



Van Nuys Neighborhood Council
Legislative Information Committee
PO Box 3118, Van Nuys, California 91407
www.VNNC.org

Regular Meeting: Sizzler, 7131 Van Nuys Boulevard Van Nuys, California 91405 – Main Dining
Date: Friday, March 18, 2016 - **Time:** 06:00PM

1. **CALL TO ORDER AND ROLL CALL**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE TO THE UNITED STATES OF AMERICA**
4. **COMMISSION ANNOUNCEMENTS AND REPORTING BY COMMISSION**
Brief announcements by Commissioners and brief reports regarding activities.
5. **ORAL COMMUNICATION**
During the portion of the agenda, any person may address the Van Nuys Neighborhood Council Legislative Information Committee on any matter concerning the Van Nuys Neighborhood Council's business, jurisdiction, or on any matter that is on the agenda. A speaker card must be completed and presented to any committee member.
6. **COMMISSION RESPONSE TO PUBLIC COMMENTS**
The Commission cannot act on items raised during public comment, but may briefly respond to statement made or questions posed, request clarification, or refer the item to staff.
7. **ITEM OF BUSINESS**
 - a. Define the objectives and goals of the Legislative Information Committee (LIC)
 - b. Identify the venting and diligent inquiry in regards to a letter of support, opposition, disclosure, motion of a resolution and conflict of interests
 - c. The procedures and use of hyperlinks to disclose supporting documents within an agenda
 - d. Process to install of residential street lights
8. **INTRODUCTION OF AGENDA TIMES FOR FUTURE MEETINGS**
9. **SET NEXT MEETING DATE**
10. **ANNOUNCEMENTS**
11. **ADJOURNMENT**

Under Government Code, § 54957.5, non-exempt writings that are distributed to a majority or all of the board in advance of a meeting, may be requested by emailing info@vnnc.org or Mail@MrHopp.com or calling Richard Hopp (818) 902-0532. Members of the public who wish to address the committee are to complete a speaker card and submit to any committee member prior to final consideration of the matter. Cards are available from any committee members. Speakers on an agenda item has two (2) minutes and may be waived by the chairperson of the meeting (Government Code, §54954.3(b)). It is requested that individuals who require the services of a translator contact the Department of Neighborhood Empowerment 24 hours prior to the meeting. Whenever possible, a translator will be provided. SI REQUIERE SERVICOS DE TRADUCCION, FAVOR DE NOTIFICAR LA OFICINA CON 24 HORAS POR ANTICIPADO. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities. Sign language interpreters, assistive listen device, or other auxiliary aids and/or services may be provided upon request. To ensure availability of services, please make you request at least 3 business days (72 hours) prior to the meeting you wish to attend by contacting the Los Angeles Department of Neighborhood Empowerment at (213) 978-1551, www.empowerla.org.

Congress of Neighborhoods
Office of the City Attorney - Neighborhood Council Advice Division

STATE AND CITY CONFLICT OF INTEREST LAWS:
INFORMATION FOR BOARD MEMBERS OF NEIGHBORHOOD COUNCILS

Conflict of Interest Laws Governing Neighborhood Councils

Board members of Neighborhood Councils who are given governmental decision-making authority, must comply with the following conflict of interest laws: The Political Reform Act of 1974, as amended (Government Code § 81000, *et seq.*), Government Code § 1090 *et seq.*, and the common-law conflict of interest rules. Because of the enactment of Ordinance No. 176477¹, Neighborhood Councils are not required to have a conflict of interest code, required to fill out the state (Form 700) disclosure statement and no longer are subject to the City's Governmental Ethics Ordinance (Los Angeles Municipal Code § 49.5.1 *et seq.*) However, compliance with the rules of these state laws is still required. A brief explanation of these laws follows.

The Political Reform Act.

The Political Reform Act is a state law that sets up rules and regulations to ensure that governmental officials are free from bias caused by their own financial interests and act in an impartial matter.

Basic Prohibition. Under the Act, public officials are disqualified from participating in government decisions in which they have a financial interest. There are five basic tests to ascertain whether you might have a financial interest under the Act. When all of the following are true, you would have a disqualifying interest:

- ☐ you are a public official;
- ☐ you make, participate in making, or use your official position to influence the making of a decision;
- ☐ you have a statutorily defined economic interest (your finances or those of members of your immediate family, investment in a business, interest in real property, source of income or gifts, management position in a business) that may be affected by the decision;
- ☐ it is reasonably foreseeable that the decision will have a *material financial effect* on your economic interest;
- ☐ the decision will affect your economic interest in a way that is distinguishable from its effect on the public generally or a significant segment of the public.

See, Los Angeles Administrative Code § 2.20.1

A neighborhood council member who is disqualified must abstain from making, participating in making or attempting to use his or her official position in any way to influence the government decision.

Persons Covered. The Act treats “members of local governmental agencies” as public officials. Public officials who make, participate in the making of, or influence or attempt to influence a governmental decision must comply with the Act’s provisions. Neighborhood Councils are potentially covered by the Political Reform Act because the City Attorney has concluded that Neighborhood Councils are local governmental agencies. Thus, the City Attorney concluded, if Neighborhood Councils are delegated the authority to make certain “governmental decisions,” such as “hiring of staff, entering into contracts for goods or services or control over funds in the City budget” then the board members of those Neighborhood Councils would be “public officials” for the purposes of the Act.²

Participation In Decision-Making. Neighborhood Councils are advisory bodies. Their role is to make recommendations to the various City decision-makers, including City boards, commissions, City Council committees and the City Council. City Charter § 907. This role falls within the “make, participate in making, or attempting to influence a government decision” provision of the Act. Once a neighborhood council board member has been delegated the authority to make “governmental decisions,” as enumerated above, on behalf of its neighborhood council, even the member’s votes on “non-governmental” or purely advisory recommendations will be subject to the conflict-of-interest provisions.³

Economic Interests Covered. What is a financial interest is often complicated and fact-based, but there are basic types of economic interests that the Act covers:

- ☐ a business entity in which you, or a member of your immediate family, owns an investment or in which you are an officer or director or hold a management position in that business entity;
- ☐ real property in which you, or a member of your immediate family, owns an interest;
- ☐ any person or entity that is a source of income or loans to you or your spouse; or
- ☐ any person or entity that has given you a gift within the last year.

² Making *recommendations* as to whether the City should or should not enter into a contract will also trigger the Act’s requirements. In this instance, this means making a recommendation about a *specific* contract which is coming before the City for action or recommending qualifications/specifications for a city contract. Merely advising the City as to whether, for example, the City should pave a certain street or install lighting, which decisions might ultimately result in the City entering into a contract for those services, would not trigger the Political Reform Act requirements for the neighborhood council providing this advice.

³ Thus, a board member who makes “governmental decisions” must also be cognizant of, and comply with, the disqualification rules even when making a purely advisory recommendation, for example, to a City Council Committee or Area Planning Commission regarding a conditional use permit for a project located within the boundaries of that Neighborhood Council.

- ☐ your personal expenses, income, assets or liabilities, including those of your immediate family.

Business Investments and Business Positions. An investment of **\$2000 or more** in a business entity by you, your spouse or dependent children is considered an economic interest. If you are a director, officer, partner, trustee, employee or hold a position of management in a business entity, that is also considered an economic interest.

Real Property- An investment of **\$2000 or more** in real property by you, your spouse, or your dependent children or anyone acting on your behalf, is an economic interest.

Sources of Income and Gifts- The receipt of **\$500 or more** from an individual or organization within 12 months prior to the decision in question is an economic interest. Gifts totaling **\$360** or more received from a single source within 12 months prior to your decision is an economic interest.⁴

Personal Financial Effects- Expenses, income, assets or liabilities of yours, or of those of your immediate family are considered an economic interest if those expenses, income, assets or liabilities are likely to go up or down by **\$250** as a result of the decision before you.

Once you have determined that you have an economic interest, the next step is to determine whether the decision will have a direct or indirect impact upon your interest and whether it is reasonably foreseeable that the decision will have a material effect on your economic interest.

Direct v. Indirect Interest. Whether a particular impact is material or not also depends upon whether the economic interest is directly or indirectly affected by the decision.⁵ A direct interest is more likely to create a greater risk of a conflict of interest than an economic interest that is indirectly involved in the decision.

Foreseeability and Materiality. To have a conflict of interest your economic interest must be foreseeable (the effect upon your economic interest must be likely to occur) and be considered "material." In other words, you have a conflict of interest if you can reasonably predict that your decision on a particular matter before you will have some economic impact (positively or negatively) on your economic interest. The Act sets up some basic thresholds to determine whether your economic interest is material:

Business Investments and Business Positions. As a *general* rule, if a decision directly involves a business entity in which you have an interest, you must disqualify yourself.

⁴ Note: The gift limit is adjusted for inflation every two years. Gov't Code § 89503(f).

⁵ For example, if you own a business that is subject to a permit or approval about which the Neighborhood Council is making a recommendation, that is a *direct* impact on your economic interest. If you own a business that is located more than 500 feet away from a piece of property that is seeking, for example, to obtain conditional use approval to sell alcoholic beverages about which your Neighborhood Council is making a recommendation, the decision potentially has an *indirect* impact on your economic interest, *i.e.*, your business.

However, if your only interest in the company is less than \$25,000 in stock, you may still be able to participate in the decision based on a detailed examination of the state's regulations. If the decision indirectly involves a business entity in which you have an interest, a decision's impact would be material if, for large companies such as Fortune 500 companies, the impact on the interest would result in an increase or decrease of the business' gross revenue of **\$10,000,000** or more in a fiscal year; or results in the business entity incurring or avoiding additional expenses or reducing or eliminating existing expenses for a fiscal year in the amount of **\$2,500,000**; or results in an increase or decrease in the value of the business entity's assets or liabilities of **\$10,000,000** or more. At the other extreme, for smaller companies the impact is material if the decision would result in an increase or decrease in revenues of **\$20,000** or more or increase or reduce expenses by **\$5000** or more in a fiscal year, or result in an increase or decrease in the value of its assets or liabilities by **\$20,000** or more.⁶

Real Property- If the decision affects your property which is located **within 500 feet** of the boundaries of the property subject to the decision, disqualification from acting is generally required *unless* the decision will have no financial impact on your property. If your property is located **more than 500 feet**, there is a presumption that the decision will not have a material financial effect on you. However, that presumption can be rebutted by proof that there are specific circumstances that would make it reasonably foreseeable that a financial effect will result from the presumption. Leasehold interests may also implicate the conflict of interest rules and have to be evaluated on a case-by-case basis.

Sources of Income- If the decision will have **any** financial effect upon an individual who is a source of income for you (remember if you or your spouse own 10% or more of a business, the clients of the business may also be sources of income to you), and that person is directly involved in the decision, the effect is determined to be material. However, if the source of income is indirectly involved in the decision, application of the state's regulations on the particular facts of this source is required to determine if you have to recuse yourself from acting on the matter.

Distinguishable From The Public. Even if your economic interest is foreseeable and material, you do not have a legal conflict of interest unless the decision's impact on your economic interest is *different* from the general public's impact. In other words, if you are participating in a decision on an issue that will affect the general public's financial interests in the same manner as your own even though the decision will have a material economic impact on your financial interest, it does not create a conflict of interest for you. Under this rule, the decision must affect your interest in *substantially the same manner* as the interests of the public. An example of this would be if the City is embarking upon a plan amendment and zone change for a community plan area and your property is subject to a zone change as is every other property within the community plan area. Although your property is directly affected by the zone change, your property is impacted in substantially the same manner as other members of the public since all are being rezoned, so you do not have a conflict of interest requiring your recusal. The state has developed specific percentage and numerical thresholds for determining when a group of people constitute

⁶ The Political Reform Act also describes the impacts of other businesses that fall *between* these parameters, which are not discussed here.

a significant number to make a determination whether a decision affects the public in the same manner.

Decisions Related to Contracts - Government Code § 1090, et seq.

In addition to the requirements of the Political Reform Act, state law contains special rules governing conflicts of interest relating to government contracts. In a letter directed to the General Manager of the Department of Neighborhood Empowerment, the City Attorney concluded that “[a]s members of an advisory body, members of neighborhood councils will be subject to the requirements of § 1090, et seq.” See, City Attorney letter dated November 30, 2000. Accordingly, a neighborhood council board member may not be *financially interested* in *any City contract* that he or she is involved in making. Thus, any participation by you in the process by which a contract is developed, negotiated or approved, *including making a recommendation on the contract*, is a violation of Government Code § 1090 if you have a financial interest in that contract. Also, if you have a financial interest in a contract, the *entire* neighborhood council board of which you are a member might not be able act on the matter. However, there are some interests called “remote interests” which would disqualify you but not the entire neighborhood council board. Gov’t Code §1090 prohibitions apply to oral as well as written contracts. Financial relationships in a contract would include, but are not limited to: employee of a contracting party, attorney, agent or broker of a contracting party, supplier of goods or services to a contracting party; landlord or tenant to a contracting party; officer, employee or board member of a nonprofit corporation of a contracting party.

Common Law Conflict of Interest Rules

Although Los Angeles City Charter § 222, contains its own conflict of interest provisions based on an “appearance standard,” these standards for disqualification are not applicable to neighborhood council board members. However, neighborhood councils are free to develop their own appearance standards and ethics rules in their bylaws.

Furthermore, basic principles of bias and conflict of interest rules that the courts have developed over time (common law) also apply to your decisions even if the statutory rules may allow you to participate in an action. As the Attorney General has concluded, “[t]he common law doctrine against conflicts of interest . . . prohibit public officials from placing themselves in a position where their private, personal interests may conflict with their official duties.” 64 Ops. Cal. Atty Gen 795. As put by the court of appeal, “[a] public officer is impliedly bound to exercise the powers conferred on him with diligence and primarily for the benefit of the public.” *Noble v. City of Palo Alto* (1928) 89 Cal. App. 47, 51.

This doctrine applies in situations involving both financial *and* nonfinancial interests. This means that simply having a personal relation to the matter could be construed as tainting your decision-making because you are perceived to be biased or making the decision based on your personal interest, rather than for the good of the public. Thus, you should always be alert to whether your private interests, whether financial or otherwise, would be enhanced by any particular action you take on an item before you.

Penalties

Violations of the Political Reform Act and Government Code § 1090 can carry significant penalties.⁷

Violations of the Political Reform Act can result in civil actions, criminal prosecution and/or administrative sanctions, injunctive relief or in some cases, prohibition against holding future elective office, depending upon the nature of the violation and the jurisdiction of the enforcement agency.

Violations of the Gov't Code § 1090 are prosecuted as a felony and a conviction could, in addition to the imposition of a criminal fines and potential imprisonment, result in a lifetime ban from holding any public office in the State of California. In addition, contracts that are entered into in violation of this statute are void as a matter of law.

In addition, any person can file suit in civil court alleging violations of the Act.

Identifying Conflicts.

Because severe penalties may apply to the City and to a neighborhood council board member for violations of the conflict of interest laws it is important that you identify your economic interests that may pose potential conflicts. The eight part test set forth earlier should help you identify what type of economic interests you have.

If you have either an economic interest in a decision that requires disqualification or you are disqualified due to the application of the "common law doctrine" of a conflict of interest, you must disclose the interest which is the subject of the conflict as well as the fact that you are disqualifying yourself from any participation in the decision. You also may not do anything to influence the decision.

If you are disqualified from acting on a meeting agenda item and you are present at the meeting, you should make a public announcement identifying the economic interest which is the subject of the conflict and the fact that you are disqualified from any participation. After announcing your recusal from participation, you should excuse yourself and leave the room while that item is pending.

Summary.

Any time any City business is before you that involves:

- ☐ a business in which you or a member of your family has an investment;
- ☐ an entity of which you are an officer or director or hold some position of management;

⁷ Note: The City Attorney's Office cannot defend or indemnify a board member who is charged, either civilly or criminally, with a violation of either the Political Reform Act or Gov't Code § 1090.

- ☐ real property in which you or a member of your family has an interest;
- ☐ a source of income to you or a member of your immediate family;
- ☐ a source of gifts to you; or
- ☐ any person or entity with which you have a relationship other than in your capacity as a City official (e.g, a friend, person with whom you have a business relationship or an organization in which you hold some position of importance),

you should contact the Department of Neighborhood Empowerment with the pertinent facts, and your Project Coordinator will confer with an attorney in the Office of the City Attorney's Neighborhood Council Advice Division for advice on how you should proceed. The City Attorney will work with you, either directly or through your neighborhood council's Project Coordinator, to determine if you have a disqualifying economic interest or a conflict under the common law doctrine that requires your recusal, and, further, whether your entire board of which you are a member, is similarly disqualified from acting.⁸ The advice will be communicated either directly from the Office of the City Attorney or through the Department of Neighborhood Empowerment's Project Coordinator, orally or in writing, depending upon the complexity of your inquiry.

Please keep in mind that the mere presence of one of the interests listed does not necessarily mean that you have a conflict. Other factors may be involved, and the City Attorney will assist in advising you of your responsibilities. Ultimately, the City Attorney's Office is the agency that will assist you in identifying whether a conflict exists and whether recusal is required.

You may also seek advice from the Fair Political Practices Commission (FPPC) at their toll free help line at 1-866-ASK-FPPC, or may ask for a formal written opinion.⁹

⁸ The City Attorney's Office, can not provide "third party advice" on conflict of interest matters; only the board member who is concerned about his/her own economic interest should contact our advice for advice.

⁹ Formal written opinions take a minimum of 21 days but *only written advice from the FPPC* provides immunity from prosecution if acting consistent with that advice.

11/23/73

Memorandum 73-100

Subject: Governmental Conflict of Interests Act

This memorandum attempts to determine what are the requirements of the new Governmental Conflict of Interests Act (Cal. Stats. 1973, Ch. 1166, effective January 1, 1974) and how these requirements may be satisfied as they apply to the Commissioners. Under Section 3708 of the act, the Secretary of State is given the responsibility to disseminate information about the requirements of portions of the act. This information is not expected to be issued until early December; however, in an effort to interpret difficult points, the staff talked informally with a member of the Secretary of State's staff who is working on this information. Attached to this memorandum are a copy of the act and a memorandum analyzing part of the act which was forwarded to the staff by Commissioner Gregory.

The following discussion is broken down into four parts: I. Prohibitions, II. Disclosure, III. Enforcement, and IV. Procedure for Adopting Guidelines and Rules.

I. Prohibitions

Requirements of Section 3625

Section 3625 contains two prohibitions. Subdivision (a) states that "no official shall have economic interests which are in substantial conflict with the proper exercise of his official duties and powers." Subdivision (b) states that:

no public official shall participate in, or in any way attempt to influence governmental action or decisions relating to any matter within the responsibilities of his agency in which he knows or has reason to believe he has an economic interest.

These general statements are apparently limited by subdivision (c) which indirectly defines "economic interest" as follows:

An official has an economic interest in a matter if the action or decision will have a material economic effect on:

(1) Any business entity [defined in Section 3610(a)] in which the public official has a direct or indirect investment worth more than one thousand dollars (\$1,000);

(2) Any real property [defined in Section 3610(i)] in which the public official has a direct or indirect interest worth more than one thousand dollars (\$1,000);

(3) Any source of income [defined in Section 3610(e)], loans or gifts [defined in Section 3610(d)] aggregating two hundred fifty dollars (\$250) or more in value received by or promised to the public official within 12 months prior to the time when the action is taken or decision made;

(4) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

Subdivision (c) also explains the meaning of "indirect investment or interest."

It should be noted that the definition of "economic interest" in subdivision (c) may not limit that term as it is used in subdivision (a) since the first sentence and paragraph (3) of subdivision (c) as well as subdivision (b) refer to actions taken and decisions made, whereas subdivision (a) refers more generally to official duties and powers. The term "economic interests" in subdivision (a) could be held to have a broader meaning than it is given in subdivision (c), in which case subdivision (a) is even more vague than subdivision (b). The terms are also separately referred to in Section 3626. However, the Secretary of State's office at this time considers subdivision (c) to be a limitation on both subdivisions (a) and (b).

Section 3627 contains certain prohibitions applicable to former officials.

Application of Prohibitions to Commission

There is little doubt that the prohibitions of Section 3625 apply to the Commission. Section 3610(g) defines "public agency" to include a "commission," and Section 3610(h) defines "public official" as "any elective or appointive officer of any public agency." (Comparison with earlier versions of the bill suggest that the staff, including the Executive Secretary, is not covered by the term "officer.") Additionally, it should be noted that Section 3602 provides that the act is to be "liberally construed, to the end that the public interest be fully protected."

A technical, but unconvincing, argument that the Commission is not covered by the prohibition in Section 3625(b)(and perhaps in subdivision (a)), follows from the language of subdivision (c) that there is an economic interest if the "action or decision will have a material economic effect" on the four interests listed therein. Commission actions and decisions do not of themselves have any material economic effect; it is only when Commission decisions are in effect ratified by the Legislature that any economic effect can occur. While this is technically correct, the staff believes that this result would not be in accord with the intent of the act. The Secretary of State's office suggested that they would agree with the staff opinion in this regard.

Determination of a Conflict

There are many difficulties and ambiguities facing a Commissioner who tries in a given case to determine whether he has an economic interest which is in substantial conflict with the proper exercise of his duties or which prevents him from participating in Commission decisions. The problem is not made much simpler if it is assumed that the delineation of "economic interest"

in subdivision (c) of Section 3625 limits the scope of both subdivisions (a) and (b). As pointed out in the attached memorandum, there are several difficulties in applying subdivision (c): (1) "Material economic effect" is a concept crucial to the determination of whether the official has an economic interest which prevents him from participation in agency decisions, but that term is nowhere defined. (2) Assuming the official knows what a material economic effect might be, it will often be an exceedingly complex matter to determine whether a particular agency decision might have that effect on the business entity, real property, or other source of income listed in subdivision (c). (3) The official is required not to participate where he knows or reasonably believes that he has a conflicting economic interest, but it is impossible to know until the act is interpreted what the standards of reasonableness are to be.

Section 3626 offers a faint prospect for resolving some of these problems. Section 3626 allows the agency to adopt "guidelines" to aid its officials in determining whether they have economic interests in violation of subdivision (a) of Section 3625 and whether they have an economic interest in violation of subdivision (b). When such guidelines are "complied with in the good faith belief that they are consistent" with subdivisions (a) and (b) of Section 3625, the official is exempt from the civil penalties of Section 3751 and the forfeiture of office provision of Section 3753.

Because of the vagueness and difficulty of application of Section 3625, the Commission may want to attempt to develop guidelines consistent with Section 3625 which would permit a Commissioner to more confidently determine whether he has an economic interest or interests for the purposes of subdivisions (a) and (b). The staff believes it will be very difficult to develop specific guidelines. The staff would be particularly handicapped in

attempting to develop guidelines since we do not have the necessary information concerning financial interests of the Commissioners. If the Commission decides to attempt the development of guidelines, the staff would need significant aid and information from the Commissioners. But, basically, the determination of the application of Section 3625 is a matter peculiarly within the knowledge of each Commissioner.

Exceptions to Prohibitions

Subdivisions (d) and (e) of Section 3625 contain three exceptions to the prohibition of subdivision (b); there are no exceptions to subdivision (a). Subdivision (d) states that subdivision (b) does not apply to a "constitutional officer" or to "any public official with respect to any matter which could not legally be acted upon or decided by his public agency without his participation," on condition that the officer or official disclose as a matter of public record any interest described in subdivision (c) before he participates in the decision and that he not attempt to influence any other official. Subdivision (e) contains the following exception to subdivision (b):

Subdivision (b) of this section shall not apply if the action or decision affects an economic interest of the official as a member of the public or a significant segment of the public or as a member of an industry, profession or occupation, to no greater extent than any other such member of the public, segment of the public or an industry, profession or occupation.

This exception does not require disclosure.

Application of Exceptions to Commission

Assuming that a Commissioner has concluded that, under the terms of subdivisions (b) and (c) of Section 3625, he should not participate in the Commission's decision, will any of the three exceptions to subdivision (b) allow his participation?

Constitutional officer exception. The two legislative members are constitutional officers as defined in Section 3610(c), but it is not clear from subdivision (d)(1) whether a constitutional officer is exempt from subdivision (b) when he is acting as a Commissioner. Presumably the policy behind the constitutional officer exception is to allow elected state officials to participate so long as they disclose their interests and avoid influencing other officials in the matter. Since there is no contrary indication, the staff concludes that this policy probably applies as well where the legislator is acting as a Commissioner.

Necessity exception. The meaning of this exception in subdivision (d)(2) is not further explained. The staff assumes that the term "legally" encompasses agency regulations. The Secretary of State's office indicated the word "legally" was left purposefully vague. The Commission's Handbook of Practices and Procedures contains the following:

Quorum. Four voting members of the Commission constitute a quorum and must be present before the Commission may attend to any business. Any action may be taken by a majority of those present if a quorum is present, but any final recommendation to the Legislature must be approved by a minimum of four affirmative votes. The Chairman is authorized to determine that less than four voting members constitutes a quorum for the purposes of a particular meeting and members attending the meeting are entitled to per diem and travel expenses but no final action shall be taken at such meeting.

If the word "present" in the first sentence of the above rule is interpreted as "present and able to vote," then the necessity exception would apply where the Commissioner with a conflict of interest is necessary to make up a quorum. Of course, under the last sentence of the above rule, the Chairman may determine that fewer than four members is a quorum; but this is a determination that no decisions or final action will be made at all and would not seem to vitiate the exception in Section 3625(d)(2). It seems that the necessity exception would also apply where the matter being voted on is a final

recommendation and the Commissioner with a conflict of interest is necessary to achieve the four affirmative votes needed for such action. The Commission should clarify these rules in light of the new act.

Of course, where the necessity exception applies, the Commissioner is required to disclose his economic interest as a matter of public record and to refrain from influencing other Commissioners.

Occupation exception. Subdivision (e) allows an official to participate even where there is a conflict under subdivision (b) if the matter would affect his interests only generally as a member of the public or as a member of an industry, profession, or occupation. This exception does not require any disclosure before participation.

Like many other provisions of the act, subdivision (e) is subject to varying interpretations, depending on the meaning of the terms "member of an industry, profession or occupation." The tentative interpretation of these terms by the Secretary of State's office is such as to include as a member of an industry an official who has a direct or indirect investment worth more than \$1,000 in a business entity of that industry, who has any source of income from that industry, or who is a director, officer, partner, trustee, employee, or holds any position of management in a business entity of that industry. This interpretation is necessary to avoid the anomalous result of allowing a company president (clearly a member of the industry) to participate in agency decisions while forbidding the participation of a mere stockholder having a \$1,000 investment or receiving \$250 in dividends. Hence, the exception of subdivision (e) should apply to any Commissioner who would otherwise be prevented from participating in Commission decisions under subdivisions (b) and (c) because he has stock in a business entity, is an employee of a business entity, or has a business entity for a client.

Once it is determined that a Commissioner is a member of an industry for the purposes of subdivision (e), the exception applies if the Commission decision affects the Commissioner "to no greater extent than any other such member of . . . an industry" This condition should always be satisfied by Commission decisions since the function of the Commission is to recommend legislation which by its nature will apply equally to all members of an industry who are similarly situated.

As indicated above, Section 3626 allows the agency to adopt guidelines to aid its officials. Although Section 3626 refers only to subdivisions (a) and (b), the opinion of the Secretary of State's office is that, since compliance with subdivision (b) requires reference to the exceptions of subdivisions (d) and (e), Section 3626 would provide authority for adopting guidelines interpreting these exceptions. The staff recommends that the Commission adopt guidelines reflecting the interpretation of the exception in subdivision (e) and perhaps also the exception in subdivision (d)(2).

II. Disclosure

Section 3703 seemingly requires every official, including Commissioners, to "file a statement disclosing his financial interests." However, by its terms, Section 3703 requires a filing "as required by Section 3704" and Section 3704 provides that "every public agency may adopt and promulgate rules governing disclosure of financial interests by its officials." It is interesting to note that, in earlier versions of the bill, this provision read "shall" instead of "may." The Secretary of State's office indicates that they think there is an ethical and political burden on the agency to adopt such regulations. However, Section 3704 is unambiguous in making the adoption of rules permissive. The staff concludes that the adoption of disclosure rules is probably

at the Commission's option. In considering this option, the Commission should remember that the exceptions in Section 3625(d) require disclosure as a condition to their application. Presumably this form of disclosure could be regulated under the authority of Section 3704.

III. Enforcement

The act may be enforced by a district attorney, by the Attorney General, or by any citizen or group of citizens. The court may restrain execution and ultimately void agency action upon a preliminary showing that there are reasonable grounds to believe that a violation has occurred in relation to the action. (Section 3751(a) and (b).)

A penalty of as much as three times the amount of a benefit received or an interest not reported may be imposed on the official who violates Section 3625. (Section 3751(c) and (d).) A violation is also grounds for forfeiture of office. (Section 3753.)

IV. Procedure for Adopting Guidelines and Rules

As discussed above, the Commission may want to adopt guidelines for making determinations under Section 3625 and also may want to adopt rules governing disclosure under Section 3704. Discussion of the act with the Secretary of State's office raises the question of whether adoption of guidelines and rules is subject to the Administrative Procedure Act. The staff tentatively concludes that the Administrative Procedure Act does not govern these matters as far as the Commission is concerned. Section 11371 of the Government Code provides that, for the purposes of Chapter 4.5 (Sections 11371-11445) concerning rules and regulations, "'state agency' does not include an agency in the judicial or legislative departments of the State Government." The provisions establishing and governing the Commission are Chapter 2 (commencing

with Section 10300) of Part 2 (Aids to the Legislature) of Division 2 (Legislative Department) of Title 2 of the Government Code. For purposes of the budget, the Commission is a legislative agency. Hence, the staff believes that the Commission may adopt guidelines and rules according to its own practice and procedure.

Respectfully submitted,

Stan G. Ulrich
Legal Counsel

Senate Bill No. 716

CHAPTER 1166

An act to add Division 4.5 (commencing with Section 3600) to Title 1 of, and to repeal Article 4.6 (commencing with Section 1120) of Chapter 1, Division 4 of Title 1 of and Division 4.5 (commencing with Section 3600) of Title 1 of, the Government Code, relating to conflicts of interest.

[Approved by Governor October 2, 1973. Filed with
Secretary of State October 2, 1973.]

LEGISLATIVE COUNSEL'S DIGEST

SB 716, Moscone. Conflict of interest.

Deletes certain provisions requiring the disclosure by members of governing body, boards and commissions of any local public agency of direct personal financial interests in noncontractual matters coming before them.

Deletes and adds provisions relating to specified financial disclosure by specified public officers and candidates for public office and requires yearly disclosure, by a public official, of, among other things, all investments in a business entity worth more than \$1,000; a description of any real property he is interested in whose fair market value is worth more than \$1,000; and the source of income, loans, or gifts in excess of \$250 received in the previous 12 months.

Defines terms used.

Makes provision for filing such a statement.

Provides for enforcement of such provisions and for specified penalties for violation of such provisions.

Provides that, due to specified findings, neither appropriation is made nor obligation created for the reimbursement of any local agency for costs incurred by it pursuant to the act.

The people of the State of California do enact as follows:

SECTION 1. Article 4.6 (commencing with Section 1120) of Chapter 1 of Division 4 of Title 1 of the Government Code is repealed.

SEC. 2. Division 4.5 (commencing with Section 3600) of Title 1 of the Government Code is repealed.

SEC. 3. Division 4.5 (commencing with Section 3600) is added to Title 1 of the Government Code, to read:

DIVISION 45. CONFLICT OF INTEREST

CHAPTER 1. LEGISLATIVE POLICY

3600. This division shall be known and may be cited as the Governmental Conflict of Interests Act.

3601. The Legislature enacts this division

(1) To assure the independence, impartiality and honesty of public officials in governmental actions and decisions;

(2) To inform citizens of the existence of personal economic interests which may present a conflict of interest between the official's public trust and private gain;

(3) To prevent public office from being used for personal gain, other than the remuneration provided by law;

(4) To assure that governmental decisions and policy be made in the proper course according to the proper procedures and considerations;

(5) To prevent special interests from unduly influencing governmental decisions and policy; and to assure to the extent possible, that governmental decisions and policy reflect the public interest.

3602. The provisions of this division are to be liberally construed, to the end that the public interest be fully protected. If any provision of this act or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect any other provisions or applications of this act which can be effected without the invalid provision or application, and to this end the provisions of this act are severable.

3603. Nothing in this division shall prevent any public agency from adopting rules relating to conflicts of interest of its officers which require disclosure or disqualification in addition to the requirements of this division.

3604. (a) Every document, record, or statement required to be filed pursuant to the provisions of this division is a public record and shall be made available at reasonable times for inspection by any member of the public.

(b) A copy of each such document, record, or statement shall be given to any member of the public upon payment of a reasonable charge, not to exceed ten cents (\$0.10) per page.

CHAPTER 2. DEFINITIONS

3610. The terms used in this division are defined as follows:

(a) "Business entity" means any undertaking operated for economic gain, including, but not limited to, a corporation, partnership, trust, business, proprietorship, firm, association, or joint venture.

(b) "Candidate" means any person who seeks nomination for or

election to a state, county, regional, general law or chartered city, or district office at any primary or special or general election.

(c) "Constitutional officer" means the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, State Superintendent of Public Instruction, Members of the Legislature, and all other elected state officials.

(d) "Gift" means any thing of economic value given without valuable consideration but does not include campaign contributions nor gifts from relatives.

(e) "Income" means income of any nature from any source derived, including but not limited to any salary, wage, advance, payment, dividend, interest, rent, return of capital, forgiveness of indebtedness, rebate of money, or anything of economic value.

(f) "Investment" means any economic interest, but does not include a time or demand deposit in a financial institution, shares in a credit union or the cash surrender value of life insurance or of any debt instrument having a set yield unless it is convertible to an equity instrument.

(g) "Public agency" means the Legislature, the office of any constitutional officer, county, city and county, charter or general law city or district, and any agency, department, commission, or bureau office or comparable unit of the state, any county, city and county, general law or charter city or district government.

(h) "Public official" means any elective or appointive officer of any public agency.

(i) "Real property" means any interest or option to purchase any interest in any real property, but does not include a home or property used by the owner primarily for personal or recreational purposes.

CHAPTER 3. PROHIBITIONS

3625. (a) No official shall have economic interests which are in substantial conflict with the proper exercise of his official duties and powers.

(b) No public official shall participate in, or in any way attempt to influence, governmental action or decisions relating to any matter within the responsibilities of his agency in which he knows or has reason to believe he has an economic interest.

(c) An official has an economic interest in a matter if the action or decision will have a material economic effect on:

(1) Any business entity in which the public official has a direct or indirect investment worth more than one thousand dollars (\$1,000);

(2) Any real property in which the public official has a direct or indirect interest worth more than one thousand dollars (\$1,000);

(3) Any source of income, loans or gifts aggregating two hundred fifty dollars (\$250) or more in value received by or promised to the public official within 12 months prior to the time when the action is

taken or decision made.

(4) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent children of the public official, by an agent on his behalf, or any business entity controlled by the public official or by a trust in which he has a substantial economic interest. A business entity is controlled by a public official if the public official, agents, spouse or dependent children, possess more than 50 percent of the ownership interest in the entity. A public official has a substantial economic interest in a trust, when the official, his spouse or dependent children have a present or future interest worth more than one thousand dollars (\$1,000).

(d) Subdivision (b) of this section shall not apply to the following:

(1) To any constitutional officer;

(2) To any public official with respect to any matter which could not legally be acted upon or decided by his public agency without his participation;

provided that the constitutional officer or official specifically disclose as a matter of official, public record the existence of any economic interest described in subdivision (c), and describe with particularity the nature of the interest before he acts or decides or participates in any action or decision; and provided further that he in no way attempts to influence any other public official with respect to the matter.

(e) Subdivision (b) of this section shall not apply if the action or decision affects an economic interest of the official as a member of the public or a significant segment of the public or as a member of an industry, profession or occupation, to no greater extent than any other such member of the public, segment of the public or an industry, profession or occupation.

3626. Each public agency may adopt guidelines for its officials in their determination whether they have an economic interest or interests which are in substantial conflict with the proper exercise of their official duties and powers under subdivision (a) of Section 3625 and in determining whether they have an economic interest in matters for purposes of subdivision (b) of Section 3625. These guidelines shall not supersede the requirements of subdivisions (a) and (b) of Section 3625, but when complied with in the good faith belief that they are consistent with those provisions they shall exempt officials from the civil penalties in Section 3751 and the sanctions in Section 3753.

3627. (a) Except as a governmental employee or consultant, no former official shall influence or attempt to influence for compensation, the public agency by which he was employed or which he served, or any of its members, officers or employees in their

official duties within a period of two years after the termination of his employment or service.

(b) Within a period of two years after termination of his service or employment, no former public official shall receive compensation from any person whose economic interests were the subject of or affected by any action or decision in which he participated or was involved in his official capacity during the period of his service or employment, unless the action or decision was one which affected the person's interests as a member of the public or a significant segment of the public, or as a member of an industry, profession or occupation to no greater extent than any other such member of the public or the industry, profession or occupation.

(c) Subdivisions (a) and (b) of this section shall not apply to a former public official unless the official receives compensation or other thing of value from a business entity having a contractual relationship with the public agency by which the official was employed.

CHAPTER 4. DISCLOSURE

3700. (a) This section is applicable to constitutional officers, county supervisors and chief administrative officers, mayors, city council members, members of planning commissions and planning officers, and managers and chief administrative officers of general law or charter cities.

(b) During April of each year, officials designated in subdivision (a) of this section shall file a statement containing the following information:

(1) The name, principal address, and general description of the nature of the business activity of any business entity in which he has, or at any time during the year had, a direct or indirect investment worth more than one thousand dollars (\$1,000), and whether the value of such investment exceeds ten thousand dollars (\$10,000);

(2) A description of any real property in which he has, or at any time during the year had, a direct or indirect interest worth more than one thousand dollars (\$1,000), including the street address of the property, the place, book and page number where such interest is recorded and whether the value of such interest exceeds ten thousand dollars (\$10,000).

(3) Each source of income, loans or gifts, aggregating two hundred fifty dollars (\$250) or more in value, received in the preceding 12 months, including the name, address, and general description of the business activity of each source, a statement of the consideration, if any, for which the income was received, and whether the aggregate value of the income, loans and gifts received was worth more than one thousand dollars (\$1,000).

(4) Any employment, position of management or office, salaried or otherwise, held at the time of filing, or at any time during the year

by the public official and the name, principal address and a general description of the nature of the business activity of the business entity.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent children of the public official, by an agent on his behalf, or by any business entity controlled by the public official or a trust in which he has a substantial economic interest. A business entity is controlled by a public official if the public official, his agent or spouse and dependent children, possess more than 50 percent of the ownership interest in the entity. A public official has a substantial economic interest in a trust when the official, his or her spouse or dependent children have a present or future interest worth more than one thousand dollars (\$1,000).

(c) The statement required by this section need not disclose any interest otherwise includable under subdivision (b) including investments, interests or income, which could not be affected materially by any action, failure to act or decision taken by the public official acting within the scope of his official duties.

(d) For the purposes of this section, an interest in real property located within the jurisdiction of the official's agency or an investment in a business entity, a source of income or a position of employment, office or management in any business entity located within the jurisdiction or doing business within the jurisdiction shall be regarded as an interest which could be effected materially by the official in the scope of his official duties.

3701. (a) Each nonincumbent candidate, at the time he files his nomination papers or his declaration of acceptance, shall file a statement containing the information required by Section 3700 for persons holding elective office.

(b) Each person nominated for appointment or appointed to public office designated in subdivision (a) of Section 3700, 10 days or more before he is confirmed or assumes office shall file a statement containing the information required by Section 3700 for persons holding that office.

3702. Every public official designated in subdivision (a) of Section 3700 who ceases to hold office shall, within 30 days after ceasing to hold office, file the statement containing the information specified in subdivisions (b) and (c) of Section 3700.

3703. During April of each year every official, except those designated in subdivision (a) of Section 3700 shall file a statement disclosing his financial interests as required by Section 3704.

3704. (a) Every public agency may adopt and promulgate rules governing disclosure of financial interests by its officials. County and city and county boards of supervisors, city councils of general law and chartered cities and the governing boards of special districts may adopt and promulgate the rules for officials in the agencies subject to their control.

district attorney fails to take action, or any citizen or group of citizens of this state, may bring an action in superior court to enjoin violations of or compel compliance with the provisions of this division.

(b) Upon a preliminary showing that there are reasonable grounds to believe that a violation of Section 3625 has occurred, the court may restrain the execution of any decision, contract, order, permit, resolution or other official act in relation to which a violation of this section is alleged to have occurred, pending final adjudication, provided that any injury suffered by innocent persons relying on the official act does not outweigh the public interest in a temporary stay of the act. If it is ultimately determined that a violation has occurred, the court may set aside as void any decision, order, permit, resolution, contract or other official action affected by the violation.

(c) If it is determined that a violation of Section 3625 has occurred, and if the public official who committed the violation realized an economic benefit as a result of the action or decision, the court may impose a penalty against the public official of up to three times the value of the benefit.

(d) If it is determined that an interest which should have been disclosed in the report required by Section 3700 was omitted, the court may impose a penalty of up to three times the value of the omitted interest.

3752. The court may award reasonable attorney fees and court costs to the prevailing party or parties, whether or not there has been a final judgment in the matter.

3753. A violation of any provision of this division shall be grounds for forfeiture of office as provided in Section 1700 of the Government Code and for disqualification from holding public office as provided in Section 1021 of the Government Code.

3754. (a) No public official required to file a statement pursuant to Section 3700 shall receive any compensation from the government for the period in which he is in violation if the statement is not filed as required.

(b) No public official required to file a statement pursuant to Sections 3700 or 3703 shall take office until the statement as required has been filed.

3760. If any provision of this act or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect any other provisions or applications of this act which can be effected without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 4. The Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

The duties, obligations, or responsibilities imposed on local governmental entities or school districts by this act are such the

related costs are incurred as a part of their normal operating procedures.

Therefore, no appropriation is made by this act nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

o

MEMORANDUM

October 9, 1973

Senate Bill No. 716

When is one prohibited from acting on a matter which could affect something in which he has a financial interest?

Answer: Not definitely answerable.

Discussion: Chapter 3 (§ 3625-3627) of the act which delineates when a public official may or may not act in his official capacity is a prime example of inept draftsmanship. It utilizes terms which have generally understood meanings as words of art having different meanings. Moreover, words critical to the application of the chapter which, at most, have vague objective definitions are left undefined.

For example, § 3625(b) provides "[N]o public official shall participate in, or in any way attempt to influence, governmental actions or decisions relating to any matter within the responsibilities of his agency in which he knows or has reason to believe he has an economic interest." However, economic interest is particularly defined for the purpose of this chapter as follows: "[A]n official has an economic interest in a matter if an action or decision will have a material economic effect" on the business entity in which he has an investment of more than \$1,000; any source of income, loans or gifts aggregating to \$250 or more in value within twelve months prior to the time when the action is taken or decision is made; any real property in which he has an interest of more than \$1,000; or any business entity in which he is a director, official, partner, trustee, employee, or holds any position in management. Material economic effect is a very vague phrase and is nowhere defined.

The wording of this chapter would seem to leave the public official in a rather precarious position. Suppose a public official has \$1,000 worth of stock in a major department store and his agency is working on something relating to whether the adjusted balance method of computing charges on revolving charge accounts is to be used as opposed to the previous balance method of computing such charges. The adjusted balance method results in lower charges than does the previous balance method. It would, therefore, be obvious that a change to the adjusted balance method would affect the income of the department store in which the public official owned stock, and,

therefore, he would have at least some indication that he may have an economic interest in the matter as defined by § 3625(c). However, it would seem extremely difficult or impossible for him to determine whether or not the action of the agency would have a material economic effect on the business of the department store. First of all, material economic effect is not defined. Would a change in receipts due to the use of the adjusted balance which exceeds 10% of the current assets of the department store be considered material? Compare the definition of "material" for purposes of disclosing the existence of legal proceedings in SEC Registration Statement (Securities Act Forms, Form S-1, Item 12). Would a change in the income of the store in excess of \$30,000 be material? Compare the definition of "material" for the purpose of disclosure of the interests of management in transaction for purposes of the SEC Registration Statement (Securities Act Forms, Form S-1, Item 20).

Even assuming one could apply the material economic effect standard objectively, it may be virtually impossible for the official to determine whether the action of the agency would have such an effect on the business in which he owns stock. It would appear that even if the official obtained the financial records of the department store, it would still be a matter of pure guesswork as to whether the action of the agency would effect the business of the department store in any stated amount. It should also be noted that under § 3625(b), the official would not be prohibited from acting if the agency's action or decision would not affect the department store in which he owns shares to a greater extent than any other department store. There are certain department stores which already have the adjusted balance method and, therefore, would not be affected by the action at all. Does this section mean that the official could act only if every department store was affected in the same way or if a majority of the department stores are affected in the same way?

In view of the difficulty in knowing the effect on the corporations, with all the guesswork involved, the public official may be safe from penalty by the requirement of § 3625(b) that he must know, or have reason to believe he has an economic interest. However, the elements of knowledge the official might have, which would lead him to believe he does not have an economic interest may be found by others to have

been sufficient to cause him to have reason to believe that he did have an economic interest.

CITY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
BUREAU OF STREET LIGHTING



INFORMATION SHEET FOR FIRST TIME STREET LIGHTING SYSTEMS

A first time lighting system may be petitioned for through the 1911 and 1913 Improvement Acts, where street lighting does not exist on residential roadways within the City of L.A.

The Improvement Act of 1911 and the Improvement Act of 1913 (state laws) provide the means through which the City government may assist property owners in obtaining community improvements, including street lighting. The City acts as a trustee for property owners inasmuch as preparation of plans, project processing, responsibility for construction, and financial transactions are done by the City for the group of property owners involved.

Project Initiated by Petition - Provided by Bureau of Street Lighting

Property owners interested in a street lighting project may circulate and submit a petition for street lighting to the Bureau of Street Lighting. The petition is then checked against the latest County Tax Roll to determine the validity of the signatures. If the signatures on the petition represent a majority of the properties involved (i.e., at least 60% of the benefitting frontage), a questionnaire will be sent to each affected property owner to confirm that there is strong support for the project. If the majority of returned questionnaires are in favor of the project, the project can then be authorized by the City Council. Construction plans and specifications are then prepared for the project.

After design and prior to construction of the project, a balloting procedure will be conducted as required by Proposition 218. Proposition 218 requires that any proposed assessment against a property must be submitted to affected property owners for approval or rejection, after notice and public hearings. A ballot will be sent to each affected property owner and will indicate the proposed assessments for (1) the design and construction, and (2) the operation and maintenance of the street lighting project.

Design and Construction

Street Lighting Systems are designed and constructed to conform to nationally accepted standards which are sponsored by the Illuminating Engineering Society and approved by the American National Standards Institute. The posts (electroliers) are fabricated of either concrete or steel. Electrical service is provided through cables placed in underground conduits. The project plans are reviewed and approved by the Cultural Affairs Commission to ensure that the aesthetic qualities of the project are compatible with the surroundings.

On residential streets, the posts are normally placed in a staggered pattern. Electrical conduits are placed underground by a horizontal drilling procedure. This drilling operation minimizes surface disturbance and inconvenience to the residents during the construction period. Before construction is considered complete, the contractor is required to restore all parkway areas.

Costs and Billing

Based on an average 50' x 130' lot on a residential street, the estimated cost per lot is about **\$3,400** for a standard modern lighting system, and about **\$7,500** for an ornamental lighting system. This cost includes the cost for construction by an electrical contractor along with City costs of design, inspection and processing. The construction cost is the main factor in determining the overall cost to property owners. In general, the larger the project, the lower the bids submitted by electrical contractors and the lower the cost for each property owner.

Corner lots which receive benefit from lights on two streets are assessed for frontage on the short side of the lot, and a fraction of their frontage on the long side of the lot.

After the assessments for a project are confirmed by the City Council, after public hearings, **(prior to construction starting)**, each benefitting property owner is billed for their share of the installation costs. If the final cost for constructing the project is lower than estimated, refunds will be made to property owners. If the final cost for constructing the project is higher than estimated, the City will assume responsibility for the remaining costs.

Assessments may be paid in a lump sum within 30 days after billing, or according to the following schedule:

AMOUNT OF ASSESSMENT	NUMBER OF PRINCIPAL PAYMENTS	WHEN DUE
Less than \$150.00	1	Within 30 days after billing
\$150 - \$299.99	2	Equal principal payments
\$300 - 399.99	3	due each October
\$400 - 499.99	4	"
\$500 - 599.99	5	"
\$600 - 699.99	6	"
\$700 - 799.99	7	"
\$800 - 899.99	8	"
\$900 - 999.99	9	"
\$1000 - or more	10	"

If you choose to defer payment or pay installments, an interest rate of between 6% and 7% on the **unpaid balance** will be charged each year. Thus, the interest charge diminishes each year. One-half the annual

interest is payable each June 1. The principal installment and the other half of the annual interest is payable in December 1. If you wish to pay in full **after** you have chosen the installment plan, there will be a prepayment charge of 5% on the unpaid balance. Bills are sent by the City Treasurer and are not part of the property tax bill.

After the lighting system has been placed in service, the property owners will be billed annually (as part of their County Tax Bill) for their share of the "**maintenance**" **costs** of the system (electrical energy, maintenance, repairs, etc.). For an average 50' residential lot, this is about **\$70/year** for a modern lighting system and about **\$95/year** for an ornamental lighting system, both based on prevailing electricity rates.

If you wish to proceed with the petition process, please send your written request to the Bureau of Street Lighting, 1149 S. Broadway, Los Angeles, CA 90015. For further information, please contact the Bureau of Street Lighting at (213) 847-1476, (FAX) 847-1860.

PETITION FOR INSTALLING A MODERN STREET LIGHTING SYSTEM

A first time lighting system may be petitioned through the 1913 Improvement Act,
where street lighting does not exist on residential roadways.

CITY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS BUREAU OF STREET LIGHTING

The undersigned owners of property fronting on _____
between _____
and _____, including intersections,

hereby petition the Los Angeles City Council to authorize the following improvement:

Installation of a **MODERN** street lighting system which meets current street lighting standards of the City of Los Angeles.

- ☐ Estimated **one-time installation** assessment is about **\$3,400** for each 50 feet of frontage.
- ☐ Estimated **annual maintenance** and operating assessment is about **\$70** per residential property calculated in accordance to lot area acreage.

_____ LIGHTING DISTRICT
(*PROPOSED PROJECT TITLE*)

NOTICE TO PETITIONERS

Return this petition to the issuing office shown below with valid signatures from property owners representing at least **70%** of this project's total footage, indicating an interest in the project. Once the signatures on the returned petition are validated, questionnaires will be sent to all affected property owners to confirm that there is strong support for the project. If the petition and questionnaire process indicate strong support, the City Council will then be requested to authorize the design of the project.

After design, and prior to construction of the project, each individual property owner will be sent a notice of hearings and a ballot which will indicate the maximum assessment related to their property for installation and annual operation & maintenance of the street lighting improvement. Proposition 218 requires that property owners approve any proposed assessment through a balloting procedure.

Further information regarding this process can be obtained by calling the Bureau of Street Lighting at (213) 847-1458.

Bureau of Street Lighting
1149 S. BROADWAY, STE. 200
Los Angeles, CA 90015
ATTN: COMMUNITY SERVICES DIVISION

Phone: (213) 847-1458
Fax: (213) 847-1859

E-Mail: Streetlighting@lacity.org
WWW: <http://bsl.lacity.org>

SEE REVERSE SIDE FOR SIGNATURE BLOCK

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CITY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
BUREAU OF STREET LIGHTING



INFORMATION SHEET FOR FIRST TIME STREET LIGHTING SYSTEMS

A first time lighting system may be petitioned for through the 1911 and 1913 Improvement Acts, where street lighting does not exist on residential roadways within the City of L.A.

The Improvement Act of 1911 and the Improvement Act of 1913 (state laws) provide the means through which the City government may assist property owners in obtaining community improvements, including street lighting. The City acts as a trustee for property owners inasmuch as preparation of plans, project processing, responsibility for construction, and financial transactions are done by the City for the group of property owners involved.

Project Initiated by Petition - Provided by Bureau of Street Lighting

Property owners interested in a street lighting project may circulate and submit a petition for street lighting to the Bureau of Street Lighting. The petition is then checked against the latest County Tax Roll to determine the validity of the signatures. If the signatures on the petition represent a majority of the properties involved (i.e., at least 60% of the benefitting frontage), a questionnaire will be sent to each affected property owner to confirm that there is strong support for the project. If the majority of returned questionnaires are in favor of the project, the project can then be authorized by the City Council. Construction plans and specifications are then prepared for the project.

After design and prior to construction of the project, a balloting procedure will be conducted as required by Proposition 218. Proposition 218 requires that any proposed assessment against a property must be submitted to affected property owners for approval or rejection, after notice and public hearings. A ballot will be sent to each affected property owner and will indicate the proposed assessments for (1) the design and construction, and (2) the operation and maintenance of the street lighting project.

Design and Construction

Street Lighting Systems are designed and constructed to conform to nationally accepted standards which are sponsored by the Illuminating Engineering Society and approved by the American National Standards Institute. The posts (electroliers) are fabricated of either concrete or steel. Electrical service is provided through cables placed in underground conduits. The project plans are reviewed and approved by the Cultural Affairs Commission to ensure that the aesthetic qualities of the project are compatible with the surroundings.

On residential streets, the posts are normally placed in a staggered pattern. Electrical conduits are placed underground by a horizontal drilling procedure. This drilling operation minimizes surface disturbance and inconvenience to the residents during the construction period. Before construction is considered complete, the contractor is required to restore all parkway areas.

Costs and Billing

Based on an average 50' x 130' lot on a residential street, the estimated cost per lot is about **\$3,400** for a standard modern lighting system, and about **\$7,500** for an ornamental lighting system. This cost includes the cost for construction by an electrical contractor along with City costs of design, inspection and processing. The construction cost is the main factor in determining the overall cost to property owners. In general, the larger the project, the lower the bids submitted by electrical contractors and the lower the cost for each property owner.

Corner lots which receive benefit from lights on two streets are assessed for frontage on the short side of the lot, and a fraction of their frontage on the long side of the lot.

After the assessments for a project are confirmed by the City Council, after public hearings, **(prior to construction starting)**, each benefitting property owner is billed for their share of the installation costs. If the final cost for constructing the project is lower than estimated, refunds will be made to property owners. If the final cost for constructing the project is higher than estimated, the City will assume responsibility for the remaining costs.

Assessments may be paid in a lump sum within 30 days after billing, or according to the following schedule:

AMOUNT OF ASSESSMENT	NUMBER OF PRINCIPAL PAYMENTS	WHEN DUE
Less than \$150.00	1	Within 30 days after billing
\$150 - \$299.99	2	Equal principal payments
\$300 - 399.99	3	due each October
\$400 - 499.99	4	"
\$500 - 599.99	5	"
\$600 - 699.99	6	"
\$700 - 799.99	7	"
\$800 - 899.99	8	"
\$900 - 999.99	9	"
\$1000 - or more	10	"

If you choose to defer payment or pay installments, an interest rate of between 6% and 7% on the **unpaid balance** will be charged each year. Thus, the interest charge diminishes each year. One-half the annual

interest is payable each June 1. The principal installment and the other half of the annual interest is payable in December 1. If you wish to pay in full **after** you have chosen the installment plan, there will be a prepayment charge of 5% on the unpaid balance. Bills are sent by the City Treasurer and are not part of the property tax bill.

After the lighting system has been placed in service, the property owners will be billed annually (as part of their County Tax Bill) for their share of the "**maintenance**" **costs** of the system (electrical energy, maintenance, repairs, etc.). For an average 50' residential lot, this is about **\$70/year** for a modern lighting system and about **\$95/year** for an ornamental lighting system, both based on prevailing electricity rates.

If you wish to proceed with the petition process, please send your written request to the Bureau of Street Lighting, 1149 S. Broadway, Los Angeles, CA 90015. For further information, please contact the Bureau of Street Lighting at (213) 847-1476, (FAX) 847-1860.

PETITION FOR INSTALLING A **MODERN STREET LIGHTING SYSTEM**

A first time lighting system may be petitioned through the 1913 Improvement Act,
where street lighting does not exist on residential roadways.

CITY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS BUREAU OF STREET LIGHTING

The undersigned owners of property fronting on _____
between _____
and _____, including intersections,

hereby petition the Los Angeles City Council to authorize the following improvement:

Installation of a **MODERN** street lighting system which meets current street lighting standards of the City of Los Angeles.

- ☐ Estimated **one-time installation** assessment is about **\$3,400** for each 50 feet of frontage.
- ☐ Estimated **annual maintenance** and operating assessment is about **\$70** per residential property calculated in accordance to lot area acreage.

_____ LIGHTING DISTRICT
(PROPOSED PROJECT TITLE)

NOTICE TO PETITIONERS

Return this petition to the issuing office shown below with valid signatures from property owners representing at least **70%** of this project's total footage, indicating an interest in the project. Once the signatures on the returned petition are validated, questionnaires will be sent to all affected property owners to confirm that there is strong support for the project. If the petition and questionnaire process indicate strong support, the City Council will then be requested to authorize the design of the project.

After design, and prior to construction of the project, each individual property owner will be sent a notice of hearings and a ballot which will indicate the maximum assessment related to their property for installation and annual operation & maintenance of the street lighting improvement. Proposition 218 requires that property owners approve any proposed assessment through a balloting procedure.

Further information regarding this process can be obtained by calling the Bureau of Street Lighting at (213) 847-1458.

Bureau of Street Lighting
1149 S. BROADWAY, STE. 200
Los Angeles, CA 90015
ATTN: COMMUNITY SERVICES DIVISION

Phone: (213) 847-1458
Fax: (213) 847-1859

E-Mail: Streetlighting@.lacity.org
WWW: <http://bsl.lacity.org>

SEE REVERSE SIDE FOR SIGNATURE BLOCK

[illegible][illegible][illegible]

CONTACTS

Streetlight Repairs:

Within the City call 3-1-1

[Streetlight repair](#)

Requests for new lighting and general questions (Eddie Chavez):

(213) 847-1580

eddie.chavez@lacity.org

[How to get a new streetlight](#)

Requests for encroachment permits and pole attachments (Fabian Cheng):

(213) 847-1459

fabian.cheng@lacity.org

[Pole attachments](#)

Assessment Information/Proposition 218 (Ruben Flamenco):

(213) 847-1431

ruben.flamenco@lacity.org

[Proposition 218](#)

Private Development Plancheck and Case Management Information for B-Permit Private Development Projects (Jay Wong):

(213) 847-1511

Jay.wong@lacity.org

[Permit information](#)

Street Lighting Projects involving [CALTRANS](#) and [MTA](#) (Silva Batikian):

(213) 847-1524

silva.batikian@lacity.org

Street Lighting Projects involving [LADOT](#) (Randall Misaka):

(213) 847-0407

randall.misaka@lacity.org

Field Operations Division (Chris Mosman):

(323) 913-4742

chris.mosman@lacity.org

Energy Efficiency Division - Information on: Solar Lighting, LED Conversion Program, and Evaluation/Testing of New Lighting Technologies (Richard Sarigumba):

(213) 847-1826

richard.sarigumba@lacity.org

[LED replacement program](#)

Street Light Damage Claims:

(213) 847-5224

bsldamageclaims@lacity.org

[Streetlight Museum](#)

Mailing Address: Bureau of Street Lighting 1149 S. Broadway, Suite 200 Los Angeles, CA 90015

If you have any questions, please send e-mail to: bsl.streetlighting@lacity.org

RULES OF THE LOS ANGELES CITY COUNCIL AS AMENDED (August 2012)



COUNCIL OFFICERS

COUNCILMEMBER HERB J. WESSON, JR., PRESIDENT

**COUNCILMEMBER MITCHELL ENGLANDER
PRESIDENT PRO TEMPORE**

**COUNCILMEMBER TOM LABONGE
ASSISTANT PRESIDENT PRO TEMPORE**

RULES

OF

THE LOS ANGELES CITY COUNCIL AS

ADOPTED ON DECEMBER 19, 1986,

AS AMENDED (AUGUST 2012)



Holly L. Wolcott
City Clerk

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RULES
OF THE
LOS ANGELES CITY COUNCIL

These procedural Rules are adopted, pursuant to authority set forth in Charter Section 242, to assist the City Council in the orderly conduct of City business consistent with law.

COUNCIL RULES

CHAPTER I

ELECTION AND APPOINTMENT OF OFFICERS

- *1. At the first regular meeting of the Council after June 30 of each odd-numbered year, the City Clerk shall preside over the election of the President, and the Council shall elect one of its members as President by a majority vote by open ballot. That member shall be known as the "President of the Council." The President shall serve until the next such meeting date or until a successor has been elected.
2. After a President is elected, the Council shall elect one of its members as "President Pro Tempore" in the same manner it has elected the President. The President Pro Tempore shall serve until a successor has been elected, and shall act as the Presiding Officer in the absence of the President of the Council and as otherwise provided in Charter Section 243(b).
3. The maker of a duly seconded motion to remove or replace the President, the President Pro Tempore or both, shall distribute a copy of the motion to each member and to the City Clerk during a Council session. The City Clerk shall place such motion on the next Council Agenda to be posted for a regular meeting. If the President's removal is approved, an election shall be held in accord with Rule 1.
4. After the election of the President and the President Pro Tempore, the President of the Council shall appoint a member of the Council to be "Assistant President Pro Tempore" who shall exercise the powers and duties of the President Pro Tempore as provided in Section 2.6(b) of the Los Angeles Administrative Code and serve for the period the President was elected. In the event of sickness, absence from the City, or disability of the Assistant President Pro Tempore, the sequence of succession to act as Assistant President Pro Tempore shall be based upon seniority, as provided in Section 2.6(c) of the Los Angeles Administrative Code.
5. The Presiding Officer may name another member to temporarily perform the duties of the Chair, but the substitution shall not extend beyond adjournment.

* Rules marked with an asterisk (*) may not be suspended. See Rule 76.

COUNCIL RULES
CHAPTER II

**PUBLIC NOTICE, ATTENDANCE
AND COMMENT**

- *6. The Agenda for each regular meeting of the Council shall be posted at least 72 hours before the meeting. It shall contain a brief general description of each item of business to be transacted or discussed at the meeting.
- *7. The Council shall provide an opportunity in open meetings for the public to address the Council on each Agenda item for a cumulative total of up to five (5) minutes for each item. The Presiding Officer may grant or deny speakers additional time, subject to reversal by a majority of the Council, pursuant to Rule 15. Speakers shall limit their comments to matters relevant to the item on the agenda. The Presiding Officer may rule that the speaker is out of order if the comments are not germane to the item under consideration. If multiple speaker cards are submitted on one agenda item, preference will be granted to members of the public who have not spoken previously during the meeting, either during general public comment or on another agenda item. A member of the public wishing to speak on more than one agenda item at a single meeting shall limit his or her remarks to a total of five (5) minutes per meeting. A member of the public may allocate time between items in one-minute increments per item. The Presiding Officer, in his or her discretion, may allow a speaker to combine remarks on multiple items so as to speak to them during one appearance at the podium. The Presiding Officer shall have the sole authority to grant a speaker's request to loan, cede, defer or yield time to another speaker.

The requirement of public comment on individual agenda items shall not apply if the opportunity for public comment on the item was previously provided by a Council Committee at which a quorum was present when it considered the item on its posted Agenda and the item has not substantially changed since the Committee hearing. The Council Agenda shall state whether such opportunity was duly provided before a quorum of the Committee. If the Presiding Officer determines that an item was substantially changed since the hearing, the Council shall conduct a new hearing. (The public-comment procedures set forth in this rule are in addition to any other hearing requirement specifically imposed by law.)

- *8. The Brown Act requires the Council to provide an opportunity in regular meetings for members of the public to address it on any non-agenda item generally considered to be a municipal affair and within the subject matter jurisdiction of the Council. This shall be referred to as "general public comment." Only items not on the agenda may be addressed during this period. The Council has determined that a reasonable amount of time for general public comment shall be a cumulative total of up to fifteen (15) minutes. The Presiding Officer may exercise his or her discretion, subject to reversal by a majority of the Council pursuant to Rule 15, in conducting the public comment period, including, but not limited to: re-ordering the order of business as set forth in Rule 22; determining an equitable amount of time that each member of the public may speak; granting or denying speakers additional time to speak, individually or collectively. If multiple speaker cards are submitted for general public comment, the speakers shall be called in the order submitted by the Sergeant-at-Arms to the Presiding Officer. However, preference shall be granted to members of the public who have not spoken previously either during general public comment or on agenda items at the immediately preceding two regular meetings. The City Council shall not discuss or take action relative to any public comment unless authorized by Section 54954.2(b) of the Government Code.

COUNCIL RULES

9. No person shall be permitted to interrupt Councilmembers or the Clerk during a Council meeting.
10. No person, other than members of the news media and City staff shall be admitted into the Council business area of the Council Chamber (separated by a rope from the public seating area), while the Council is meeting except upon the request of a member and consent of the Presiding Officer.
11. To facilitate the orderly process of general public comment and agenda-item public comment, members of the public who wish to address the Council shall hand a speaker card, which includes the speaker's name, or other identifying designation, to the Sergeant-at-Arms prior to the start of the particular comment period. Members of the public shall speak from the podium in the center aisle. Each speaker shall promptly conclude all comments when his or her time to speak has expired. Except at hearings expressly required by law, speakers' comments shall be limited in time as determined by the Presiding Officer. The Presiding Officer may exercise discretion in determining the duration of speakers' comments based upon factors such as the length of the agenda or substance of the agenda items, the number of public comment speaker cards submitted, the need for Council to conclude its business as expeditiously as is practicable, and whether Council is in danger of losing a quorum.
12. Rules of Decorum: ***Changes adopted by the City Council on July 29, 2009***
 - a. Rules of Decorum. During a meeting of the Los Angeles City Council, there is the need for civility and expedition in the carrying out of public business in order to ensure that the public has a full opportunity to be heard and that the Council has an opportunity for its deliberative process. While any meeting of the City Council is in session, the following rules of decorum shall be observed. All remarks shall be addressed to the Council as a whole and not to any single member, unless in response to a question from a member. Persons addressing the Council shall not make personal, impertinent, unduly repetitive, slanderous or profane remarks to the Council, any member of the Council, staff or general public, nor utter loud, threatening, personal or abusive language, nor engage in any other disorderly conduct that disrupts, disturbs or otherwise impedes the orderly conduct of any Council meeting. No person in the audience at a Council meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt or otherwise impede the orderly conduct of any Council meeting. Signs, placards, banners, or similar items shall not be permitted at any time in the Council Chamber. Unless addressing the Council or entering or leaving the Council Chamber, all persons in the audience shall remain sitting in the seats provided. No person shall stand or sit in the center aisle, nor shall the doorways be blocked. The Presiding Officer of the Council, with the assistance of the Sergeant-at-Arms, shall be responsible for maintaining the order and decorum of meetings, as set forth more fully below.
 - b. Enforcement of Decorum. At the discretion of the Presiding Officer or upon a majority vote of the Council, the Presiding Officer may order removed from the Council Chamber any person who fails to observe these rules of decorum, including committing any of the following acts of disruptive conduct in respect to a regular, adjourned regular or special meeting of the City Council.

COUNCIL RULES

Disorderly, contemptuous or insolent behavior toward the Council or any member thereof, tending to interrupt the due and orderly course of said meeting;

A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting;

Disobedience of any lawful order of the Presiding Officer, which shall include an order to be seated or to refrain from addressing the Council; and

Any other unlawful interference with the due and orderly course of said meeting; and

Any person so removed shall be excluded from further attendance at the meeting from which he/she has been removed, unless permission to attend is granted upon motion adopted by a majority vote of the Council, and such exclusion shall be executed by the Sergeant-at-Arms upon being so directed by the Presiding Officer. These enforcement provisions are in addition to the authority held by the Sergeant-at-Arms to maintain order pursuant to Rule 80 and pursuant to his or her lawful authority as a peace officer.

- c. Penalties. Any person who has been ordered removed from a meeting may be charged with a violation of Penal Code Section 403, or other appropriate Penal Code or Los Angeles Municipal Code sections. In addition, any person so removed on the basis of disruptive conduct described above may not be allowed to address the Council for up to a maximum of thirty (30) meeting days of the Council during which the Council has convened in regular session. The period of prohibition from addressing the Council will be determined by the Presiding Officer, or the Council upon a vote, based on the number and severity of prior incidents of disruptive conduct.

COUNCIL RULES

CHAPTER III

Presiding Officer

13. The Presiding Officer shall take the Chair at the hour the Council is scheduled to meet, call the meeting to order, and except in the absence of a quorum, shall proceed to business in the manner prescribed by these Rules.
14. The Presiding Officer shall adhere to and enforce the Council Rules so long as consistent with the Charter and other governing law. The Presiding Officer may refer to and use Robert's Rules of Order Revised, for guidance, interpretation, or to supplement these Rules.
15. The Presiding Officer shall preserve decorum and shall decide all questions of order. The decision of the Chair shall prevail unless reversed by the vote of at least eight (8) votes on the question: "Shall the Chair be overruled?" The appeal shall be decided without debate.
16. The Presiding Officer shall cause all matters filed with, or presented to, the City Clerk for the Council to be referred to the appropriate Council Committee, except as otherwise provided by the Rules or where required by law to be first presented to the Council, and shall cause a memorandum of such references to be furnished to each Councilmember.

However, a member may give the City Clerk during a Council session, a duly seconded motion that said member wants placed on the next Council Agenda to be posted for a regular meeting instead of having it referred to a Committee. If such request is approved by the Presiding Officer, the Clerk shall cause copies of the motion to be distributed to all other Councilmembers on the day received, and shall place the item on said requested Agenda. When the item appears on the Agenda, it shall specifically note that a two-thirds votes of the entire Council is required for the item to be considered at that time. If the item fails to receive the required two-thirds vote, it shall then be referred by the Presiding Officer to the appropriate Committee.

17. The Chair of a Committee, with the approval of the President, may waive consideration of any item pending in that Committee. Upon such waiver the item shall be placed on a Council Agenda to be posted for a regular or special meeting. When the item appears on the Agenda, it shall specifically note that a two-thirds vote of the entire Council is required for the item to be considered at the time. If the item fails to receive the required two-thirds vote in order to be considered, it shall then be referred by the Presiding Officer back to the Committee from which it was waived.

COUNCIL RULES

CHAPTER IV

COUNCIL MEETING DAYS AND TIME, ORDER OF BUSINESS, AND QUORUM

18. Regular meetings of the Council shall be held in City Hall on Tuesday, Wednesday, and Friday of each week, recess dates established by resolution and holidays excepted, at the hour of 10:00 a.m.

The Council shall hold no fewer than fifteen special meetings throughout the City during a two-year period, beginning after the first regular meeting after June 30th of each odd-numbered year. Public facilities shall be selected for off-site Council meetings, Council Committee meetings and ad hoc Council Committee meetings. Preference shall be given to City owned facilities, and if no appropriate public facilities are available, a motion must be presented for the Council's consideration and approval regarding the selection of a site; said motion shall contain all pertinent information, including all associative site costs.

The Office of the City Clerk, with the assistance of the Chief Legislative Analyst, and other involved City departments, shall coordinate with the individual Council offices, the identification of appropriate facilities in each Council District for off-site Council and Council Committee meetings, and all other activities related to the conduct of these meetings.

As feasible, all off-site Council meetings shall be broadcast live over the City's municipal access cable system (Channel 35).

19. All members shall be in their respective seats at said hour of each regular Council meeting and at the time set for the session of any adjourned or special meeting.
20. Special meetings may be held in City Hall or elsewhere in the City upon the call of the Presiding Officer or of a majority of the members, provided that notice prescribed by law is duly given.
- *21. The City Clerk shall cause to be printed and posted for each meeting a list of all items to be considered at the meeting. The list shall be known as the Agenda. The Agenda shall contain a brief general description of each item to be transacted or discussed at the meeting. No other business may be considered except as otherwise provided by law.
22. The Agenda shall reflect, and the business of regular meetings of the Council shall be transacted, as far as practicable, in the following order:
- a. Roll Call.
 - b. Approval of Minutes.
 - c. Commendatory Resolutions.
 - d. Public Testimony on Non-Agenda Items (within jurisdiction of Council).
 - e. Council Hearings Required By Law.
 - f. Items for Which Required Public Hearings Have Been Held.
 - g. Items for Which Required Public Hearings Have Not Been Held.
 - h. Items for Which Future Hearing Dates Must Be Set.
 - i. Items Called Special.
 - j. Motions For Posting and Referral.
 - k. Councilmembers' Request for Excuse From Attendance at Council Meetings.
 - l. Closed Session.
 - m. Adjourning Motions and Council Adjournment.

COUNCIL RULES

- *23. The Council may act in a regular meeting on an item not posted on its Agenda for the meeting if it determines by a two-thirds vote that the need for such action arose after the posting of the Agenda, or, if the item was continued from a meeting of the body which occurred not more than five (5) days prior, or, if a majority determines that an emergency, as defined by state law, exists.
- 24. Each member shall attend all regular and special meetings (except for illness) unless a leave of absence has been granted by a majority vote at a regular meeting at which a quorum is present.

No leave of absence shall be granted if such will result in a quorum not being present for that meeting.
- *25. Ten members of the Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time until a quorum is present and may compel the attendance of the absentees. Except as otherwise required by the Charter or other law, or by these Rules where not inconsistent therewith, action by the Council shall be taken by a majority vote of the entire membership of the Council.
- 26. Whenever a member questions the presence of a quorum, the Presiding Officer shall direct the Clerk to call the roll and announce the result. There shall be no debate. Every member present must respond when his or her name is called.
- 27. No member shall be considered present unless the member is within the Council Chamber.
- 28. No member shall leave a Council meeting without permission from the Presiding Officer of the meeting.
- 29. Upon a call of the Council, if supported by a majority of the members present, whether quorum or not, the Presiding Officer shall have the power to send the Sergeant-at-Arms with a written order to bring the absent Councilmember forthwith before the Council.
- 30. Not used.

CHAPTER V

COUNCIL DISCUSSION AND TIME LIMITS

31. Members requesting to address the Council shall cause their requests to be tabulated on the Council's computerized record keeping system; however, a member may rise and address the Chair if recognized by the Presiding Officer. When two or more members rise at once, the Presiding Officer shall name the member who shall be first to speak and may consult the Council's computerized record keeping system for assistance. The members shall confine their remarks to the question under debate and shall avoid personalities.
32. Members may address the Council according to the following order and time limits:
 - a. The Committee Chair or acting Chair may open debate if the member so desires; the maker of the original motion which initiated the matter under consideration shall be allowed to speak next, if that member desires; and the member calling the matter "special" may speak next, if that member so desires; this shall constitute the first opportunity for a member to speak.

Each of the above shall have up to six (6) minutes to so open debate. Each of the remaining Councilmembers may then speak up to three (3) minutes.
 - b. After all members desiring to speak on a question have had an opportunity to be heard once, the time for each member desiring to speak again, or subsequently for the first time, shall be limited to a maximum of three (3) minutes.
 - c. The maker of the original motion, then the member calling the matter "special" if such call caused the matter to be debated, and finally the appropriate Committee Chair, in that order, shall thereafter each have up to three (3) minutes additional time to close debate if there has been an intervening speaker before said member last spoke.
 - d. A motion calling the "previous question" (to close debate) is not debatable. The maker of the motion calling the "previous question" must specify if the motion applies to the entire matter or portions thereof. Notwithstanding the vote on the previous question, the maker of the original motion and/or the Chair(s) of the involved Committee(s) may be recognized by the Presiding Officer to make closing arguments. If such motion is made after each Councilmember desiring to speak has twice had the opportunity to speak on a question, the call for the previous question may be adopted by eight votes, otherwise ten votes shall be required.
33. Not used.

COUNCIL RULES

CHAPTER VI

RESOLUTIONS, CONTRACTS, REPORTS, AND ORDINANCES

34. Resolutions and motions to amend Agenda items under consideration, shall be presented in duplicate to the Presiding Officer and be authorized for distribution to other Councilmembers, unless the Presiding Officer permits, without objection, such motions to be oral. Other resolutions and motions shall be subject to Rule 21.
35. Commendatory resolutions may be presented at meetings of the Council if the posted agenda so provides.
36. A motion may be made to substitute one report or action for another on the same subject matter provided there is first a majority vote on the question of whether to substitute. If approved, a new vote shall be taken on whether to adopt the substituted report or action.
- *37. No contract shall be authorized by the Council until it has been submitted to and approved by the City Attorney as to form and legality. If the City Attorney questions the legality of any proposed contract or portion thereof, that office shall express its written opinion thereon, to the Council.
38. Unless otherwise provided herein, no ordinance shall be introduced for adoption by the Council until it has been submitted to the City Attorney for review as to form and legality. If the City Attorney approves the ordinance as to form and legality, the City Attorney will so indicate in the transmittal of the ordinance to Council or to a Council Committee and sign the ordinance as to form and legality. If the City Attorney questions the legality of any proposed ordinance or part thereof ordered prepared by the Council or a Committee of the Council the City Attorney shall express the reason(s) for not approving the proposed ordinance as to form and legality in the letter transmitting the ordinance to the Council or a Council Committee and shall not sign the ordinance as to form and legality. Before transmitting to the Council or to the Committee an ordinance that requires enforcement by an officer, board or commission of the City, the City Attorney, after preparation of the ordinance shall submit it to such officer, board or commission for comment and recommendation. The City Attorney shall indicate to the officer, board, or commission, whether or not the City Attorney is approving the proposed ordinance and the reasons therefor. Each proposed ordinance, whether or not approved by the City Attorney, shall be delivered to the Office of the City Clerk, who shall present the same forthwith to the Chair of the Committee which has had the subject matter under consideration. The Chair shall review the ordinance, ascertain whether it conforms with the instruction of the Council or the Committee, and shall return it to the City Clerk without unnecessary delay for placement on the Council or Committee Agenda.

This Rule shall not require that any zone change, building line or height district ordinance or any appeal of a zone change, building line or height district ordinance be submitted to the City Attorney for approval as to form and legality. The City Planning Department shall review such ordinance or appeal and shall consult with the City Attorney to assure that the final ordinance is in proper form, the "Q" conditions are properly prepared and that the correct findings are prepared for Council adoption. Notwithstanding this exception, the Council, its Planning and Land Use Management Committee, the City Planning Commission, an individual member of an Area Planning Commission, an Area Planning Commission, or an individual member of the Commission may request City Attorney review. In that event, the regular process otherwise provided by this Rule shall be followed.

COUNCIL RULES

- *39. An ordinance may be adopted upon its introduction if approved by a unanimous vote of all the members of the Council present, provided there shall not be less than 12 members present.

Any Councilmember may withhold unanimous consent to the adoption of an ordinance upon its introduction at Council. If unanimous consent is withheld, or the requisite vote for its adoption is not forthcoming at said time, the ordinance shall be laid over for one week and listed on the posted Agenda for another roll call.

- *40. If an ordinance is laid over for a week for another roll call, it may then be adopted by majority vote, unless a different vote is required by Charter or other law; or, it may be amended, or it may be continued to a date certain provided such continuance is not precluded by law.

41. Any ordinance may be amended by motion in writing prior to its final passage, subject to Charter limitations; provided, that upon amendment it shall be treated as a newly introduced ordinance and be subject to both Rule 38 and further City Attorney review.

42. Deleted.

43. Every ordinance, resolution or order, except ordinances for public improvements in connection with special assessment proceedings or final tract maps or parcel maps, shall be referred to the appropriate Council Committee prior to its introduction for adoption or approval by the Council, unless the subject matter of the ordinance, resolution, or order has previously been approved by such Committee.

44. Not used.

CHAPTER VII

**APPOINTMENT AND REMOVAL OF CITY
COMMISSIONERS AND OFFICERS**

45. Proposed appointments and removals of commissioners or other officers by the Mayor, requiring confirmation or approval by the Council, shall be referred first to the appropriate Council Committee for recommendation and report with respect to the appointment or removal subject to Rule 46.

A copy of the Mayor's action and notice of the referral shall be transmitted by the Clerk to the Councilmember for the Council district in which the subject of the action resides. Said Councilmember and the members of the Committee, shall be given the opportunity to meet the person who is the subject of the proposal.

46. In the event the Mayor or the President of the Council has recommended the appointment of a commissioner, and the Council has not acted on the matter or placed it on an agenda for action:
- a. The Clerk shall give a written notice to each Councilmember not later than the last regular meeting day before the 31st day after the recommendation of the Mayor or the Council President was submitted to Council. The notice shall identify the date of the 45th day provided by the Charter or ordinance that the Council may act after the recommendation was submitted, and the date of said day.
 - b. The Clerk shall place the appointment on the Council Agenda not later than the last regular meeting day before the 38th day after the recommendation was submitted to the Council and shall notify the appointee of that action.
47. Not used.

COUNCIL RULES

CHAPTER VIII

VOTING

48. a. When the Presiding Officer directs the roll call, it shall be taken by means of the Council's computerized record keeping system, except where said officer directs that it be taken orally. If an oral roll call is taken, it shall be taken in alphabetical order, beginning at the left of the President's chair.

When voting with the Council's computerized record keeping system, each Councilmember shall activate his or her own assigned voting circuit.

Upon direction of the Presiding Officer, the Clerk shall tabulate the vote in such a manner that the mechanical tabulation of results occurs simultaneously with the visual display of those results.

Every member present when a question is put shall vote for or against the same. Whether the roll call has been mechanically tabulated or oral, it shall be supplemented by the Clerk by counting one "aye" vote for each member present who did not vote. The Clerk shall announce the vote.

The Presiding Officer shall then announce the disposition of the item.

- b. A member may change his or her vote after it is tabulated, if the change does not affect the outcome of the vote, and if the Council does not object by majority vote to such change. Otherwise, a member wishing to change his or her vote must receive approval of reconsideration, and a new roll call must be taken.
- *49. Roll calls are required in the granting of franchises, confirmation of appointments, approval of contracts, disposition of property, passage or reconsideration of the vote on an ordinance, or any action involving the payment of money or the incurring of debt by the City, assessment proceedings, and quasi-judicial actions adopting findings and making determinations, or as otherwise required by law. On other matters, if opportunity is given and no objection is raised, the Presiding Officer may announce a unanimous approval of an item under consideration and the Clerk shall so record.
50. Not used.

CHAPTER IX

DISPOSITION OF ITEMS

51. Any member of Council may move to reconsider any vote on any question except to adjourn, suspend the Rules, or to reconsider, or where an intervening event has deprived the Council of jurisdiction, provided that said member had voted on the prevailing side of the question. The motion shall only be in order once during the legislative day in which the given question was voted upon, and once during the next regular meeting.

If a motion to reconsider is first made at the next regular meeting after the question had been first voted upon, the member requesting reconsideration shall identify for all members present the Agenda number, Council file number and subject matter previously voted upon. A motion to reconsider is not debatable and shall require an affirmative vote of eight members of the Council.

If a motion to reconsider is adopted, the subject matter shall be the next order of business after that which is before the Council at the time of the motion. This limitation shall not apply if the motion for reconsideration specifies a different time for further consideration of the subject and appropriate posting thereafter takes place where required by law.

No ordinance, appropriation measure, contract, or other matter passed by the Council shall be processed to the Mayor or other designated officer or finally acted upon by the City Clerk until the adjournment of the regular Council meeting following the date of the Council action. A motion to send "forthwith," if adopted by 10 votes, shall suspend this Rule and the action of the Council will be final upon the adjournment of the Council meeting and cannot be reconsidered.

52. An ordinance, appropriation measure, contract, or other matter passed by the Council and required to be submitted to the Mayor, or other designated officer, shall be subject to Rule 51.
53. If an Agenda item or other item has been duly placed before the Council at a Council meeting and the Council has failed by sufficient votes to approve or reject the item, or the Council has not by its vote placed the item beyond its jurisdiction at the meeting, or by operation of law, or by passage of time the Council has not lost the power to act thereon, the item is continued to the next regular meeting unless the Council affirmatively votes to continue the item beyond such next meeting.

Each Council Agenda shall indicate that if the Council has not lost jurisdiction over an item voted upon at the meeting, or caused it to be continued beyond the next regular meeting or placed in the archives, the item is continued to the next regular meeting for the purpose of permitting reconsideration of the vote.

Any item so continued to the next regular meeting shall be considered at said meeting. The Clerk shall provide the Council with, and post a notice of, a list of such items.

- *54. A motion to withdraw a matter from a Committee shall be referred by the Presiding Officer to the Clerk for placement on the next Agenda to be posted for a Council meeting. The motion to withdraw may then be adopted by majority vote after two weeks from the time the matter was originally referred to Committee, or by a two-thirds vote if referred earlier. Adoption of the motion to withdraw places the matter before the Council.

COUNCIL RULES

Unless such a motion to withdraw appears on the posted Agenda for the meeting, the Council must, as a part of said action, determine that the need to so act arose after the Agenda was posted.

55. Not used.

COUNCIL RULES

CHAPTER X

SPECIAL MEETINGS

- *56. The proceedings of special meetings of the Council and its Committees shall be limited to those items provided for on the Agenda of the meeting. The Agenda for special meetings shall be posted at least 24 hours before the meeting.
- 57. Not used.

CHAPTER XI

COMMITTEES AND COMMITTEE MEETINGS

- *58. The Standing Committees of the Council shall be those provided pursuant to Section 242(b) of the Charter and their duties and functions shall be as prescribed in the Charter, ordinances, resolutions and these Rules.

59. The President shall appoint all Standing Committees and their Chair and Vice Chair. Special Committees shall be appointed by the President unless the Council-adopted action creating the Committee provides a different method of appointment.

The Vice Chair of a Committee shall preside at all meetings of the Committee in the absence of the Chair and attend to the affairs of the Committee in the absence of the Chair.

The President-designated third member of a Committee shall preside as Chair at meetings of the Committee in the absence of both Chair and Vice Chair, when there has been at least one substitute appointment to the Committee by the President and a quorum is present.

60. It shall be the duty of the Chair of a Committee, or in his or her absence, the Vice Chair, or in absence of both, then the Chair Pro Tempore to request the President of the Council to appoint a Councilmember temporarily to serve on the Committee in the absence of a regular member of the Committee. The President shall notify the City Clerk of his or her appointment.

- *61. The Agenda for each regular meeting of a Council Committee shall be posted at least 72 hours before the meeting. It shall contain a brief general description of each item of business to be transacted or discussed at the meeting.

62. Each Committee shall provide an opportunity in open meetings for members of the public to address it on each agenda item for a cumulative total of up to five (5) minutes for each item. (This requirement is in addition to any other hearing requirement specifically imposed by law.) Members of the public shall adhere to the rules of decorum set forth in Rule 12, and shall limit their comments to matters relevant to the item on the agenda. The Presiding Officer may rule that a speaker is out of order if his or her comments are not germane to the item under consideration.

63. Each Committee shall provide an opportunity in regular Committee meetings for members of the public to address it for a cumulative total of up to five (5) minutes on non-agenda items generally considered to be a municipal affair and within the subject matter jurisdiction of the Committee. The Committee shall not discuss or take action relative to any public comment unless authorized by Section 54954.2(b) of the Government Code. Members of the public shall adhere to the rules of decorum set forth in Rule 12.

- *64. A Committee of the Council may act in a regular meeting on an item not posted on its agenda for the meeting only if it determines by a two-thirds vote that the need for such action arose after the posting of the agenda; or if the item was continued from a meeting of the Committee which occurred not more than five (5) days prior to which it had been posted; or if a majority determines that an emergency, as defined by state law, exists.

COUNCIL RULES

65. No person shall be permitted to interrupt Committee members or the Clerk during a Committee meeting.
66. Members of a Committee shall attend all meetings and remain until the Council adjourns unless excused by the Chair.
67. All Standing Committees of the Council shall meet regularly at least once each month, and the Clerk shall cause information to be printed on paper as well as posted on the Internet giving notice of the time and place of the holding of all regularly scheduled Committee meetings. Special meetings of Committees may be held in City Hall or elsewhere in the City upon call of the Chair or of a majority of the members of the Committee, provided that notice is duly given and posted as prescribed by law.
68. Committees shall report their findings and recommendations on matters referred to them to the Council.
69. Committee reports shall reflect only that which transpired at the Committee meeting, and whether the public was afforded the opportunity to address the Committee on the item. If the majority of the Committee that constituted a quorum present at the meeting when the matter was considered have reached an agreement on a recommendation, they shall sign the Committee report. If the members of the Committee that constituted a quorum present at the meeting when the matter was duly considered are not in agreement on a recommendation, they shall sign the report and it shall be noted that the report is submitted to the full Council without recommendation. Reports submitted without recommendation would require a Council motion to take an action on the file. A majority vote of Council would be required to approve the action recommended, unless a different vote is required by law. Nothing contained herein shall prevent a minority of the Committee from submitting its report at the time the majority report is submitted, however, a minority report is for information purposes only unless by adoption of a motion it is substituted for the majority report.
70. Nothing contained herein shall prevent one member of a Committee from submitting a communication and the applicable Council file to the Council if said file had been on the agenda of the Committee for a duly noticed regular or special meeting attended by said member and the Committee failed to act due to lack of a quorum.

Communications shall be submitted to the Council for consideration by presenting same to the City Clerk. The Clerk shall place the item on the Agenda for such future meetings as may be requested by the member so long as it complies with the public notice requirements of these Rules and other applicable law.

Communications from Committee members under this Rule require a motion adopted by ten (10) votes of the Council to consider the item, and thereafter a majority vote to approve, modify, or reject is required, unless a different vote is required by law. When the item appears on the Agenda, it shall specifically note that a two-thirds vote of the entire Council is required for the item to be considered at that time. If the item fails to receive the required two-thirds vote, it shall then be referred by the Presiding Officer to the appropriate Committee.

COUNCIL RULES

71. Committee action shall be by majority vote of the entire Committee. A member of a City Council Committee who is present when a question is put to that Committee, shall vote on that question at the call of the roll thereon. In the event such member fails to affirmatively vote either "yes" or "no," that member shall be deemed to have voted "yes," and the member's vote will be spread as such upon the record.
72. The Presiding Officer shall indicate when a matter is to be referred to two or more Committees for separate action of each Committee. The Committees may then meet separately or together. However, a majority of the members of each Committee shall be required to be present for quorum purposes of each said Committee, and shall be required to sign any report involving matters acted on by them.

The Presiding Officer shall also indicate when a matter is to be referred to two or more Committees for joint action. In said event it shall only be considered by a joint Committee composed of the members of said separate Committees at a duly posted meeting as agreed upon by the Chairs of the respective Committees. A majority of the total number of the Committee members shall be required to be present at a joint Committee meeting for quorum purposes and for any report of the joint Committee.
73. A Committee may refer a Council file to one or more other Committees for information and return; however, with the concurrence of the Council President and notice to the City Clerk by the Council President, a file may be transferred to another Committee for report directly to the Council.
74. Any member of the Council may attend any meeting of a Standing Committee; a Committee or task force created by the Council or the President of the Council, whether created by appointment or by ordinance; or the Board of Referred Powers. This right of attendance of Councilmembers shall include all such meetings which may be closed to the public, pursuant to the provisions of Section 54950, et. seq. of the Government Code of the State of California, or any other law which allows a public body to hold a closed session.
75. Not used.

COUNCIL RULES

CHAPTER XII

RULES

- *76. These Rules or any one or more of them, except those marked by an asterisk (*), may be suspended by a vote of two-thirds of the members of the Council, unless other legal impediments exist.
- 77. An affirmative vote of two-thirds of all members of the Council shall be necessary to amend these Rules. Each proposed Rule amendment shall be presented to the Council and then laid over one week before it can be adopted.
- 78. A copy of these Rules and each Council and Council Committee Agenda shall be available for public review at the Office of the City Clerk.
- 79. Not used.

COUNCIL RULES

CHAPTER XIII

ASSIGNED DUTIES

80. The Sergeant-at-Arms of the Council shall be a police officer assigned by the Chief of Police. There shall be at least one member so assigned and present at each meeting of the Council. The officer shall maintain order and enforce the orders of the Council and the Presiding Officer. Fifteen minutes before any Council meeting and while Council is meeting, the officer shall remove all unauthorized persons from the business area of the floor of the Council and conduct them to the seating area reserved for the general public.
81. It shall be the duty of the City Clerk to keep a complete record of the proceedings of the City Council meeting in the form of a Journal and to have the Journal containing the proceedings of the meeting printed and copies thereof, placed in the hands of each member of the Council, before the second succeeding regular meeting convenes. All reports submitted by Committees, and communications submitted under Rule 70 shall constitute a part of the proceeding for each meeting.
82. The City Clerk shall keep index records convenient for reference of all matters introduced or presented to the Council and its Committees, together with a complete chronological record of all actions taken thereon by the Council and its Committees.
83. The City Clerk shall notify all members of the Council of the time set for any special or adjourned meetings, and shall, at the request of the Chair of a Committee, call all members of the Committee and notify parties interested in the matters pending before Committee as to the time and place and subject matter of the meeting.
84. The minutes from each Council meeting shall be signed by the officer presiding at that meeting and by the Clerk, after approval of said minutes by the Council.
- *85. Representatives of the City Attorney, the City Clerk, and the Chief Legislative Analyst shall attend all Council meetings for the purpose of giving necessary service and advice. Unless the Council objects, the Presiding Officer at his or her discretion, may excuse any or all of said representatives except the City Clerk, from attending any Council meetings when it appears to said officer that the matters to be considered at the meeting will not require the services of the excused representative. The City Clerk representative shall act as Clerk for those meetings and shall maintain a record of proceedings at all Council and Council Committee meetings, and shall record the "ayes" and "noes" upon all questions, as provided in Rule 48.

Representatives of the City Administrative Officer, the Controller, the City Engineer, and other City offices, bureaus, and departments may attend Council when in their opinion such is necessary. If not in attendance they shall respond without delay to a request of the Council or the Presiding Officer for attendance at the meeting to furnish advice and necessary service.

86. Not used.

CHAPTER XIV

CENSURE PROCEDURES FOR THE LOS ANGELES CITY COUNCIL

87. Disapproval

The Council may adopt a resolution of disapproval in the same way as provided for the adoption of any resolution, provided that the Councilmember who is the subject of the resolution is permitted to speak in his or her defense prior to action on the motion for adoption of the resolution. However, the fact that the Councilmember who is the subject of a disapproval resolution does not choose to respond to the resolution or does not attend the meeting at which the resolution is to be adopted shall not prevent the Council from adopting the resolution, provided the Councilmember had actual notice of the inclusion of the resolution on the agenda and had a reasonable opportunity to attend the meeting.

88. Censure

A request for censure of a member of the Council may be submitted to the City Clerk by any member of the Council. The request shall contain the specific charges on which the proposed censure is based. The request for censure shall be considered by a five member ad hoc Committee of the Council established by the President of the Council or, if the President is the subject of the censure, then established by the President Pro Tempore. The ad hoc Committee shall not include the member making the request or the member who is the subject of the request. The City Clerk shall deliver a copy of the request for censure and the charges to each member of the Council at least 72 hours prior to the first meeting of the ad hoc Committee at which the request will be first considered. The Committee shall permit testimony from both the member making the request and the member subject to the request and shall determine whether: (a) further investigation of the charges is required in order to determine if a censure hearing is warranted; or (b) the matter is to be set for censure hearing; or (c) no further action should be taken with respect to the request. The Committee shall present its recommendations to the Council for its consideration and action as provided below.

If the ad hoc Committee determines no further action should be taken with respect to the request, the Committee shall report that to the Council at its earliest opportunity. If the Committee determines that further investigation is required, the Committee shall conduct an investigation, arrive at its recommendation, and report its conclusions, findings and a summary of its proceedings to the Council at its earliest opportunity. If the ad hoc Committee does not report its recommendations and findings to the Council within 30 days of the formation of the Committee and receipt of the request for censure, the matter shall automatically be sent to the Council for its consideration.

Upon receipt of the report of the ad hoc Committee, or at the expiration of the time for the ad hoc Committee to report, Council shall place the matter on its agenda to determine whether or not a censure hearing is warranted. If the Council decides to set the matter for a censure hearing, it shall schedule it no sooner than two weeks after its determination to hear the matter. It may not schedule the matter during any previously scheduled excused absence of the subject Councilmember. Written notice of the hearing shall be delivered in person to the member of the Council subject to the censure hearing or to the member's City office as least ten (10) days in advance of the scheduled hearing.

COUNCIL RULES

At the censure hearing, the member of the Council who is the subject of the request for censure shall be given the opportunity to make an opening and a closing statement, to call witnesses on his or her behalf and to question his or her accusers. The member subject to the charges may be represented by a person or persons of his or her choice whether or not an attorney at law and may have that representative speak or question witnesses on his or her behalf. The questioning or cross-questioning of witness may be reasonably limited by the person chairing the hearing.

Testimony shall be taken only from witnesses having direct knowledge of facts or circumstances relevant to the specific charges under consideration. However, the rules of evidence and judicial procedure applicable in courts of law shall not be application to this hearing, and the procedures shall be generally informal.

CHAPTER XV

MISCELLANEOUS PROVISIONS

- *89. All tort claims filed with the City Clerk for presentation to the Council shall first be referred to the City Attorney for report and recommendation to the Council. In the event that by reason of applicable law any such claim shall be deemed denied because of lack of action thereon by the Council within the time specified by such law and the Council has not acted thereon within such applicable time limitation, the City Clerk shall file the report and recommendations of the City Attorney thereon without presentation to the Council and the City Clerk shall notify the claimant of such action and the reason therefor.
- 90. Whenever Council office space becomes vacant, all requests by Councilmembers for such office space or for office furniture or equipment shall be submitted to the President of the Council, for review. The President shall consider all the factors involved, including Council seniority.
- *91. The Council shall not consider any resolution, motion, or matter which does not affect the conduct of the business of the City of Los Angeles or its corporate powers or duties as a municipal corporation nor shall the Council consider any resolution or motion supporting or disapproving any legislation or action pending in the Legislature of the State of California, the Congress of the United States, or before any officer or agency of said State or nation unless such proposed legislation or action, if adopted, will affect the conduct of the municipal business or the powers and duties of the City of Los Angeles or its officers or employees. This Rule may only be invoked before deliberation and by ten (10) affirmative votes on the question: "Shall the Council consider this matter"?
- 92. The Los Angeles City Council Memorial Media Center (Media Center) is to be used primarily for the purpose of facilitating the exchange of information between members of the City Council and the news media. It is intended for the exclusive use of City elected officials and staff, and their invited guests, with Councilmembers having first priority on its use.

All personal interviews and photo sessions with Councilmembers and others should be held within the confines of the Media Center whenever possible; however, no such activities may be held in the hallway adjacent to the Media Center at the entrance to the Council Chamber while it is in use.

The Media Center will be open from 8:30 a.m. until 4:30 p.m., Monday through Friday, exclusive of holidays.

Scheduling of the use, operation and the set up of the Media Center for various events, shall be the responsibility of the Chief Legislative Analyst. Requests for its use should be in writing, and events will be scheduled as far in advance as practical. All requests shall be handled on an as received basis, with Councilmembers having priority for its use in the event of conflicting requests by other elected City officials. In the event of other or conflicting requests for the use of the Media Center, the President of the Council shall have authority to approve such request or resolve any such conflicts in consultation with those involved.

The Sergeant-at-Arms will control access to the Media Center in accord with its intended and scheduled use. The Sergeant-at-Arms will also maintain order, and enforce the rules and orders of the Council and the Presiding Officer regarding its use.

93. The purpose of cablecasting various meetings and events of the Los Angeles City Council, its Committees, and its members is to enhance the awareness and education of the general public regarding the actions and deliberations of the City Council and its members. The following provisions are adopted pursuant to that purpose:

a. COUNCIL MEETINGS

All City Council meetings shall be cablecast, except for meetings or portions of meetings which are closed to the public, or when the Council directs otherwise. Cable television coverage of City Council meetings shall be gavel-to-gavel, and, whether presented to the public live or taped, are not to be edited or subjected to editorial comments. Cameras used for the gavel-to-gavel coverage shall be owned by the City and operated only by City employees or persons under contract with the City. Cameras shall be operated so that they are focused only on the officially recognized speaker, and on any visually displayed information being shown. A City-operated character generator at the bottom of the picture may indicate the name and title of the officially recognized speaker, and an identification of the matter(s) being considered by the Council when appropriate and possible. No "reaction" shots will be permitted.

The City Clerk's minutes shall remain the official records of the Council proceedings, and video or audio tapes may be used as an aid in the preparation of those minutes.

b. COUNCIL STANDING COMMITTEES, SPECIAL OR AD HOC COMMITTEES, TASK FORCES, AND OTHER SPECIAL EVENTS OR MEETINGS.

Live Coverage

Meetings of Council Standing Committees, special or ad hoc Committees, task forces, and other events scheduled by City elected officials may be televised live over the City's municipal access cable system (Channel 35), provided such events are held in Council Chamber (Room 340) or in the Council's Memorial Media Center (Room 336), and all of the following conditions are met:

- (1) A written request for such live cable television coverage has been submitted to the Council President by the elected official who is chairperson or the person responsible for scheduling the meeting or event, and such request has been approved in advance of the event by either the Council President or by Council action at the option of the President.
- (2) The date and time of such live cable television coverage are not in conflict with a regular or special Council session; a meeting of a Council Standing Committee regularly scheduled for the Council Chamber; or a special or ad hoc committee, task force, or an event which has been scheduled for the Council Chamber or the Memorial Media Center at least 24 hours prior to the President receiving the written request for live cable television coverage of the meeting or event, unless the Council acts to approve the preemption by such live cablecasting of the meeting or event.

- (3) The meeting or event is directly related to matters under the jurisdiction of the Council, unless the Council has acted to approve the meeting or event being held in Council Chamber or the Memorial Media Center and the live cablecasting of the meeting or event.
- (4) All of the provisions for the live cable televising of Council meetings are met.

Video Taped Coverage

All or portions of meetings of Council standing Committees, special or ad hoc committees, task forces, or other events that are scheduled and held in the Council Chamber, a Council Committee meeting room, or the Memorial Media Center, or other approved location may be video taped for a later telecasting over the City's municipal access cable system (Channel 35).

The Chair of the Committee or task force, subject to being overruled by a majority vote, or the person scheduling the event shall decide whether all or a portion of the meeting is to be videotaped. Such videotaping should be consistent with provisions relative to live coverage of meetings whenever possible, but "editing" and "reaction shots" shall not be permitted.

Pending, and until, the implementation of municipal cable television program policy guidelines, the General Manager of the Information Technology Agency shall consult with the Chairperson of the Committee or task force or the person in charge of the event as the case may be, and the President of the Council, to decide if and when all or portions of the videotape(s) of the meeting or event will be cablecast on Channel 35. However, such cablecasting shall not be in conflict with the regularly scheduled cablecasting of Council sessions or other live coverage of meetings, unless it is so directed by the President or by action of the Council at the option of the President.

COUNCIL RULES

APPENDIX

VERBAL MOTIONS

		<u>Need for Second</u>	<u>Vote</u>	<u>Debat- able</u>	<u>Can Be Recon- sidered</u>
(a)	Amend or substitute:	Yes	8	Yes	Yes
(b)	Adjourn:	Yes	8	No	No
(c)	Adjourn (proceed to):	Yes	8	No	Yes
(d)	Close Debate (previous question)				
	If all had opportunity to speak twice:	Yes	8	No	Yes
	If they did not:	Yes	10	No	Yes
(e)	Continue (postpone) to a time or date certain:	Yes	8	Yes	Yes
(f)	Divide Question:	Yes	8	No	No
(g)	Forthwith (suspend Rules):	Yes	10	No	No
(h)	Lay on Table temporarily or remove:	No	Chair	Yes	No
(i)	Point of order or Privilege:	No	Chair	No	No
(j)	Overrule the Chair:	No	8	No	No
(k)	Reconsider: (by member on prevailing side only)	Yes	8	No	No
(l)	Withdraw from Committee				
	Over 2 weeks:	Yes	8	Yes	Yes
	Less than 2 weeks:	Yes	10	Yes	Yes
(m)	Suspend the Rules (forthwith, or take out of order):	Yes	10	No	No
(n)	Vetoes**:	Yes	Variable	Yes	No

**On veto votes, an "aye" vote overrides, a "no" vote sustains the Mayor on the question "Notwithstanding the veto (or objections) of the Mayor, I move the readoption of the ordinance (other)."

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