

**DRAFT LANGUAGE FROM ETHICS AD HOC SUBCOMMITTEE OF
THE LOS ANGELES COUNTY GOVERNANCE REFORM TASKFORCE**

An Ordinance amending Division 3 - Departments and Other Administrative Bodies of Title 2 – Administration of the Los Angeles County Code, by adding Chapter 2.37, relating to governmental ethics, lobbying, and campaign finance, by establishing the County of Los Angeles Ethics Commission and the Los Angeles County Office of Ethics Compliance.

Chapter 2.37 - ETHICS COMMISSION & OFFICE OF ETHICS COMPLIANCE

2.37.010. County Ethics Commission.

(a) **Establishment.** There shall be a County of Los Angeles Ethics Commission, which shall oversee the Los Angeles County Office of Ethics Compliance, that shall have the powers, duties and responsibilities set forth in this chapter and Article III-D of the Los Angeles County Charter. The Ethics Commission and the Office of Ethics Compliance shall operate as an independent department within County government, free from control by the Board of Supervisors or the County Executive.

(b) **Appointment.** The Commission shall have seven members, each of whom shall be a part-time Commissioner.

(1) Members shall be nominated to serve on the Commission as follows:

- A. The Chair of the Board of Supervisors shall nominate one (1) member who has a background in public information and public meetings, community outreach and engagement, or using technology as relates to open government. Beginning on January 1, 2029, this member shall instead be nominated by the elected County Executive.
- B. The District Attorney shall nominate one (1) member who has a background in public policy or public law.
- C. The Assessor shall nominate one (1) member who has a background in campaign finance, accounting, auditing, compliance with ethics laws in the public or private sector, or protection of whistleblowers.
- D. The Registrar-Recorder shall nominate one (1) member who has a demonstrated history of involvement in or knowledge of local governance issues. The Registrar-Recorder shall not communicate with a county elected official, or an agent of a county elected official, about whom the Registrar-Recorder should nominate to serve on the Commission.
- E. The Commission, by a vote of four members, shall nominate the remaining three members following a public recruitment and application process. The Commission’s nominees shall be broadly representative of the general public and at least one member nominated by the Commission shall be a resident of an unincorporated area.

(2) Within 45 days of a person being nominated to serve on the Commission, the Board of Supervisors shall schedule a meeting to appoint or reject the nominee by a majority vote

of the Board. If the Board does not act on a nomination within 45 days, the nominee shall be deemed appointed.

- (3) A nominator shall nominate a person to serve on the Commission, and the Board shall consider such a nomination, based on the nominee's relevant analytical skills, ability to be impartial, and appreciation for the County's diverse demographics, including the County's race, gender, age, and geographic diversity. However, formulas or specific ratios shall not be applied for this purpose.

(c) **Terms of Office.**

- (1) The members of the Commission shall serve staggered five-year terms beginning on July 1 and ending on June 30. No member who has served a complete five-year term shall be eligible for reappointment.
- (2) Notwithstanding paragraph (1), to create staggered terms, the initial terms of members of the Commission shall be as follows:
 - a. The term of the member nominated by the Registrar-Recorder shall expire on June 30, 2027.
 - b. The term of the member nominated by the Assessor shall expire on June 30, 2028.
 - c. The term of the member nominated by the District Attorney and one member nominated by the Commission shall expire on June 30, 2029.
 - d. The term of the member nominated by the Chair of the Board of Supervisors (and subsequently the County Executive) shall expire on June 30, 2030.
 - e. The term of two members nominated by the Commission shall expire on June 30, 2031. At least one of the two Commission-nominated members for this term, and for succeeding terms, shall be a resident of an unincorporated area.

After the completion of these initial terms, each subsequent term shall be for a period of five years, as provided in paragraph (1).

- (3) In the event a member's replacement has not been appointed by the conclusion of the member's term, that member may continue to serve as a member of the Commission during the following term in a holdover capacity until a new member is appointed for a period not to exceed one (1) year.

(d) **Qualifications.** Each member of the Commission shall be a resident of the County. A person is ineligible to be appointed to the Commission if that person, in the two (2) years preceding their appointment, has been any of the following:

- (1) A County elected official;
- (2) A spouse, registered domestic partner, parent, sibling, or child of a County elected official;
- (3) An employee of, or paid consultant to, a County elected official;
- (4) A candidate for a County elected office;
- (5) An employee of, or paid consultant to, a candidate running for a County elected office, or a campaign committee controlled by a County elected official;
- (6) An officer or paid employee of a political party;
- (7) A County registered lobbyist; or
- (8) A person who qualified as a major donor as provided under the Political Reform Act or who contributed, in the aggregate, more than \$ ____ to one or more candidates for County elected office.

(e) **During and Post-Service Restrictions.** No member of the Commission, nor the Ethics Compliance Officer, shall:

(1) Seek election to a Los Angeles County elected office during the member's tenure and for two (2) years thereafter, or seek election to any other elected office in a jurisdiction that intersects with the geographic boundaries of Los Angeles County during the member's tenure.

(3) Endorse, support, oppose, contribute to, or volunteer or work on behalf of, any candidate or ballot measure in a County election, or any County elected official running for any elected office, during the member's tenure.

(3) Serve as an officer or employee of a political party during the member's tenure.

(4) Employ or be employed as a person required to register as a County lobbyist during the member's tenure and for one (1) year thereafter.

(5) Have an employment or contractual relationship with a County elected official, or receive a gift or other compensation from such officials, during the member's tenure and for one (1) year thereafter.

(5) Receive a no-bid contract from the County during the member's tenure and for one (1) year thereafter.

(f) **Removal.** A member of the Commission may be removed by a minimum of four (4) votes of the other Commissioners. Removal shall be for cause for substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office, or violation of this Chapter, after written notice of the grounds on which removal is sought and an opportunity for a reply.

(g) **Vacancies.** A vacancy on the Commission will exist whenever a member dies, resigns, ceases to be a resident of the County, is removed from the Commission, is convicted of a felony during the member's term, or is absent from three (3) consecutive regular Commission meetings without permission from the President of the Commission. The Ethics Compliance Officer shall notify the nominator responsible for nominating a replacement within 7 days of a vacancy occurring. If the Chair of the Board of Supervisors, County Executive, Registrar-Recorder, District Attorney, or Assessor fails to nominate a person to fill a vacancy they are responsible for filling within one hundred twenty (120) days after the seat became vacant, or fails to nominate a new person within one hundred twenty (120) days after the Board of Supervisors rejected their previous nominee, the Commission shall instead nominate a candidate to fill that seat for the remainder of the term by the affirmative vote of at least four (4) members. Any nominee proposed by the Commission shall meet the same background qualifications required of a nominee of the original nominator. For purposes of this subsection, a seat held by a member serving in a holdover capacity shall be deemed vacant upon expiration of the member's prior term. An appointment to fill a vacancy shall be for the unexpired term and shall not impair the authority of the remaining members to exercise the powers of the Commission. This subsection shall take effect on January 1, 2027.

(h) **Meetings.** The Commission shall adopt a calendar of regular Commission meetings for the calendar year which shall be posted to the Commission's website. The Commission shall meet a minimum of six (6) times per calendar year.

(i) **Quorum.** Four (4) members shall constitute a quorum, and the concurring vote of at least four (4) members shall be required to take any action.

(j) **Officers.** The Commission shall select a President and Vice President annually.

(k) **Compensation; Expenses.** Members of the Commission shall be compensated \$250 per meeting. The members of the Commission shall be reimbursed for expenses incurred in the performance of their official duties.

2.37.020. Office of Ethics Compliance, Ethics Compliance Officer; Office of Ethics Compliance Staff and Delegation of Authority.

(a) There shall be an Office of Ethics Compliance to support the Los Angeles County Ethics Commission and to accomplish the Commission's duties and objectives. The Commission shall oversee the Office of Ethics Compliance and adopt policies and regulations to govern the Office.

(b) The Ethics Compliance Officer shall be the chief executive of the Office of Ethics Compliance and shall have all the powers provided for department heads. The Commission shall appoint and has the authority to discharge the Ethics Compliance Officer, who shall act in accordance with Commission policies and regulations and with applicable law. The Ethics Compliance Officer shall serve at the will of the Commission and shall not be subject to civil service provisions. The Commission shall establish a salary range for the Ethics Compliance Officer consistent with other County of Los Angeles executive officers, considering similar duties and responsibilities, and shall annually set or adjust the salary for the Ethics Compliance Officer from within that range.

(c) The Ethics Compliance Officer shall appoint and has the authority to discharge the Enforcement Chief, Chief Counsel, other chief deputies, and assistant chief deputies of the Office of Ethics Compliance, who shall serve at the will of the Ethics Compliance Officer and shall not be subject to civil service provisions.

(d) The Ethics Compliance Officer shall appoint and has the authority to discharge other employees of the Office of Ethics Compliance subject to applicable civil service provisions.

(e) The Ethics Compliance Officer shall act on behalf of the Commission between meetings of the Commission, except that rules, regulations and adjudicatory decisions may only be acted upon by the Commission.

2.37.030. Duties and Responsibilities of the Ethics Commission and Office of Ethics Compliance.

The purpose of the Commission and Office of Ethics Compliance shall be to promote fairness, openness, honesty, and integrity in County government. The Commission and Office of Ethics Compliance shall have responsibility for the impartial and effective administration and implementation of the provisions of the Charter, statutes and ordinances concerning campaign financing, lobbying, conflicts of interest, and governmental ethics, and other laws as provided by the Charter or County ordinance.

It shall be the function and duty of the Ethics Commission and Office of Ethics Compliance to do all of the following:

- (a) Develop a robust education program to promote understanding of, and compliance with, state and County campaign financing, lobbying, conflicts of interest, and governmental ethics laws, and other laws the Commission enforces, including, but not limited to, conducting trainings for persons subject to the jurisdiction of the Commission and creating a manual that summarizes, in simple, non-technical language, ethics laws and reporting requirements applicable to County officers and employees.
- (b) Investigate allegations of misconduct by County officials, county employees, candidates, campaign committees, lobbyists, contractors, and other persons subject to the laws the Commission enforces.
- (c) Monitor and enforce laws in coordination with other agencies related to campaign financing, lobbying, conflicts of interest, and governmental ethics, including:
 - (1) Chapters 2.160, 2.175, 2.180, 2.190, and 2.195 of Division 4 of Title 2 of the Los Angeles County Code;
 - (2) Section 2.165.040 and 2.165.060 of Chapter 2.165 of Division 4 of Title 2 of the Los Angeles County Code;
 - (3) Section 2.37.060 of Division 3 of Title 2 of the Los Angeles County Code;
 - (4) Sections 5.02.060 of Chapter. 5.02 of Title 5 of the Los Angeles County Code;
 - (5) Sections 5.44.020 and 5.44.170 of Chapter 5.44 of Title 5 of the Los Angeles County Code;
 - (6) other laws as provided by the Charter or County ordinance; and
 - (7) in the Commission's discretion, Chapter 7 (Conflicts of Interest) of Title 9 of the California Government Code, Article 4 (Prohibitions Applicable to Specified Officers) of Chapter 1 of Division 4 of Title 1 of the California Government Code, and Sections 8314 (Misuse of Public Resources), 84308 (Levine Act), and 89503 (Gifts) of the California Government Code, as these provisions relate to Los Angeles County.
- (d) No later than January 1, 2028, serve as the filing officer and receive and retain documents required to be filed pursuant to, and to otherwise administer, the provisions of Chapter 2.160 of the Los Angeles County Code, in lieu of the executive officer of the board of supervisors.
- (e) No later than January 1, 2028, serve as the filing officer and receive and retain the original or a copy of the following forms created by the Fair Political Practices Commission and which must be filed with the County under the California Political Reform Act of 1974 (Government Code Section 81000, et seq.), as amended:
 - (1) Form 700 (Statement of Economic Interest);
 - (2) Form 801 (Payments to Agency Report);

- (3) Form 802 (Agency Report of Ceremonial Role Events and Ticket Distributions);
and
- (4) Form 803 (Behested Payment Report).
- (f) Develop and/or implement additional updates and features to enable searchable public data portals related to campaign financing, lobbying, conflicts of interest, and governmental ethics, including, but not limited to, all lobbying activities such as registration, activity, contributions and expenditures, to be updated in real time, or as close to real time as practicable.
- (g) Issue informal oral and written advice and formal written opinions concerning the laws the Commission enforces. Formal written opinions shall only be adopted by vote of the Commission.
- (h) Prescribe forms for reports, statements, notices and other documents required by the Charter, ordinances or other laws relating to campaign financing, lobbying, conflicts of interest, and governmental ethics, and other laws the Commission administers or enforces.
- (i) Publish an annual public report summarizing the Commission's activities in the prior calendar year, including complaints received, investigations opened, enforcement actions completed, and penalties imposed.
- (j) Assist departments in developing their conflict of interest codes as required by state law.
- (k) Receive grants, gifts and appropriations to support the Commission's functions;
- (l) Submit by July 2027 a draft ordinance for consideration by the Board of Supervisors that will prohibit former County officials, including a member of the Board of Supervisors, the Sheriff, the Assessor, the District Attorney, the County Executive and any County employee or member of a County board or commission required to file a statement of economic interests pursuant to the Political Reform Act of 1974, as amended, from engaging in direct communication with any County agency, for the purpose of attempting to influence any action or decision on any matter pending before that County agency on behalf of any person or entity, other than a government agency, for a minimum of two years after leaving County service.
- (m) Submit by December 31, 2027, a draft Ethics Code ordinance, enforceable by the Commission, for consideration by the Board of Supervisors.
- (n) Regularly review the County Code and make recommendations to the Board of Supervisors for updates regarding campaign financing, lobbying, conflicts of interest, and governmental ethics, and other laws the Commission is responsible for administering or enforcing. The Commission may propose amendments to any law it enforces or administers which, upon request to the President of the Commission, shall be considered by the Board within one hundred eighty (180) days.

- (o) Commencing in 2030, by a vote of at least five (5) members of the Commission, submit directly to the voters for consideration at the next general election any ordinance which the Supervisors are empowered to pass relating to campaign financing, lobbying, conflicts of interest, and governmental ethics, but not more than once per decade.
- (p) Perform such other functions and duties as may be prescribed by the County Charter or County ordinance.

2.37.040. Rules, Regulations and Proposals.

- (a) The Commission may adopt, amend, and rescind rules and regulations, to carry out the purposes and provisions of the Charter and ordinances of the County that the Commission enforces or administers, and to govern procedures of the Commission and the Office of Ethics Compliance. A rule or regulation adopted by the Commission shall have the force of law and may be enforced by the Commission as provided in this chapter.
- (b) Prior to the meeting at which a rule or regulation is adopted, the Commission shall hold a public hearing concerning the matter.
- (c) The Commission shall transmit to the Board of Supervisors rules and regulations adopted by the Commission within 3 days of their adoption. A rule or regulation adopted by the Commission shall become effective 60 days after the date of its adoption unless, before the expiration of this 60-day period, two-thirds of all members of the Board of Supervisors vote to veto the rule or regulation.

2.37.050. Investigations and Enforcement Proceedings.

The Commission and Office of Ethics Compliance shall conduct investigations of alleged violations of state law, the Charter, and County ordinances relating to campaign financing, lobbying, conflicts of interest, and governmental ethics, and other laws enforced by the Commission.

Any person who violates any provision of the Charter or of a County ordinance relating to campaign financing, lobbying, conflicts of interest, or governmental ethics, or any other law enforced by the Commission, or who causes any other person to violate any such provision, or who aids and abets any other person in such a violation, shall be liable under the provisions of this Section.

(a) Enforcement Authority. The Ethics Commission and Office of Ethics Compliance are authorized to:

- (1) Conduct investigations;
- (2) Conduct audits of compliance with disclosure requirements with the Commission;
- (3) Conduct administrative hearings as provided by the Commission's complaint procedures or other law;

(4) Issue subpoenas to compel the production of books, papers, records and documents and take testimony on any matter pending before the Commission. The Commission may seek a contempt order as provided by the general law of the state for a person's failure or refusal to appear, testify, or to produce required books, papers, records and documents;

(5) Administer oaths and affirmations;

(6) Impose penalties, remedies and fines for a violation of any law specified in Section 2.37.030(c)(1) through (7), or regulation adopted to implement such law, by a vote of the Commission. The Commission's decision to impose penalties, remedies, or fines for violation of any law or regulation over which the Commission has enforcement authority shall be appealable to the Los Angeles County Superior Court by filing a petition for writ of mandamus;

(7) Submit referrals to other enforcement authorities, including, but not limited to, the Los Angeles County District Attorney, California Fair Political Practices Commission, and California Attorney General;

(8) Seek remedial relief for violations and injunctive relief; and

(9) Perform other functions as authorized by law.

(b) **Final Enforcement Action.** Final enforcement action by the Commission on a matter, including, but not limited to, the imposition of fines, approval of a settlement, or dismissal of a case, shall be made by an affirmative vote of at least four (4) members.

(c) **Confidentiality.** Records and information obtained by the Commission during the preliminary review and investigation of a complaint shall be confidential and exempt from public disclosure, to the extent permitted by law, except as provided in its complaint procedures.

Nothing in this Section limits the ability of the Commission to disclose such records or information when charging, prosecuting, closing, or dismissing an investigation or complaint into alleged violations of the laws under its jurisdiction. This Section does not prevent the Commission from applying any other exemption from disclosure that may be available under County or state public records disclosure laws. Disclosure of records or information in the course of making a referral to other enforcement authorities, or divulging evidence of possible unlawful conduct by County officials or employees to a government agency with authority to discipline that unlawful conduct, shall not constitute a waiver of the confidentiality protections under this Section.

(d) **Complaint Procedures.** The Commission shall adopt procedures to establish the administrative process for the investigation and enforcement of violations of the laws within the Commission's jurisdiction to enforce. These procedures shall include, but are not limited to, the process for receiving, initiating, and reviewing complaints, conducting investigations or audits,

providing notice of an administrative hearing to the respondent, and resolving cases prior to an administrative hearing.

(e) **Penalty Guidelines and Enforcement Discretion.** The Commission shall develop a policy setting forth standards for imposing penalties and exercising enforcement discretion. Office of Ethics Compliance staff shall adhere to the policy when recommending penalties. The Penalty Guidelines shall establish a diversion program as an option to allow for education of respondents who commit minor violations, in lieu of monetary penalties, pursuant to criteria and considerations established by the Commission.

(f) **Administrative Hearings, Orders, and Penalties.** After an accusation is issued and served on a respondent, the Commission shall cause a public evidentiary hearing to be held to determine if a violation has occurred. When the Commission determines on the basis of substantial evidence presented at the hearing that a violation has occurred, it shall issue an order which may require the violator to:

(1) cease and desist the violation;

(2) file any reports, statements, or other documents or information required by law; and/or

(3) pay a monetary penalty to the General Fund of the County of up to fifteen thousand dollars (\$15,000) for each violation, adjusted annually by the Commission to reflect changes to the Consumer Price Index, or three times the amount which the person failed to report properly or unlawfully contributed, expended, gave, or received, whichever is greater. When the Commission determines that no violation has occurred, it shall publish a declaration so stating.

(g) **Represented Employees.** A represented County employee may, upon request, have a union representative present during a formal investigatory interview conducted by Office of Ethics Compliance enforcement staff when the employee reasonably believes the interview may result in disciplinary action.

(h) **Other County Enforcement Entities.** Nothing in this Chapter shall preclude other County officials, agencies, boards, or commissions from exercising enforcement authority heretofore or hereafter granted to them.

2.37.060. Protection Against Retaliation.

(a) No officer or employee of the County shall use or threaten to use any official authority or influence to effect any action as a reprisal against any person for acting in good faith to report or otherwise bring to the attention of the Commission, Office of Ethics Compliance, or other appropriate government agency, information regarding the violation of any law or regulation over which the Commission has authority.

(b) No officer or employee of the County shall use or threaten to use any official authority or influence to discourage, restrain or interfere with any other person for the purpose of preventing

such person from acting in good faith to report or otherwise bring to the attention of the Commission, Office of Ethics Compliance, or other appropriate government agency, information regarding the violation of any law or regulation over which the Commission has authority.

2.37.070. Legal Services.

The Office of Ethics Compliance shall employ a Chief Counsel, and may employ or retain other attorneys in the discretion of the Ethics Compliance Officer, to represent and provide legal assistance and services to the Office and Commission. In addition, the Office of County Counsel shall represent and provide legal assistance and services to the Office and Commission, to the extent such assistance and services do not constitute a conflict of interest.

2.37.080. Judicial Review.

Any interested person may seek judicial review of any action of the Commission or Office of Ethics Compliance.

2.37.090. Appropriation and Expenditures.

- (a) The Board of Supervisors, and the County Executive upon establishment of the office of County Executive, shall provide reasonable funding and staffing for the Commission.
- (b) Starting with the 2026-2027 fiscal year budget, the Board of Supervisors shall appropriate a minimum of _____ dollars for each fiscal year for the Commission’s and Office of Ethics Compliance’s annual operating budget. The appropriation amount shall be adjusted each fiscal year based on the change to County’s revenues in the prior year. However, adjustment to the Commission’s and Office of Ethics Compliance’s annual budget based on the change to County’s revenues in the prior year is not required if four-fifths (seven-ninths after January 1, 2032) of the Board of Supervisors finds that exigent circumstances exist such that an adjustment should not be made for that fiscal year.
- (c) The expenditures of the Commission and Office of Ethics Compliance shall not require prior approval of County offices or personnel where the expenditures are within the Commission’s budget, unless the Board of Supervisors makes a finding of exigent circumstances per subsection (b) of this Section. The Commission shall comply with applicable requirements, procedures, and laws relating to the expenditures.
- (d) The Commission and Office of Ethics Compliance are not subject to hiring freezes when operating within their budget, unless the Board of Supervisors makes a finding of exigent circumstances per subsection (b) of this Section.

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