

City of Los Angeles

Conflict of Interests Code Index

Last Revised January 2000

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CITY OF LOS ANGELES
CONFLICT OF INTEREST CODE

AGENCY: WOODLAND HILLS WARNER CENTER NEIGHBORHOOD COUNCIL

Pursuant to the provisions of California Government Code Sections 87300 et seq., the WOODLAND HILLS-WARNER CENTER NEIGHBORHOOD COUNCIL of the City of Los Angeles hereby adopts the following Conflict of Interest Code.

Statement of Purpose

City officials and employees may not make governmental decisions that affect their personal financial interests. To help City officials and employees avoid financial conflicts, each City agency adopts a Conflict of Interest Code pursuant to state law. The Conflict of Interest Code contains a "Schedule A," which identifies each designated position that is charged with making or participating in governmental decisions, and a "Schedule B," which identifies the economic interests the persons in those positions must disclose. Each City official must submit public statements that identify the disclosable interests that he or she held during the reporting period. Persons with questions concerning the applicability of this Conflict of Interest Code or potential conflicts of interest should contact the Office of the City Attorney.

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

Section 100 - Designated Positions

The positions listed in Schedule A of this Conflict of Interest Code are "designated positions." A person holding, elected to or appointed to a designated position is a "City official." That person is deemed to be in a position to make or participate in the making of governmental decisions that may foreseeably have a material effect on his or her economic interest as defined in Section 503 of this Code.

A person holding a "designated position" is also a "City official" within the meaning of the City's Governmental Ethics Ordinance. "City official" means a person who is an elected or appointed City officer, member of a City board or commission, City employee or consultant of a City agency and who "makes" or "participates in making" government decisions as defined by the regulations of the Fair Political Practices Commission.

Section 101 - Notice to City Officials/Designated Employees

Within five days after the effective date of this Code, each City official shall be given notice of his or her designated position, together with a copy of this Code. Each person elected or appointed to a designated position after the effective date of this Code

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shall be given such notice and copy within five days after assuming office. Failure to give timely notice shall not constitute a violation of this Code.

Section 200 - Disqualification

A. A City official must disqualify himself or herself from making, participating in making, or attempting to use his or her official position to influence any decision when it is reasonably foreseeable that the decision will have a "material financial effect" (as defined in Section 504 of this Code by the applicable regulations of the Fair Political Practices Commission), on a economic interest. No City official shall be required to disqualify himself or herself if the effect on the economic interest is not distinguishable from its effect on the public generally or on a significant segment of the public as defined in the applicable regulations of the Fair Political Practices Commission. No City official shall be required to disqualify himself or herself with respect to any matter that could not be legally acted upon or decided without his or her participation.

B. A City official so disqualified shall notify the general manager or other head of the agency in writing of any apparent conflict, stating the nature of the decision to be made and the conflicting interest of the employee.

C. Nothing in this Code shall relieve any person from the requirements of Section 28.1 of the Los Angeles City Charter or from any other applicable provision of law. Section 28.1 authorizes the City Attorney to disqualify a City official if it is not in the public interest for that official to act on a matter.

Section 300 - Disclosure Statements

Each City official shall file Statements of Economic Interests disclosing that official's investments, interests in real property, employment or management positions in relevant business entities, income, gifts loans and travel payments designated as reportable by the Schedule B disclosure category for that official's position designated on Schedule A.

An "**initial statement**" shall disclose investments, interests in real property, and business positions held on the effective date of the Code or amended Code. In addition, the initial statement shall disclose income (including loans, gifts, and travel payments) received during the 12 months prior to the effective date of the Code or amended Code.

A person who is a City official on the effective date of this Code shall file an initial statement within 30 days after the effective date of this Code.

An "**assuming office statement**" shall disclose investments, interests in real property, and business positions held on the date the office or position is assumed. In addition, the assuming office statement shall disclose income (including loans, gifts, and

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travel payments) received during the 12 months prior to the date the office or position is assumed.

All persons elected or appointed as a City Official after the effective date of this Code shall file assuming office statements not more than 30 days after assuming office.

A person who is appointed to a board or commission or to the position of general manager, shall, within 30 days after he or she assumes the new office, amend his or her most recent Statement of Economic Interest to disclose any investments or interests in real property held on the date of such transfer which are made reportable by the new disclosure category but which were not previously reported.

As required by state and City law an "**annual statement**" shall be filed by a City official disclosing that official's investments, employment or management positions in relevant business entities, interests in real property, income, gifts, loans and travel payments received or held at any time during the reporting period, whether or not they are still held at the time of filing.

Annual statements shall be filed as follows:

(1) Each year on or before April 1, except if the person assumed his or her designated position between October 1 and December 31 of the preceding year and filed an assuming office statement. In that case the person is not required to file an annual statement until April one year later, or

(2) If any City official is elected or appointed to a designated position in a different disclosure category than the one to which his or her previous position was assigned, the next succeeding annual statement of such City official shall disclose all reportable interests required by those categories of Schedule B applicable to the respective designated positions held during the preceding reporting period; provided, however, that such interests shall be reported pursuant to each category only for the period during which each applicable designated position was held.

A "**leaving office statement**" shall disclose a City official's reportable investments, interest in real property, employment and management positions in relevant business entities, income, gifts, loans and travel payments received or held at any time since the closing date of the last statement filed, whether or not they are still held at the time of filing.

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Section 301 - Contents of Statements of Economic Interests: Investments and Interests in Real Property

When an investment or an interest in real property is required to be disclosed under this Code, the statement shall contain:

- A. A statement of the nature of the investment or interest;
- B. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
- C. The address or other precise location of the real property;
- D. A statement whether the fair market value of the investment, or interest in real property, equals or exceeds \$1,000 but does not exceed \$10,000, whether it exceeds \$10,000, but does not exceed \$100,000, or whether it exceeds \$100,000;
- E. If the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal;
- F. For the purpose of disclosure statements filed pursuant to Section 300, an "interest in real property" does not include the principal residence of a City official or any other property that the City official utilizes exclusively as his or her personal residence.
- G. All other information required by the disclosure form issued by the Fair Political Practices Commission or City Ethics Commission.

Section 302 - Contents of Statements of Economic Interests: Income

- A. When income (including gifts, loans and travel payments) is required to be reported under this Code, the statement shall contain, except as provided in Subsection B:
 - (1) The name and address of each source aggregating \$250 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
 - (2) A statement whether the aggregate value received from each source, or in the case of a loan, the highest amount owed to each source, was at least \$250 but did not exceed \$1,000, whether it was in excess of \$1,000 but was not greater than \$10,000, or whether it was greater than \$10,000;
 - (3) A description of the consideration, if any, for which the income was received;
 - (4) In the case of a gift, the amount and the date on which the gift was received;

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(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan;

B. When the City official's pro-rata share of income from a business entity, including income from a sole proprietorship, is required to be reported under this Code, the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the City official's pro rata share of gross receipts from such person was equal to or greater than \$10,000 during a calendar year.

Section 303 - Contents of Statements of Economic Interests: Position of Management

When employment or management positions in relevant business entities are required to be disclosed under this Code, the statement shall contain any business entity in which the City official is a director, officer, partner, trustee, employee, or holds any position of management.

Section 400 - Disclosure Statement Reporting Period

A. "Reporting period" with respect to the first annual statement filed by a City official, means the period beginning on the date after the filing date of assuming and ending on December 31 or on the date on which the City official leaves the agency, whichever occurs first.

B. "Reporting period," with respect to any subsequent annual statement, means the period starting on the date after the closing date of the previous annual statement, and ending on December 31, or on the date on which the City official leaves the agency, whichever occurs first.

C. A City official shall be deemed to have left the agency if he or she terminated a designated position without having assumed a new designated position with the agency on the same date.

Section 401 - Place of Filing Disclosure Statements

Disclosure statements shall be filed with the General Manager, or an individual designated by the General Manager to be the Department Filing Official, who shall make and retain a copy of each such statement and transmit the original to the City Ethics Commission which serves as the Filing Officer.

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Section 402 - Disclosure Statements Forms

Forms for disclosure statements shall be provided by the City Ethics Commission. Forms shall include a Statement of Economic Interests issued by the Fair Political Practices Commission and, where applicable, forms issued by the City Ethics Commission for the City's financial disclosure requirements.

Section 500 - Definitions

With the exception of "decision" and "City Official" the following terms are defined in the Political Reform Act of 1974, as amended, and/or the regulations of the Fair Political Practices Commission. The definitions below of those terms are the same as contained in the Act and regulations.

Section 501 - City Official

"City official" means every natural person who is a member, officer, employee, designated employee, or consultant of a state or local government agency.

Section 502 - Governmental Decision

"Decision" means a determination, involving the use of discretion, which constitutes official action or inaction.

A. A City official "makes a governmental decision," except as provided in Subsection D, when, acting within the authority of his or her office, he or she:

- (1) Votes on a matter;
- (2) Appoints a person;
- (3) Obligates or commits his or her agency to any course of action or inaction;
- (4) Enters into any contractual agreement on behalf of his or her agency;
- (5) Determines not to act within the meaning of subdivisions (1), (2), (3) and (4), except when such determination consists of a voluntary disqualification under this Code. When the determination not to act consists of a voluntary disqualification, the official's determination must be accompanied by disclosure of the financial interest, made part of the agency's official record or made in writing to the official's supervisor, appointing power or any other person specified in a conflict of interest code adopted pursuant to Government Code Section 87300.

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B. A City official "participates in the making of a governmental decision" when acting within the authority of his or her position, he or she:

- (1) Negotiates, without significant substantive review, with a governmental entity or private person regarding the decision; or
- (2) Advises or makes recommendations to the decision-maker, either directly or without significant intervening substantive review, by:
 - (a) Conducting research or making any investigation which requires the exercise of judgment on the part of the official and the purpose of which is to influence the decision; or
 - (b) Preparing or presenting any report, analysis or opinion, orally or in writing, which requires the exercise of judgment on the part of the official and the purpose of which is to influence the decision.

C. A City official attempts "to use his or her official position to influence a governmental decision" when he or she furthers or attempts to affect in any way any decision in a manner as set forth in the applicable regulations of the Fair Political Practices Commission.

D. The making, participating in the making of or attempting in any way to use one's position to influence a governmental decision, as defined in the preceding subsections, shall not include:

- (1) Actions of a City official which are solely ministerial, secretarial, manual, or clerical;
- (2) Appearances by a City official as a member of the general public before a City official, board or commission to represent himself or herself on matters related solely to his or her personal interests, so long as the City official discloses the interest at the time of the appearance; or
- (3) Actions by City officials, employees, or employee representatives relating to their compensation or the terms or conditions of their employment or contract.

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Section 503 - Economic Interest

A governmental decision has a personal financial effect on a public official if the decision will result in the personal expenses, income, assets, or liabilities of the official or his or her immediate family increasing or decreasing. A City official has an "economic interest" in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the City official, or member of his or her immediate family or on:

- A. Any business entity in which the City official has a direct or indirect investment worth more than \$1,000 or more; or
- B. Any real property in which the City official has a direct or indirect interest worth more than \$1,000; or
- C. Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$250 or more in value provided to, received by or promised to the City official within twelve months prior to the time when the decision is made;
- D. Any business entity in which the City official is a director, officer, partner, trustee, employee, or holds any position of management; or
- E. Any donor or, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the City official within 12 months prior to the time when the decision is made.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a City official, by an agent on behalf of a City official, his or her agents, spouse and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.

Section 504 - Material Financial Effect

Whether the financial effect of a governmental decision on a "financial interest" of a City official is "material," within the meaning of this Code, shall be based on applicable regulations of the Fair Political Practices Commission defining the term "Material Financial Effect."

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Section 505 - Business Entity

"Business entity" means any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

Section 506 - Gift

A. "Gift" means, except as provided in Subsection (B), any payment that confers a personal benefit on the recipient, to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status. Any person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value.

B. The term "gift" does not include:

(1) Informational material such as books, reports, pamphlets, calendars or periodicals. No payment for travel or reimbursement for any expenses shall be deemed "informational material";

(2) Gifts which are not used and which, within 30 days after receipt, are returned to the donor or delivered to a non-profit entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code without being claimed as a charitable contribution for tax purposes, or otherwise disposed of in accordance with applicable regulations of the Fair Political Practices Commission;

(3) Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of any such person; provided that a gift from any such person shall be considered a gift if the donor is acting as an agent or intermediary for any person not covered by this paragraph;

(4) Campaign contributions required to be reported under Chapter 4 of the Political Reform Act of 1974;

(5) Any devise or inheritance.

(6) Personalized plaques and trophies with an individual value of less than \$250.

C. No person shall make one or more gifts totaling \$50 or more in a calendar year on behalf of another, or while acting as the intermediary or agent of another to a

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person whom he knows or has reason to know may be required to disclose the gift pursuant to a conflict of interest code, without disclosing to the recipient of the gift both his own full name, street address, and business activity, if any, and the full name, street address, and business activity, if any, of the actual donor. The recipient of the gift shall include in his Statement of Economic Interests the full name, street address, and business activity, if any, of the intermediary or agent and the actual donor.

Section 507 - Immediate Family

"Immediate family" means the spouse and dependent children. Whenever disclosure of investments or interest in real property is required by this Code, investments and interests in real property of members of the immediate family shall also be disclosed.

Section 508 - Income

A. "Income" means, except as provided in Subsection (B), a payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness received by the filer, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in income of a spouse. Income also includes an outstanding loan. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10-percent interest or greater. "Income," other than a gift, does not include income received from any source outside the jurisdiction and not doing business within the jurisdiction, not planning to do business within the jurisdiction or not having done business within the jurisdiction during the two years prior to the time any statement or other action is required under this Code.

B. "Income" also does not include:

(1) Campaign contributions required to be reported under Chapter 4 of the Political Reform Act of 1974;

(2) Salary and reimbursement for expenses or per diem received from a state, local or federal government agency and reimbursement for travel expenses and per diem received from a bona fide nonprofit entity exempt from taxation under 501(c)(3) of the Internal Revenue Code;

(3) Any devise or inheritance;

(4) Interest, dividends or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments

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received under any insurance policy, or any bond or other debt instrument issued by any government or government agency;

(5) Dividends, interest or any other return on a security which is registered with the Securities and Exchange Commission of the United States government or a commodity future registered with the Commodity Futures Trading Commission of the United States government except proceeds from the sale of these securities and commodities futures;

(6) Redemption of a mutual fund;

(7) Alimony or child support payments;

(8) Any loan or loans from a commercial lending institution which are made in the lender's regular course of business on terms available to members of the public without regard to official status if:

(a) The loan is secured by the principal residence of filer; or

(b) The balance owed does not exceed \$10,000;

(9) Any loan from or payments received on a loan made to an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, uncle, aunt, or first cousin or the spouse of any such person, provided that a loan or loan payment from any such person shall be considered income if the lender is acting as an agent or intermediary for any person not covered by this paragraph;

(10) Any indebtedness created as part of a retail installment or credit card transaction if made in the lender's regular course of business on terms available to members of the public without regard to official status, so long as the balance owed to the creditor does not exceed \$10,000; or

(11) Payments received under a defined benefit pension plan qualified under Internal Revenue Code Section 401(a).

Section 509 - Interest in Real Property

"Interest in real property" includes any leasehold, beneficial or ownership interest or an option to acquire such an interest in real property located in the jurisdiction owned directly, indirectly or beneficially by the City official or his or her immediate family if the fair market value of the interest is \$1,000 or more. Interests in real property of an individual include a pro rata share of interests in real property of any business entity or trust in which the individual or immediate family owns, directly, indirectly or beneficially, a 10 percent interest or greater.

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Section 510 - Investment

"Investment" means any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership or other ownership interest owned directly, indirectly or beneficially by the City official, or his or her immediate family, if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under this Code. No asset shall be deemed an investment unless its fair market value equals or exceeds one thousand dollars (\$1,000). The term "investment" does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, interest in a diversified mutual fund registered with the Securities and Exchange Commission under the Investment Company Act of 1940 or a common trust fund which is created pursuant to Section 1564 of the Financial Code, or any bond or other debt instrument issued by any government or government agency. Investments of an individual include a pro rata share of investments of any business entity, mutual fund, or trust in which the individual or immediate family owns, directly, indirectly or beneficially, a 10 percent interest or greater. The term "parent, subsidiary or otherwise related business entity" shall be specifically defined by regulations of the Fair Political Practices Commission.

Section 511- Jurisdiction

"Jurisdiction" means the City of Los Angeles. Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the City of Los Angeles or within two miles of any land owned or used by the City of Los Angeles.

Section 512 - Person

"Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.

Section 600 - Interpretation

Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code Section 81000 et seq.). This Code shall be interpreted in a manner consistent with the definitions and provisions of said Act and the regulations of the Fair Political Practices Commission. Any amendments to the Act or

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to the regulations, which affect the language of any provision of Sections 100 through 700 of this Code, shall be incorporated into the language of the affected section of this Code, without the need for formal amendment of this Code. Such incorporation shall be accomplished by the adoption by the City Council of a motion to reflect such changes in the language. The provisions of this Code are in addition to any other applicable provisions of state or local law.

Section 700 - Penalties

Except as otherwise provided herein, a violation of any provision of the Code shall constitute a misdemeanor as provided in California Government Code Section 91000 and shall be subject to such additional penalties as are specified in the Political Reform Act of 1974 (California Government Code Sections 81000, et seq.) and specified in City law.

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CERTIFICATION OF APPROVAL OF CODE

I, _____, certify that the foregoing Conflict of Interest Code was adopted by the City Council, City of Los Angeles, on _____.

(Date)

(Name and Title)

(Signature)

(Date)

The foregoing Conflict of Interest Code, having been submitted by the agency designated above, was approved by order of the Council of the City of Los Angeles on _____ and is effective as of said date.

(Date)

J. MICHAEL CAREY, City Clerk

BY _____

Deputy City Clerk

WOODLAND HILLS WARNER CENTER NEIGHBORHOOD COUNCIL

CONFLICT OF INTEREST CODE SCHEDULE "A" - DESIGNATED POSITIONS

<u>CLASSIFICATION</u>	<u>DISCLOSURE CATEGORY</u>
Chairperson, Officer	1
Vice Chairperson, Officer	1
Treasurer, Officer	1
Secretary, Officer	1
Parliamentarian, Officer	1
Voting Member ¹ , Board of Directors	1

¹ Voting Members includes both Elected and Alternate Representatives.

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CONFLICT OF INTEREST CODE SCHEDULE "B" - DISCLOSURE CATEGORIES

GENERAL PROVISION

A designated member (refer to Schedule "A") is required to disclose that they are a director, officer, partner, trustee, employee, or holds any position of management in a business entity if they would be required to disclose income from that entity. Income includes loans and gifts.

NOTE: For purposes of disclosure, "interest in real property" does not include the principal residence of the filer or any other property which the filer utilizes exclusively as the personal residence of the filer.

CATEGORY 1

A. Any interest in real property located within the boundaries of the Neighborhood Council or within 500 feet of the boundaries of the Neighborhood Council.

B. Any investment or income, as defined by this Code, including loans, gifts and business positions, in or from any person or business entity manufactures, leases, sells, or repairs any goods, services, equipment or other items purchased by the Neighborhood Council.

C. Any investment or income, as defined by this Code, including loans, gifts and business positions, in or from any person or business entity which owns, or during the past twelve months owned, an interest in real property located within the boundaries of the Neighborhood Council or within 500 feet of the boundaries of the Neighborhood Council.

D. Any income, as defined by this Code, including loans or gifts, from any person who is employed by or applies for employment with the Neighborhood Council.

E. Any investment or income, as defined by this Code, including loans or gifts and business positions, in or from any person or business entity which does, is seeking, or during the last 12 months did or sought to do business within the boundaries of the Neighborhood Council, or within 500 feet of the boundaries of the Neighborhood Councils.

CATEGORY 2

A. Any investment or income, as defined by this Code, including loans, gifts and business positions, in or from any person or business entity which manufactures, leases, sells, or repairs any goods, services, equipment or other items purchased or leased by the Neighborhood Council.

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B. Any income, as defined by this Code, including loans and gifts, from any person who is employed by or applies for employment with the Neighborhood Council.

CATEGORY 3

A. Any investment or income, as defined by this Code, including loans, gifts and business positions, in or from any person or business which manufactures, leases, sells, or repairs any goods, services, equipment or other items purchased or leased by the Neighborhood Council.