

November 22, 2022

The Honorable City Council
c/o Holly Wolcott, City Clerk
200 North Spring Street
City Hall – 3rd Floor
Los Angeles, CA 90012

Re: Amendments to Conflict of Interests Code
Los Angeles City Attorney's Office

FOR COUNCIL CONSIDERATION
Action Required by **February 20, 2023**

Dear Councilmembers:

Enclosed is the proposed amendments to the conflict of interests (COI) code for the City Attorney's Office. As the City's code-reviewing body, the City Council must approve, revise, or return the proposed code amendments within 90 days of the date they are received. Cal. Gov't Code §§ 82011(c), 87303. We recommend that you approve the proposed COI code, which is provided in Attachments A through C.

A. Background

State law requires every City agency to adopt a COI code to help officials in the agency avoid financial conflicts of interest. Each COI code must identify the positions in the agency that have the authority to make or participate in government decisions, as well as the financial interests that must be reported on California Form 700 by the individuals who occupy those positions. Cal. Gov't Code §§ 87300, 87302(a). Agencies are required to amend their COI codes when changed circumstances make amendments necessary. Cal. Gov't Code § 87306.

B. Code Elements

A COI code consists of three sections: the incorporation and certification; a list of designated positions (schedule A); and a list of disclosure categories (schedule B). 2 Cal. Code Regs. §§ 18730(a)–18730(b)(3).

The incorporation and certification is a standardized introductory statement that briefly explains the function of the COI code, provides references to relevant sections of the California Political Reform Act and its regulations, and certifies that the entire COI code was approved by the City Council. The incorporation and certification is included in each agency's COI code.

Schedule A is a list of specific positions in the agency that have the authority to make or participate in making decisions that could foreseeably have an effect on a personal financial interest. Each position is assigned to a disclosure category, which is found in Schedule B. The

disclosure category is based on the position's type and level of decision-making authority and describes the types of investments, business positions, sources of income, and interests in real property that must be reported on a statement of economic interests (California Form 700).

C. Process

The City Attorney's Office previously amended their COI code in May 2007 (attachment E). In an effort to comply with state law, the agency has developed a COI code in consultation with the Ethics Commission. The City Attorney's Office staff conducted a substantive review, and the newly amended code reflects the agency's current organizational structure and decision-making processes.

On December 5, 2018, a notice of intention to amend the City Attorney's Office COI code was emailed to the staff and the unions that represent them, and it was posted on the public bulletin boards in City Hall and City Hall East. A 30-day comment period began on December 5, 2018 and ended on January 4, 2019. During the comment period, three written comments were received. Redacted copies of these comments are provided in attachment D. No requests for a public hearing were made during this comment period.

On November 22, 2022 the City Attorney, Michael Feuer, approved the department's proposed COI Code, confirming that the Schedule A list of designated positions identifies all the individuals in the City Attorney's Office who are required by state law to file statements of economic interests and that the assigned disclosure categories accurately reflect the scope of each position's decision-making authority. Copies of the proposed schedules are provided in Attachments A and B.

D. Conclusion

On behalf of CHRED, we urge you to approve its proposed COI code, which is provided in Attachments A, B, and C. Under State law, City Council action on the amended code is required by February 20, 2023 (90 days after this transmittal is received).

If you have any questions, please contact Ethics Program Manager Samantha Rodriguez at (213) 978-1960.

Sincerely,

A handwritten signature in black ink, appearing to read "David Tristan".

David Tristan
Executive Director

Attachments:

- A. Proposed Schedule A – Designated Positions*
- B. Proposed Schedule B – Disclosure Categories*
- C. Incorporation and Certification*
- D. Written Public Comments*
- E. Current COI Code*

cc: Assistant City Attorney Renee Stadel

City of Los Angeles
OFFICE OF THE CITY ATTORNEY
Conflict of Interests Code
DESIGNATED POSITIONS
(Schedule A)

<u>Position Title</u>	<u>Disclosure Category</u>
Administrative Coordinator	12
Administrative Coordinator, Human Resources Division	18
Assistant City Attorney	1
Chief Administrative Assistant	1
Chief Assistant City Attorney	1
Chief Investigator	14
City Attorney	*
Consultant	**
Deputy City Attorney	1
Executive Assistant City Attorney	1
Financial Manager	5
Hearing Officer	10
Investigator	10
Law Librarian	9
Legal Assistant	10
News Secretary	10
Paralegal	10
Principal Clerk II	11
Senior Assistant City Attorney	1

Senior Hearing Officer	14
Senior Legal Assistant	14
Senior Witness Service Coordinator	12
Tenure Exempt Employee	1
Witness Service Coordinator	12

* Government Code Section 87200 requires that all filers in this classification disclose all investments, income, and interests in real property, and business positions as defined in this Conflict of Interest Code.

** Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: The City Attorney may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The City Attorney’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Section 81008.)

City of Los Angeles
OFFICE OF THE CITY ATTORNEY

Conflict of Interests Code
DISCLOSURE CATEGORIES
(Schedule B)

An individual whose position is identified in the Designated Positions section (Schedule A) of an agency's conflict of interests code is a filer and must disclose each economic interest identified below for the disclosure category associated with the individual's position. Disclosure must be made by filing the California Form 700 on specified schedules.

The definitions for investments, business positions, sources of income, interests in real property, doing business, gifts, and other terms may be found in the California Political Reform Act, its associated regulations, and the instructions for the California Form 700. The term "division" means a subset of the filer's agency and, depending on the agency's structure, may also be known as a department, group, office, section, or other similar term used to indicate a subordinate unit of the agency.

Economic interests must be disclosed for the applicable reporting period. In general, the following types of Form 700 filings have the following reporting periods:

Annual: January 1 through December 31 of the previous calendar year.

Assuming Office: the date the filer assumes office for investments, business positions, and interests in real property; for income, the 12 months immediately preceding the date the filer assumes office.

Leaving Office: the last date covered by the filer's most recent filing through the date the filer left the designated position.

Reporting periods may vary in individual circumstances and for other types of filings and should be verified with the Ethics Commission.

Category 1

Any investment, business position, source of income, or interest in real property.

Category 2

- A. Any investment in, business position with, or income from a source that did any of the following:
1. Provides the type of services, goods, or equipment used by the filer's agency;
 2. Provided or sought to provide services, goods, or equipment to the filer's agency;
- or

3. Was a party or sought to become a party to a written agreement with the filer's agency.
- B. Any interest in real property that was involved in a contracting decision made by or pending with the filer's agency or is located within 500 feet of such property.
- C. Any investment in, business position with, or income from a source that rented, leased, subrented, sublet, purchased, or sold real property or facilities to or from the filer's agency.
- D. Any investment in, business position with, or income from a source that applied for or received a grant from or provided grant funding to the City when the filer's agency provided a review, recommendation, or referral.

Category 3

- A. Any investment in, business position with, or income from a source that was involved as a party, participant, or representative in an investigative, enforcement, claim, litigation, regulatory, legislative, permitting, or licensing issue made by or pending with the filer's agency.
- B. Any interest in real property that was involved in an enforcement, regulatory, legislative, permitting, or licensing decision made by or pending with the filer's agency or is located within 500 feet of such property.

Category 4

- A. Any income from an individual, or an immediate family member of an individual, who was employed by or applied for any position within the filer's agency.
- B. Any investment in, business position with, or income from a source that represented or sought to represent an employee or group of employees in the filer's agency.
- C. Any investment in, business position with, or income from a source that did any of the following:
 1. Provides the type of services, goods, or equipment used by the filer's division;
 2. Provided or sought to provide services, goods, or equipment to the filer's division;
or
 3. Was a party or sought to become a party to a written agreement with the filer's division.
- D. Any investment in, business position with, or income from a source that provided or sought to provide benefits, services, goods, or equipment to the filer's agency or its employees when the filer's division provided a review, recommendation, or referral.

Category 5

- A. Any investment in, business position with, or income from a source that did any of the following:
 - 1. Provides the type of services, goods, or equipment used by the filer's agency;
 - 2. Provided or sought to provide services, goods, or equipment to the filer's agency;
or
 - 3. Was a party or sought to become a party to a written agreement with the filer's agency.
- B. Any interest in real property that was involved in a contracting decision made by or pending with the filer's agency or is located within 500 feet of such property.
- C. Any investment in, business position with, or income from a source that rented, leased, subrented, sublet, purchased, or sold real property or facilities to or from the filer's agency.
- D. Any investment in, business position with, or income from a source that applied for or received a grant from or provided grant funding to the City when the filer's agency provided a review, recommendation, or referral.
- E. Any investment in, business position with, or income from a source that was involved as a party, participant, or representative in an investigative, enforcement, claim, litigation, regulatory, legislative, permitting, or licensing issue made by or pending with the filer's agency.
- F. Any interest in real property that was involved in an enforcement, regulatory, legislative, permitting, or licensing decision made by or pending with the filer's agency or is located within 500 feet of such property.

Category 6

- A. Any investment in, business position with, or income from a source that did any of the following:
 - 1. Provides the type of services, goods, or equipment used by the filer's agency;
 - 2. Provided or sought to provide services, goods, or equipment to the filer's agency;
or
 - 3. Was a party or sought to become a party to a written agreement with the filer's agency.
- B. Any interest in real property that was involved in a contracting decision made by or pending with the filer's agency or is located within 500 feet of such property.
- C. Any investment in, business position with, or income from a source that rented, leased, subrented, sublet, purchased, or sold real property or facilities to or from the filer's agency.

- D. Any investment in, business position with, or income from a source that applied for or received a grant from or provided grant funding to the City when the filer's agency provided a review, recommendation, or referral.
- E. Any income from an individual, or an immediate family member of an individual, who was employed by or applied for any position within the filer's agency.
- F. Any investment in, business position with, or income from a source that represented or sought to represent an employee or group of employees in the filer's agency.
- G. Any investment in, business position with, or income from a source that provided or sought to provide benefits, services, goods, or equipment to the filer's agency or its employees when the filer's division provided a review, recommendation, or referral.

Category 7

- A. Any investment in, business position with, or income from a source that was involved as a party, participant, or representative in an investigative, enforcement, claim, litigation, regulatory, legislative, permitting, or licensing issue made by or pending with the filer's agency.
- B. Any interest in real property that was involved in an enforcement, regulatory, legislative, permitting, or licensing decision made by or pending with the filer's agency or is located within 500 feet of such property.
- C. Any income from an individual, or an immediate family member of an individual, who was employed by or applied for any position within the filer's agency.
- D. Any investment in, business position with, or income from a source that represented or sought to represent an employee or group of employees in the filer's agency.
- E. Any investment in, business position with, or income from a source that did any of the following:
 - 1. Provides the type of services, goods, or equipment used by the filer's division;
 - 2. Provided or sought to provide services, goods, or equipment to the filer's division;
or
 - 3. Was a party or sought to become a party to a written agreement with the filer's division.
- F. Any investment in, business position with, or income from a source that provided or sought to provide benefits, services, goods, or equipment to the filer's agency or its employees when the filer's division provided a review, recommendation, or referral.

Category 8

- A. Any investment in, business position with, or income from a source that did any of the following:

1. Provides the type of services, goods, or equipment used by the filer's agency;
 2. Provided or sought to provide services, goods, or equipment to the filer's agency;
or
 3. Was a party or sought to become a party to a written agreement with the filer's agency.
- B. Any interest in real property that was involved in a contracting decision made by or pending with the filer's agency or is located within 500 feet of such property.
- C. Any investment in, business position with, or income from a source that rented, leased, subrented, sublet, purchased, or sold real property or facilities to or from the filer's agency.
- D. Any investment in, business position with, or income from a source that applied for or received a grant from or provided grant funding to the City when the filer's agency provided a review, recommendation, or referral.
- E. Any investment in, business position with, or income from a source that was involved as a party, participant, or representative in an investigative, enforcement, claim, litigation, regulatory, legislative, permitting, or licensing issue made by or pending with the filer's agency.
- F. Any interest in real property that was involved in an enforcement, regulatory, legislative, permitting, or licensing decision made by or pending with the filer's agency or is located within 500 feet of such property.
- G. Any income from an individual, or an immediate family member of an individual, who was employed by or applied for any position within the filer's agency.
- H. Any investment in, business position with, or income from a source that represented or sought to represent an employee or group of employees in the filer's agency.
- I. Any investment in, business position with, or income from a source that provided or sought to provide benefits, services, goods, or equipment to the filer's agency or its employees when the filer's division provided a review, recommendation, or referral.

Category 9

- A. Any investment in, business position with, or income from a source that did any of the following:
1. Provides the type of services, goods, or equipment used by the filer's division;
 2. Provided or sought to provide services, goods, or equipment to the filer's division;
or
 3. Was a party or sought to become a party to a written agreement with the filer's division.

- B. Any interest in real property that was involved in a contracting decision made by or pending with the filer's division or is located within 500 feet of such property.
- C. Any investment in, business position with, or income from a source that rented, leased, subrented, sublet, purchased, or sold real property or facilities to or from the City when the filer's division provided a review, recommendation, or referral.
- D. Any investment in, business position with, or income from a source that applied for or received a grant from or provided grant funding to the City when the filer's division provided a review, recommendation, or referral.

Category 10

- A. Any investment in, business position with, or income from a source that was involved as a party, participant, or representative in an investigative, enforcement, claim, litigation, regulatory, legislative, permitting, or licensing issue made by or pending with the filer's division.
- B. Any interest in real property that was involved in an enforcement, regulatory, legislative, permitting, or licensing decision made by or pending with the filer's division or is located within 500 feet of such property.

Category 11

- A. Any income from an individual, or immediate family member of an individual, who was employed by or applied for any position with the filer's agency when the filer's division provided a review, recommendation, or referral.
- B. Any investment in, business position with, or income from a source that represented or sought to represent an employee or group of employees and for whom the filer's division provided a review, recommendation, or referral.
- C. Any investment in, business position with, or income from a source that did any of the following:
 - 1. Provides the type of services, goods, or equipment used by the filer's division;
 - 2. Provided or sought to provide services, goods, or equipment to the filer's division;
or
 - 3. Was a party or sought to become a party to a written agreement with the filer's division.
- D. Any investment in, business position with, or income from a source that provided or sought to provide benefits, services, goods, or equipment to the filer's agency or its employees when the filer's division provided a review, recommendation, or referral.

Category 12

- A. Any investment in, business position with, or income from a source that did any of the following:
 - 1. Provides the type of services, goods, or equipment used by the filer's division;
 - 2. Provided or sought to provide services, goods, or equipment to the filer's division;
or
 - 3. Was a party or sought to become a party to a written agreement with the filer's division.
- B. Any interest in real property that was involved in a contracting decision made by or pending with the filer's division or is located within 500 feet of such property.
- C. Any investment in, business position with, or income from a source that rented, leased, subrented, sublet, purchased, or sold real property or facilities to or from the filer's agency when the filer's division provided a review, recommendation, or referral.
- D. Any investment in, business position with, or income from a source that applied for or received a grant from or provided grant funding to the City when the filer's division provided a review, recommendation, or referral.
- E. Any investment in, business position with, or income from a source that was involved as a party, participant, or representative in an investigative, enforcement, claim, litigation, regulatory, legislative, permitting, or licensing issue made by or pending with the filer's division.
- F. Any interest in real property that was involved in an enforcement, regulatory, legislative, permitting, or licensing decision made by or pending with the filer's division or is located within 500 feet of such property.

Category 13

- A. Any investment in, business position with, or income from a source that did any of the following:
 - 1. Provides the type of services, goods, or equipment used by the filer's division;
 - 2. Provided or sought to provide services, goods, or equipment to the filer's division;
or
 - 3. Was a party or sought to become a party to a written agreement with the filer's division.
- B. Any interest in real property that was involved in a contracting decision made by or pending with the filer's division or is located within 500 feet of such property.
- C. Any investment in, business position with, or income from a source that rented, leased, subrented, sublet, purchased, or sold real property or facilities to or from the

filer's agency when the filer's division provided a review, recommendation, or referral.

- D. Any investment in, business position with, or income from a source that applied for or received a grant from or provided grant funding to the City when the filer's division provided a review, recommendation, or referral.
- E. Any income from an individual, or immediate family member of an individual, who was employed by or applied for any position with the filer's agency when the filer's division provided a review, recommendation, or referral.
- F. Any investment in, business position with, or income from a source that represented or sought to represent an employee or group of employees and for whom the filer's division provided a review, recommendation, or referral.
- G. Any investment in, business position with, or income from a source that provided or sought to provide benefits, services, goods, or equipment to the filer's agency or its employees when the filer's division provided a review, recommendation, or referral.

Category 14

- A. Any investment in, business position with, or income from a source that was involved as a party, participant, or representative in an investigative, enforcement, claim, litigation, regulatory, legislative, permitting, or licensing issue made by or pending with the filer's division.
- B. Any interest in real property that was involved in an enforcement, regulatory, legislative, permitting, or licensing decision made by or pending with the filer's division or is located within 500 feet of such property.
- C. Any income from an individual, or immediate family member of an individual, who was employed by or applied for any position with the filer's agency when the filer's division provided a review, recommendation, or referral.
- D. Any investment in, business position with, or income from a source that did any of the following:
 - 1. Provides the type of services, goods, or equipment used by the filer's division;
 - 2. Provided or sought to provide services, goods, or equipment to the filer's division;
or
 - 3. Was a party or sought to become a party to a written agreement with the filer's division.
- E. Any investment in, business position with, or income from a source that represented or sought to represent an employee or group of employees and for whom the filer's division provided a review, recommendation, or referral.

- F. Any investment in, business position with, or income from a source that provided or sought to provide benefits, services, goods, or equipment to the filer's agency or its employees when the filer's division provided a review, recommendation, or referral.

Category 15

- A. Any investment in, business position with, or income from a source that did any of the following:
 - 1. Provides the type of services, goods, or equipment used by the filer's division;
 - 2. Provided or sought to provide services, goods, or equipment to the filer's division;
or
 - 3. Was a party or sought to become a party to a written agreement with the filer's division.
- B. Any interest in real property that was involved in a contracting decision made by or pending with the filer's division or is located within 500 feet of such property.
- C. Any investment in, business position with, or income from a source that rented, leased, subrented, sublet, purchased, or sold real property or facilities to or from the filer's agency when the filer's division provided a review, recommendation, or referral.
- D. Any investment in, business position with, or income from a source that applied for or received a grant from or provided grant funding to the City when the filer's division provided a review, recommendation, or referral.
- E. Any investment in, business position with, or income from a source that was involved as a party, participant, or representative in an investigative, enforcement, claim, litigation, regulatory, legislative, permitting, or licensing issue made by or pending with the filer's division.
- F. Any interest in real property that was involved in an enforcement, regulatory, legislative, permitting, or licensing decision made by or pending with the filer's division or is located within 500 feet of such property.
- G. Any income from an individual, or immediate family member of an individual, who was employed by or applied for any position with the filer's agency when the filer's division provided a review, recommendation, or referral.
- H. Any investment in, business position with, or income from a source that represented or sought to represent an employee or group of employees and for whom the filer's division provided a review, recommendation, or referral.
- I. Any investment in, business position with, or income from a source that provided or sought to provide benefits, services, goods, or equipment to the filer's agency or its employees when the filer's division provided a review, recommendation, or referral.

Category 16

- A. Any income from an individual, or an immediate family member of an individual, who was employed by or applied for any position within the City when the filer's division provided a review, recommendation, or referral.
- B. Any investment in, business position with, or income from a source that represented or sought to represent an employee or group of employees and for whom the filer's division provided a review, recommendation, or referral.
- C. Any investment in, business position with, or income from a source that did any of the following:
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 - 2. Provided or sought to provide services, goods, or equipment to the filer's division;
or
 - 3. Was a party or sought to become a party to a written agreement with the filer's division.
- D. Any investment in, business position with, or income from a source that provided or sought to provide benefits, services, goods, or equipment to City employees and for which the filer's division provided a review, recommendation, or referral.
- E. Any investment in, business position with, or income from a source that was involved as a party, participant, or representative in a personnel, investigative, enforcement, claim, or litigation matter that involved the filer's division.

Category 17

- A. Any investment in, business position with, or income from a source that was involved as a party, participant, or representative in an investigative, enforcement, claim, litigation, regulatory, legislative, permitting, or licensing issue made by or pending with the filer's agency.
- B. Any interest in real property that was involved in an enforcement, regulatory, legislative, permitting, or licensing decision made by or pending with the filer's agency or is located within 500 feet of such property.
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or
 - 3. Was a party or sought to become a party to a written agreement with the filer's division.

- D. Any interest in real property that was involved in a contracting decision made by or pending with the filer's division or is located within 500 feet of such property.
- E. Any investment in, business position with, or income from a source that rented, leased, subrented, sublet, purchased, or sold real property or facilities to or from the filer's agency when the filer's division provided a review, recommendation, or referral.
- F. Any investment in, business position with, or income from a source that applied for or received a grant from or provided grant funding to the City when the filer's division provided a review, recommendation, or referral.

Category 18

- A. Any income from an individual, or an immediate family member of an individual, who was employed by or applied for any position within the filer's agency.
- B. Any investment in, business position with, or income from a source that represented or sought to represent an employee or group of employees in the filer's agency.
- C. Any investment in, business position with, or income from a source that did any of the following:
 - 1. Provides the type of services, goods, or equipment used by the filer's division;
 - 2. Provided or sought to provide services, goods, or equipment to the filer's division;
or
 - 3. Was a party or sought to become a party to a written agreement with the filer's division.
- D. Any investment in, business position with, or income from a source that provided or sought to provide benefits, services, goods, or equipment to the filer's agency or its employees when the filer's division provided a review, recommendation, or referral.
- E. Any interest in real property that was involved in a contracting decision made by or pending with the filer's division or is located within 500 feet of such property.
- F. Any investment in, business position with, or income from a source that rented, leased, subrented, sublet, purchased, or sold real property or facilities to or from the filer's agency when the filer's division provided a review, recommendation, or referral.
- G. Any investment in, business position with, or income from a source that applied for or received a grant from or provided grant funding to the City when the filer's division provided a review, recommendation, or referral.

OFFICE OF THE CITY ATTORNEY CITY OF LOS ANGELES

CONFLICT OF INTERESTS CODE
Incorporation and Certification
Page 1 of 2

Effective Date: _____
Council File No. _____

INCORPORATION

The Political Reform Act of 1974 (PRA) requires state and local government agencies to adopt and promulgate conflict of interests codes to help government employees avoid financial conflicts. See California Government Code sections 81000 *et seq.*

The Fair Political Practices Commission (FPPC) has adopted a regulation that contains the terms of a standard conflict of interests code, can be incorporated by reference, and may be amended by the FPPC to conform to amendments to the PRA after public notice and hearings. This agency's conflict of interests code incorporates by reference that regulation (2 California Code of Regulations section 18730); the attached Schedule A, which identifies each position in the agency that is charged with making or participating in making a government decision; and the attached Schedule B, which identifies the economic interests that the individuals in those designated positions must disclose.

City officials (individuals holding, elected to, or appointed to a position in Schedule A) must periodically submit statements of economic interests that disclose the economic interests in Schedule B that they held during the reporting period. The statements must be submitted to the Ethics Commission, which makes the statements available for public inspection and reproduction (see California Government Code section 81008).

City officials are required to comply with the requirements of their agency's code and the requirements of state and City law.

**OFFICE OF THE CITY ATTORNEY
CITY OF LOS ANGELES**

CONFLICT OF INTERESTS CODE
Incorporation and Certification
Page 2 of 2


Effective Date: _____
Council File No. _____

CERTIFICATION

This code accurately designates all positions in the agency that make or participate in the making of governmental decisions. The disclosure category assigned to each position accurately requires individuals who hold the position to report their investments, business positions, interests in real property, and sources of income that could foreseeably be materially affected by the City decisions they make or participate in making. This code was approved by the agency's general manager or its governing board or commission on

11/22/22
(Date)

BY


(Signature)

CITY ATTORNEY
(Title)

11/22/22
(Date)

Fwd: Proposed Conflict of Interest Code

Renee Stadel [REDACTED]

Fri, Dec 7,
2018, 4:38 PM

to Paul, Stephanie

Paul,

The current conflict of interest code was the second attachment and the proposed code are the third and fourth attachment.

Renee Stadel
Assistant City Attorney
Ethics, Elections and Governance
General Counsel Division
City Attorney's Office
[REDACTED]

Begin forwarded message:

From: Paul Marks [REDACTED]
Date: December 6, 2018 at 2:01:37 PM PST
To: "Ybarra, Stephanie" [REDACTED]
Subject: Proposed Conflict of Interest Code

Hi Stephanie,

Bill Violante forwarded to me the proposed conflict of interest code for the City Attorney's Office. Unfortunately from the documents I received I cannot discern what is being proposed and what already exists. I'm probably not seeing something that is right in front of me. From the documents you sent me what is current and what is proposed?

Thank you,

Paul

Paul Marks
Labor Representative
Engineers and Architects Association [REDACTED]
[REDACTED]



*****Confidentiality Notice *****

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RE: Conflict of Interest Code

Kirkland, Sharon [REDACTED]

Fri, Dec 7,
2018, 10:31
AM

to me

Thank you for getting back to me. I am forwarding your email to the administrator here to see if LADWP took "Secretary Legal" off of its proposed Schedule A designations.

From: Renee Stadel [mailto:[REDACTED]]
Sent: Friday, December 7, 2018 10:01 AM
To: Kirkland, Sharon
Cc: Stephanie Ybarra
Subject: Fwd: Conflict of Interest Code

Sharon,

We have not yet prepared a list of specific employees. However, the proposed code, Schedule A, lists the positions by payroll title the Office is proposing to designate Form 700. Additionally, the following payroll titles are not designated on the City Attorney proposed conflict of interest code:

Accounting Clerk
Executive Legal Secretary
Law Clerk
Legal Clerk I, II
Legal Secretary I, II, III
Principal Clerk I
Senior Legal Clerk I, II

Renee Stadel
Assistant City Attorney
Ethics, Elections and Governance
General Counsel Division
City Attorney's Office
[REDACTED]

----- Forwarded message -----

From: Kirkland, Sharon <[REDACTED]>
Date: Fri, Dec 7, 2018 at 9:14 AM

Subject: Conflict of Interest Code

To [REDACTED]

Good Morning Stephanie:

Is there a way you can tell me where to find or perhaps you can email to me the amended list of designated employees who will be required to disclose information? There was a potential list of designated employees that was circulated earlier in the year. I would like to see the final list that is a part of the proposed amended conflict code.

Thank you.

Sharon M. Kirkland
Legal Secretary
City of Los Angeles | City Attorney's Office
Dept. of Water & Power | Legal Division
[REDACTED]

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--

Stephanie Bacica Ybarra
Human Resources Analyst
Los Angeles City Attorney's Office
[REDACTED]

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and any attachments without reading or saving in any manner.

From: Oscar Winslow [REDACTED]
Date: Thu, Jan 3, 2019 at 9:08 PM
Subject: Re: Office of the City Attorney Conflict of Interest Code
To: Stephanie Bacica [REDACTED]

Stephanie,

these are the comments of a member in opposition to the proposed changes to the Conflict of Interest Code, who wishes to remain anonymous:

The proposed Conflict of Interest Code, including Schedules A & B is overbroad and misses the point of the Political Reform Act (the "Act") and should therefore be rejected and further revised.

The Act subjects to the conflict of interest code requirements positions that involve "the making or participation in making of decisions which may foreseeably have a material effect on any financial interest and for each such enumerated position, the specific types of investments, business positions, interests in real property, and sources of income which are reportable." For employees of the Office of the City Attorney, the Conflict of Interest Code should relate to those decisions that the employee can foreseeably or actually make or participate in making. While it may be politically necessary for an elected official and his or her executive management team to disclose all interests described in proposed Disclosure Category 1, the Political Reform Act does not require that standard for mere employees. By subjecting all attorneys to the same disclosure category (one that is so high it currently only applies to the City Attorney and three high-level Chiefs), the Conflict of Interest Code becomes overbroad and unfair, and provides the public with no more relevant information than the current narrowly-tailored Code provides.

The proposed Code would subject a DCA I to a Disclosure Category more onerous than the disclosure category currently applicable to the Chiefs of the Civil Liability Management, Criminal & Special Litigation, and Municipal Branches as well as the Chiefs of Proprietary Departments and Outside Counsel. This change is drastic and unjustified. Perhaps it makes sense for those Chiefs to be added to Category 1, but to add all DCAs does not make sense. The requirement of the Act that a code lists "for each such enumerated position, the specific types of [economic interests] which are reportable," indicates that a more tailored approach is appropriate. (Emphasis add.)

The proper scope of the Code is demonstrated by the current Disclosure Categories. You can easily see how existing Category 2 is narrower than existing Category 1--section C refines income and business position slightly by adding a logical exception to allow certain gifts from persons or businesses that do not or have not done business with the City or owned real property within the jurisdiction. (Other categories sensibly refine this further, logically tailoring it to the nature of the DCA's work.) Similarly, existing Category 3 refines existing Category 2--it excepts certain investments and, importantly, in section B limits the reporting of interests in real property to those interest within the City or within two miles of the City's boundary. (Other categories sensibly expand this to cover property with two miles of real property in which the DCA's client owns an interest, e.g., LADWP's vast property holdings outside the City.) In both

cases there is a narrower way categorize interests rather than use the overbroad, one-size-fits-all approach of the proposed revisions.

Clearly this proposal needs to go back to the drawing board. The new Schedule A lists positions in 8 Disclosure Categories (1, 5, 9, 10, 11, 12, 14 and 18), yet Schedule B lists 18 Disclosure Categories. In fact, many DCAs would be more properly included in the proposed Category 2 or proposed Category 3, to which NO positions on the proposed Schedule A are assigned. Thus it seems the work to define better categories has already been done in Schedule B, but ignored in Schedule A. So it may be that in addition to being characterized as overbroad, the proposed revisions are arbitrary (or at least an incomplete thought). An easy solution would be to assign Deputy and Assistant City Attorneys to the proposed Disclosure Category 5.

The Political Reform Act sets up the conflict of interest code system for employees who make or participate in making governmental decisions that have a material effect on economic interests. If no governmental decision is made or even possible with respect to a particular economic interest, that interest should not fall under the reporting requirements of the Code. The nexus should be stated in the Disclosure Category rather than require that all economic interests be reported and hope that your own can be shoehorned into one of the exceptions in the ever changing FPPC regulations.

On Tue, Dec 4, 2018 at 4:51 PM Stephanie Bacica [REDACTED] wrote:
We are sending this email to notify you that the Office of City Attorney intends to update the Conflict of Interest Code for the Office. The Conflict of Interest Code identifies positions which must file financial disclosure forms (Form 700) and the corresponding disclosure category for those positions. Please find attached documents and information related to the proposed revised and updated Code, including the current conflict of interest code, the proposed conflict of interest code (schedules A & B), and the notice of intention to adopt the revised code. Written comments may be submitted starting on December 5, 2018 through January 4, 2019. Written comments should be submitted to Acting HR Director Stephanie Ybarra.

--

Stephanie Bacica Ybarra
Human Resources Analyst
Los Angeles City Attorney's Office

[REDACTED]
[REDACTED]
[REDACTED]

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OFFICE OF THE CITY ATTORNEY

Subject: CONFLICT OF INTEREST CODE

Effective Date: MAY 01 2007

Page 1 of 2

**CITY OF LOS ANGELES
CONFLICT OF INTEREST CODE**

Pursuant to the provisions of California Government Code Sections 87300 *et seq.*, the Office of the City Attorney of the City of Los Angeles hereby adopts the following conflict of interest code.

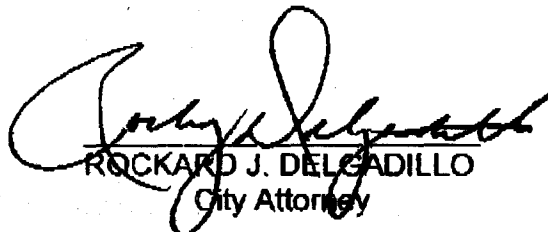
City officials and employees may not make governmental decisions that affect their personal financial interests. To help City officials and employees avoid financial conflicts, each City agency adopts a conflict of interest code pursuant to the Political Reform Act of 1974 (Government Code sections 81000, *et seq.*). The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations section 18730, which contains the terms of a standard conflict of interest code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. The conflict of interest code contains a "Schedule A", which identifies each designated position that is charged with making or participating in governmental decisions, and a "Schedule B", which identifies the economic interests the persons in those positions must disclose. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Schedules in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Office of the City Attorney.

Each City official (person holding, elected to or appointed to a designated position) must submit statements of economic interests that identify the disclosable interests that he or she held during the reporting period with the agency who will make the statements available for public inspection and reproduction (Government Code section 81008). Persons with questions concerning the applicability of this conflict of interest code or potential conflicts of interest should contact the Office of the City Attorney.

In addition to the requirements of this Code, City officials shall be required to comply with the requirements of state and City law.

**CERTIFICATE OF APPROVAL OF AMENDED SCHEDULES A and B
OF CONFLICT OF INTEREST CODE**

I, ROCKARD J. DELGADILLO, certify that the foregoing amended Schedules A and B of the Conflict of Interest Code for the Office of the City Attorney was adopted by me as City Attorney on February 12, 2007.


ROCKARD J. DELGADILLO
City Attorney

The foregoing amended Schedules A and B of the Conflict of Interest Code for the Office of the City Attorney, having been submitted by the office, was approved by order of the Council of the City of Los Angeles on May 1, 2007, and are effective as of that date.

FRANK T. MARTINEZ, City Clerk

By 
Deputy Clerk

RECEIVED
JUN 18 2007

ETHICS COMMISSION
2007 JUN 14 AM 11:58

OFFICE OF THE CITY ATTORNEY

Subject: CONFLICT OF INTEREST CODE

Effective Date: MAY 01 2007

Page 2 of 2

CERTIFICATION OF APPROVAL OF CODE

I, Maria Kostrenich, certify that the foregoing
conflict of interest code was adopted by the City Council, City of Los Angeles, on
MAY 01 2007

Deputy City Clerk
(Title)

Maria Kostrenich
(Signature)

May 2, 2007
(Date)

The foregoing conflict of interest code, having been submitted by the agency
designated above, was approved by order of the Council of the City of Los Angeles on
MAY 01 2007 and is effective as of said date.
(Date)

Frank T. Martinez, City Clerk

BY Maria Kostrenich
Deputy City Clerk