



County of Los Angeles

February 11, 2025

Dawyn R. Harrison
County Counsel

TO: SUPERVISOR KATHRYN BARGER, Chair
SUPERVISOR HILDA L. SOLIS
SUPERVISOR HOLLY J. MITCHELL
SUPERVISOR LINDSEY P. HORVATH
SUPERVISOR JANICE HAHN

Board of Supervisors


Hilda L. Solis
Supervisor, First District

Holly J. Mitchell
Supervisor, Second District

Lindsey P. Horvath
Supervisor, Third District

Janice Hahn
Supervisor, Fourth District

Kathryn Barger
Supervisor, Fifth District

FROM: DAWYN R. HARRISON
County Counsel 

RE: **Los Angeles County Governance Reform:
Implementing the Voter Mandate for a More Representative,
Accountable, and Transparent Los Angeles County
(11/26/24 Board Agenda; Item No. 19)**

Purpose of Memorandum

This memorandum responds to your Board's November 26, 2024 motion directing the Office of the County Counsel ("County Counsel") to report back publicly in 75 days on ordinance updates or legislative proposals that may be required or recommended to implement the Measure G Charter amendment ("Measure G") approved by voters in the November 5, 2024, General Election, and further directing the report back include recommendations regarding:

1. *Ex parte* communications between the Governance Reform Task Force ("GRTF") and the Board and conflict of interest policies that could be applied to the GRTF;
2. Establishing procedures and requirements to minimize conflicts of interest and ensure the independence of the GRTF;
3. Delegating authorities essential to the GRTF's function;
4. Setting forth minimum fundamental standards for public notice and participation, language access, culturally responsive, and proficient outreach;



5. Submission of final recommendations to the Board for approval; and
6. Compliance with any other applicable laws.

Summary

Several amendments and additions to the Los Angeles County Code ("County Code") and Board Policies are required or recommended to implement Measure G. Attachment A details these ordinance and policy amendments and additions. Additional recommendations in this report include:

- Adopting requirements and procedures to minimize the occurrence and appearance of ethical conflicts and *ex parte* communications by GRTF members;
- Directing County Counsel to draft bylaws for the GRTF that govern the conduct of public meetings and allow for establishment of committees to support the GRTF's work;
- Directing County departments to give GRTF members access to relevant County resources, such as linguistic mapping tools, to ensure equitable language access and effective outreach;
- Establishing a process for the GRTF to submit recommendations to the Board for consideration, similar to the existing process for Board letters, which your Board may modify with additional requirements; and
- Directing County Counsel to provide guidance on GRTF's and its members' obligation to comply with laws generally applicable to County boards and commissions, including the Ralph M. Brown Act, the California Public Records Act, and conflict of interest laws.

Analysis

A. Ordinance and Board Policy Updates

Attachment A lists County ordinances and Board Policies that will or may need to be amended or added as a result of Measure G, and the recommended timeframe for implementing the ordinance or policy changes. At this time, we have not identified legislative proposals necessary to implement Measure G.

The GRTF may identify additional recommended changes to ordinances, Board Policies, or State law as the work of the GRTF progresses. To support this effort, the GRTF may consider requesting a survey to identify ordinances, policies, regulations, and statutes that are inconsistent with Measure G, such as those conflicting with the concept of a County Executive or nine Supervisorial Districts. For example, California Health and Safety Code section 34179, which sets the structure and composition of oversight boards, is based on each county having five supervisorial districts. California Health and Safety Code section 34179 and similar statutes should be addressed by the Legislature prior to the expansion of the County to nine Supervisorial Districts. The GRTF, in consultation with County Counsel and appropriate County departments, could use the survey as the basis for making further recommendations to your Board to address any identified inconsistencies.

B. Options Regarding *Ex Parte* Communications Between GRTF Members and the Board

"*Ex parte*" means "on one side only; by or for one party; done for one party only."¹ Generally, *ex parte* communication is any communication, direct or indirect, regarding an issue before a board, commission or other agency that is from an outside party or an interested person without notice and opportunity for everyone to participate in the communication. Under California law, while *ex parte* communication is restricted or prohibited for certain boards, commissions, or agencies,² communications with members of the GRTF would not be restricted unless the Board imposes such restrictions. With respect to *ex parte* communication between GRTF members and the Board, the Board may do any of the following:

- Prohibit all intentional *ex parte* communication related to matters within the subject matter jurisdiction of the GRTF between GRTF members and members of the Board and their staff;
- Permit *ex parte* communication, but require members of the GRTF to disclose to the GRTF the contents of any *ex parte* communications related to matters within the subject matter jurisdiction of the GRTF in writing; or
- Permit *ex parte* communications without restrictions or requirements.

¹ *Heller v. Norcal Mutual Ins. Co.* (1994) 8 Cal.4th 30, 56, fn. 1, citing Black's Law Dictionary (5th ed. 1979).

² See Government Code section 11430.10, relating to *ex parte* communication restrictions on State departments and agencies.

C. Options for Conflict of Interest Policies for the GRTF

As members of a board or commission of the County, members of the GRTF will be subject to State and County conflict of interest laws. However, the Board may consider imposing additional restrictions on GRTF members to help ensure the GRTF's decisions are made free from undue influence. These policies may be included in the GRTF's bylaws. For example, additional restrictions may include:

- Prohibiting gifts from County contractors, employees, appointed officials and elected officials, and County lobbyists;
- Imposing a gift limit lower than the Political Reform Act's gift limit (currently \$630 from a single source in a calendar year);
- Prohibiting members from receiving honorarium regarding the GRTF's work until the GRTF is disbanded and/or after it is disbanded;
- Requiring each member to complete Assembly Bill 1234 ethics training offered by the Fair Political Practices Commission within a certain time frame after appointment to the GRTF;
- Requiring each member to immediately notify GRTF staff if they are no longer qualified to serve;
- Prohibiting members from engaging in political activity while engaged in GRTF business, on County property, or using County resources; and
- Prohibiting members from using their title as member of the GRTF in a manner that implies the member is acting on behalf of the County or the GRTF without prior authorization.

D. Procedures and Requirements to Minimize Conflicts of Interest and Ensure Independence of the GRTF

In addition to the conflict of interest policies above, the Board may consider operational procedures and requirements to minimize the occurrence and appearance of conflicts and to ensure the independence of the GRTF. For example, the Board may:

- Prohibit intentional *ex parte* communications with members of the public, organizations, or interest groups outside of a public meeting regarding potential, anticipated, or proposed recommendations;

- If intentional *ex parte* communications with members of the public, organizations, or interest groups will be permitted, require a copy or summary of those communications to be provided by the member to the GRTF;
- Require unsolicited *ex parte* communication, such as one way or unsolicited emails or letters, to be disclosed in writing to the GRTF by the member who received it, and requiring the member to provide a copy of the communication to GRTF staff; and
- Require intentional and/or unsolicited *ex parte* communication to be posted with the agenda.

E. Delegated Authority to Support the GRTF

The GRTF is responsible for implementing the Charter amendment and making implementation recommendations to the Board. In accordance with these responsibilities, your Board approved the November 26, 2024, motion to delegate authorities essential to the GRTF's functions, including authority to request information from County departments and authority to consult with internal and external personnel and consultants with the support of the Executive Office of the Board. In addition to these delegated authorities, your Board may direct County Counsel to draft bylaws that provide more specificity and clarity on how the GRTF will carry out its functions. These may include:

- Parameters on the conduct of public meetings such as setting the time and dates of regular GRTF meetings;
- Ability of the GRTF to adopt a set of values for the GRTF;
- Ability to designate a chair or co-chairs and assign duties to the chair or co-chairs, such as authority to preside over meetings, set meeting agendas, determine quorum, call special meetings, appoint members to committees, and serve as official spokespersons; and
- Ability to establish committees to support the work of the GRTF on specific subject areas or topics.

If your Board directs County Counsel to prepare bylaws for the GRTF, your Board may wish to consider whether to require the adoption and subsequent amendments of GRTF's bylaws be approved by your Board.

F. Minimum Fundamental Standards for Public Notice, Participation, Language Access, Culturally Responsive and Proficient Outreach

As an advisory body created by the County's Charter, the GRTF must comply with the Ralph M. Brown Act, including its public notice and participation requirements. California's Dymally-Alatorre Bilingual Services Act also instructs State and local agencies to serve non-English-speaking people.

However, these laws do not identify the specific languages in which a local jurisdiction must provide services. Local agencies, therefore, may define their own benchmarks when determining which languages to prioritize and the extent to which language assistance is provided.

At the County level, the Board has approved a [Countywide Language Access Policy](#), which requires all County departments to strive to provide services in a manner that supports equitable language access for all individuals. The GRTF, as an advisory body housed within the Executive Office of the Board, will be required to provide language access and services in accordance with the Countywide Language Access Policy.

Existing County tools may aid in identifying underserved linguistic communities and target languages for GRTF's language access and outreach purposes, including the Chief Executive Office's ("CEO") [January 29, 2024 Report entitled, "Defining the County's Priority Languages"](#) ("CEO Report"). The CEO Report indicates the most common non-English languages spoken within the County and contains a Countywide survey demonstrating the breadth of language access services offered by County departments. The CEO and Internal Services Department also created linguistic "heatmaps" compiling Census data and American Community Survey datasets to develop an interactive mapping tool to identify underserved linguistic communities within the GRTF's targeted audience.

G. Submission of Final Recommendations to the Board for Approval

Because the GRTF is an advisory body, the GRTF's recommendations will not have force and effect unless and until your Board approves its recommendations. A board or commission may place its recommendations on the Board's agenda for consideration through the County's Board letter process ("Board letter approach"). As a part of this process, the Board letter would first be placed on a cluster meeting agenda for discussion before being placed on the Board's agenda. Unless your Board chose to exempt GRTF. Alternatively, a board or commission may make recommendations to the Board in a receive and file report ("Report approach"). Further action would then need

to be taken to place the recommendations on the Board's agenda for consideration, either by motion of a member of the Board or a Board letter from a County department. In either case, the motion or Board letter would also likely be placed on a cluster meeting agenda for discussion before being placed on the Board's agenda. Your Board may consider whether the GRTF's recommendations should be presented either through the Board letter approach or the Report approach.

In accordance with your Board's November 26, 2024, motion, while the GRTF shall strive for consensus in all decisions, for the GRTF's implementation recommendations to the Board, non-consensus recommendations must be noted. Additional options related to the submission of recommendations include:

- Require recommendations to be submitted to the Board within a specific time frame of the GRTF approving final recommendations.
- If the Board requires written disclosures of *ex parte* communications between Board members or outside parties, require those disclosures to be included when final recommendations are submitted to the Board.
- Require the GRTF to include copies of all written public comment received relating to the final recommendations submitted to the Board.

H. Compliance with Any Other Applicable Laws

The GRTF and its members must comply with laws generally applicable to County boards or commissions and their members, which include:

- The Ralph M. Brown Act;
- The California Public Records Act;
- The Americans with Disabilities Act and State disability access laws such as Government Code section 11135, the Unruh Civil Rights Act (Civil Code section 51) and the Disabled Persons Act (Civil Code sections 54 – 55.32); and
- State and local conflict of interest laws, including but not limited to the Political Reform Act, Government Code section 1090, and the County's post-government employment ordinance.

County Counsel will advise the GRTF and its members on legal compliance issues.

Conclusion

Several updates to existing ordinances and policies are required or recommended for your Board's consideration to implement Measure G and more will likely be identified by the GRTF once it gets underway. To maintain the public's trust in the GRTF, your Board may consider establishing requirements that minimize conflicts of interest, regulating *ex parte* communications, and ensuring the GRTF's independence. Though the GRTF already has delegated authority for its work, your Board may direct County Counsel, by motion, to draft bylaws for the GRTF to provide more specificity and clarity on how the GRTF will carry out its functions, such as setting parameters for the conduct of public meetings and establishing committees to support the GRTF's work. Should your Board direct bylaws to be drafted, your Board may also consider whether the adoption and subsequent amendments of GRTF's bylaws should be approved by your Board. Finally, to ensure its recommendations are duly considered, your Board may adopt a process for the GRTF to submit its recommendations for your Board's consideration. County Counsel will advise the GRTF and its members on their role in implementing Measure G and their duties and obligations under the law.

DRH:LC:jm

Attachment

c. Fesia A. Davenport
Chief Executive Officer

Edward Yen
Executive Officer
Board of Supervisors

ATTACHMENT

ATTACHMENT A – REQUIRED OR RECOMMENDED ORDINANCES AND BOARD POLICIES TO IMPLEMENT MEASURE G

Ordinance or Policy	Current	Amendment or Addition	Required or Recommended	Implementation Date
ORDINANCES				
County of Los Angeles ("County") Code Chapter 1.08 Supervisor Districts	Establishes boundaries of five supervisorial districts based on the County Citizens Redistricting Commission's redistricting plan	Establish boundaries of nine supervisorial districts based on the County Citizens Redistricting Commission's redistricting plan	Required	2031
County Code Chapter 2.06 Department Heads	Designates Board of Supervisors ("Board") as appointment authority for department heads	Amend references to appointment of department heads by Board to appointment by County Executive, confirmed by Board	Required	2028
	Establishes recruitment, evaluation, and selection procedures for new department heads, with Board involvement	Amend recruitment, evaluation, selection procedures to reference County Executive rather than Board	Required	2028
County Code Chapter 2.08 Department of Chief Administrative Officer	Establishes the Department of Chief Administrative Officer and duties	Establish County Executive and outline responsibilities regarding supervisor of County officers, operation of departments and agencies, budget	Required	2028
County Code Section 2.14.020 County Counsel, Suits, or Claims—Settlement Procedure	Permits County Counsel to settle or compromise claims not exceeding \$20,000 without prior approval of the Board	Amend to require concurrence of the County Executive in filing or disposal of suits or proceedings, and disposition approval by the Board by two-thirds majority vote if County Executive does not concur	Required	2028
County Code Section 2.36.070 The Board	Establishes time and place of regular meetings of the Board	Amend to require agenda for regular meetings of the Board to be posted at least 120 hours (5 days) before the meeting	Recommended	2026

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Ordinance or Policy	Current	Amendment or Addition	Required or Recommended	Implementation Date
ORDINANCES				
County Code Title 2, Division 3 Departments and Other Administrative Bodies	Establishes creation and duties of various County departments	New ordinances establishing Office of Ethics Compliance, Ethics Commission, Ethics Compliance Officer, Office of Budget Management, County Legislative Analyst	Required	2026: Ethics Commission, Office of Ethics Compliance, Ethics Compliance Officer 2028: Office of Budget Management, County Legislative Analyst
County Code Chapter 2.121 Contracting with Private Businesses	Requires the Board to approve award of contracts	Amend to require concurrence of County Executive	Required	2028
County Code Chapter 2.160 County Lobbyists	Designates Executive Officer of the Board as responsible for registration, reports, and enforcement	Designate Ethics Commission and/or Ethics Compliance Office as responsible for registration, reports, and enforcement	Recommended	2026
County Code Section 2.175.030 Post Government Employment – Violations and Enforcement	Designates Executive Officer of the Board as enforcement officer of post-government employment ordinance	Designate Ethics Commission and/or Ethics Compliance Office as enforcement officers	Recommended	2026
County Code Chapter 2.190 Political Campaigns for County Offices	Designates Registrar-Recorder as administrator of County campaign finance ordinance, and Registrar-Recorder and District Attorney as enforcement authorities for campaign finance ordinance	Provide responsibilities for administration, investigation, and enforcement of campaign finance ordinance to Ethics Commission and/or Office of Ethics Compliance	Recommended	2026

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Ordinance or Policy	Current	Amendment or Addition	Required or Recommended	Implementation Date
County Code Title 3 Advisory Commissions and Committees	Establishes various County Commissions	Ordinance establishing Charter Review Commission	Required	2034
County Code Chapter 4.12 Budget Procedure	Establishes procedure for preparing and approving recommended budget	Amend to incorporate required public budget hearings by department heads	Required	Immediate
		Amend to incorporate County Executive budget veto and appropriation reduction process	Required	2028
County Code Chapter 6.44 Department of the Board	Establishes compensation for various County commissions housed within the Department of the Board	Add ordinance specifying compensation for GRTF members	Required	Immediate
County Code Section 5.44.010 Additional Employment and Compensation	Requires the code review panel to review outside employment policies and requires departments to file outside employment policies with the Executive Office of the Board	Codify the code review panel establishing it in Ethics Commission or Ethics Compliance Office and requiring departments to file outside employment policies with Ethics Commission and/or Ethics Compliance Office	Recommended	2026
BOARD POLICIES				
Board Policy Manual Chapter 1 Policy Manual	Establishes process for establishing and reviewing Board policies	Amend to reflect requirement that County policies established by Board be done by way of ordinance	Required	2028
Board Policy 3.110 Department Responsibilities Under the County's Lobbyist Ordinance	Requires departments to periodically review lobbyist information on Executive Office of the Board website	Amend to reflect Ethics Commission or Ethics Compliance Office as responsible for lobbyist information	Recommended	2026

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Ordinance or Policy	Current	Amendment or Addition	Required or Recommended	Implementation Date
Board Policy Manual Chapter 4 Fiscal and Budget	Establishes County polices related to the budget	Add guidelines or expectations for public presentation of departmental budgets that are not specified in ordinance updates	Recommended	Immediate
		Amend to reflect County Executive and Office of Budget and Management oversight of budgeting process	Required	2028
Board Policy 5.080 Final Contract Award Authority	Designates the Board as the ultimate decision-making body that makes final determinations to award or not award a contract	Amend to reflect County Executive's concurrence required for contract awards	Required	2028
Board Policy 5.100 Sole Source Contracts and Amendments	Requires notification of sole source contracts to the Board	Amend to require notice to and concurrence of County Executive	Required	2028
Board Policy Manual Chapter 7 Legislation	Establishes State and federal legislative policies and goals, and County procedure for legislative advocacy, and designates the Chief Executive Office as responsible department	Designate County Legislative Analyst as responsible department	Required	2028
Board Policy 9.060 Outside Employment	Designates Executive Office of the Board as the responsible department for the outside employment activities reporting process, in conjunction with Director of Personnel	Designate Ethics Commission or Ethics Compliance Office as responsible entity	Recommended	2026