



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R 20 - 0 2 8 3  
OCT 0 8 2020

**REPORT RE:**

**DRAFT ORDINANCE AMENDING SECTIONS 2.21 AND 2.22 OF THE  
LOS ANGELES ADMINISTRATIVE CODE TO ADD AN EX PARTE  
COMMUNICATION DISCLOSURE REQUIREMENT FOR REDISTRICTING  
COMMISSIONER MEMBERS AND TO MAKE TECHNICAL ADJUSTMENTS  
TO COMMISSION DEADLINES**

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

Council File No. 20-0668

Honorable Members:

On August 11, 2020, the City Council requested that this Office prepare an ordinance requiring redistricting commission members to disclose any ex parte communications they have with elected officers and their staff. This Office has prepared and now transmits for your consideration the enclosed draft ordinance adding this disclosure requirement and making technical changes regarding the redistricting schedule. We have approved the ordinance as to form and legality.

Summary of Ordinance

The draft ordinance defines "ex parte communication" to mean any communication between a member of the Los Angeles City Council Redistricting Commission and any elected City officer or member of any elected City officer's staff regarding any matter pending before the Commission. The draft ordinance would add a similar disclosure requirement for the Los Angeles Unified School District Board of

Education Redistricting Commission, which is a City commission created and governed under the City Charter. (Charter Section 802.)

Ex parte communications, by definition, do not include communications that occur at public meetings. Accordingly, the draft ordinance excludes communications that take place on the record during an official public meeting. Communications made at official public meetings of the City Council, Neighborhood Councils, Board of Education, or other governmental bodies would not trigger the disclosure requirement.

The draft ordinance also clarifies that communications with members of the City Attorney's Office providing legal counsel do not fall within the requirements of the ordinance. This clarification is needed because attorneys at the City Attorney's Office will be providing legal advice to the Redistricting Commissions. The ex parte communication rules of the California State Redistricting Commission and other agencies also exclude communications with legal counsel. (See, e.g., Cal. Government Code Section 8253(a)(3).)

With regard to the disclosure requirement, the draft ordinance would require a Commissioner to disclose the time, date, and identity of persons involved in any ex parte communication, and a summary of the content of the communication. A Commissioner would be required to make the disclosure at the next Commission meeting after the communication took place. The Commission may establish additional procedures to implement the disclosure requirement.

The draft ordinance subjects a commissioner who fails to comply with the disclosure requirement to the penalties set forth in Section 11.00(m) of the Los Angeles Municipal Code, which makes a violation punishable as a misdemeanor. As with other provisions of the Los Angeles Administrative Code, however, a violation of the disclosure requirement would not render any action of the Commission or Commission member invalid. (Los Angeles Administrative Code Section 1.11.)

Finally, the draft ordinance makes technical adjustments to Redistricting Commission deadlines to account for recent changes to the City Charter and continue to provide that the Commissions must complete their work approximately four months prior to Council's deadline to adopt the redistricting ordinance.

#### Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the CLA's Office and its comments have been incorporated.

If you have any questions regarding this matter, please contact Deputy City Attorney Harit U. Trivedi at (213) 978-7100. He or another member of this Office will be present when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON  
Chief Assistant City Attorney

DM:HUT:sl  
Transmittal