C. The City's reporting the expenses as income to the Public Official to state and federal tax authorities;
- D. Civil penalties of up to \$1,000 per day and three times the value of the resources used; and
- E. Prosecution for misuse of public resources.

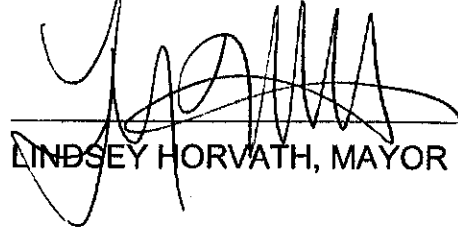
SECTION 15. Severability. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 16. City Clerk. The City Clerk is directed to certify the passage and adoption of this Resolution; cause it to be entered into the City of West Hollywood book of original Resolutions; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Resolution, cause it to be published or posted in accordance with California law.

SECTION 17. Effective Date. This Resolution will become effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 2nd day of November, 2015 by the following vote:

AYES:	Councilmember:	D'Amico, Duran, Heilman Mayor Prop Tempore Meister.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	Mayor Horvath



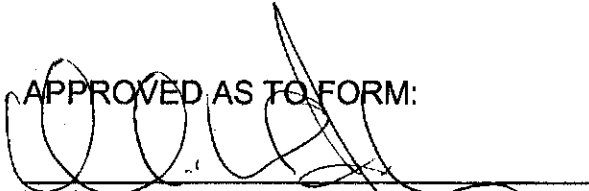
LINDSEY HORVATH, MAYOR

ATTEST:



Yvonne Quarker, City Clerk

APPROVED AS TO FORM:



Michael Jenkins, City Attorney

Attachment A
Per Diem and Meal Reimbursement Schedule
for October 2015 - September 2016

Meals and incidental expenses for out-of-town travel, inclusive of tax and tip:

Sacramento

Meals & Incidental Expenses Total:	\$64 Per Day
Breakfast:	\$15 Per Day
Lunch:	\$16 Per Day
Dinner:	\$28 Per Day
Incidental Expenses:	\$ 5 Per Day

Washington DC

Meals & Incidental Expenses Total:	\$69 Per Day
Breakfast:	\$16 Per Day
Lunch:	\$17 Per Day
Dinner:	\$31 Per Day
Incidental Expenses:	\$ 5 Per Day

Meals not associated with out-of-town or overnight travel, inclusive of tax and tip:

Breakfast:	\$15
Lunch:	\$16
Dinner:	\$28

Pursuant to GSA guidance, the first and last calendar day of travel are eligible for reimbursement at 75% of the per diem rate, and the Public Official can claim the full per diem amount for each 24-hour period thereafter.

Current per diem rates are available at www.gsa.gov.