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Citizens' Oversight Committee Overview of Ethics and Transparency Laws

LOS ANGELES COUNTY AFFORDABLE HOUSING SOLUTIONS AGENCY

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Overview



1. Overview of the Role of the Citizens' Oversight Committee (COC)
 - A. Role of Members of the COC as a Legislative Body
2. Public Ethics
 - A. Ralph M. Brown Act (Open Meeting Law)
 - B. Conflicts of Interest
 - (i) Political Reform Act
 - (ii) Contracts – Government Code Section 1090
 - (iii) Levine Act
3. Mandatory Trainings
4. Public Records Act

Ralph M. Brown Act



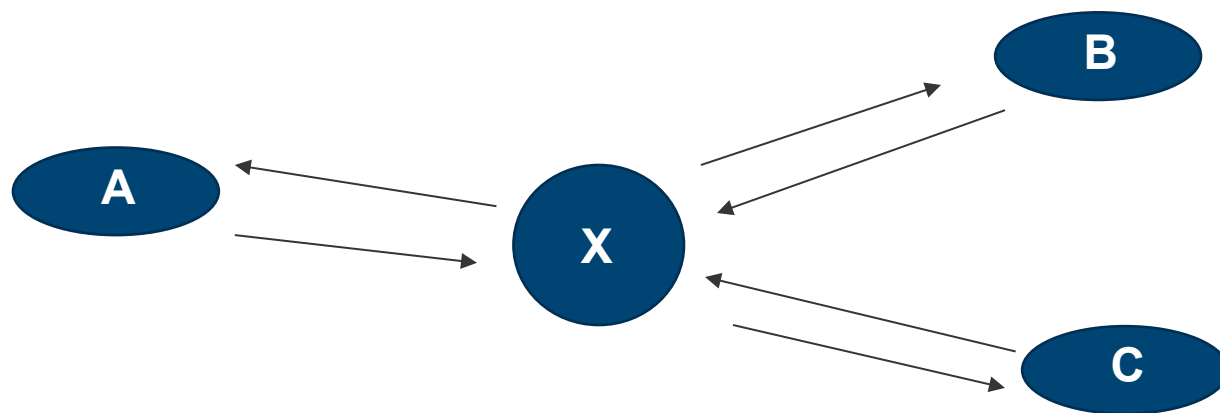
- What is a “meeting”
- No discussion or action, except on agenda
- Closed sessions
- Remedies and penalties

Meeting



- When a quorum:
 - Hears
 - Discusses
 - Deliberates, OR
 - Takes action on something within LACAHSAs/ COCs subject matter jurisdiction

Serial Meetings Chain - Spoke



Right to Speak and Be Heard



- A member of the public has the right to speak
- At a *regular* meeting: on each and every agenda item and generally on items of interest to the public
 - Including consent calendar and closed session items
- At a *special* meeting: on each agenda item only before or during the Committee's consideration of the item

Restrictions on Speech at COC Meetings



- Content-based restrictions permitted
 - At regular meeting, must be within COC's jurisdiction
 - At special meeting, must be on agenda
- Viewpoint restrictions prohibited
 - E.g., cannot prohibit criticism of Board/COC Members or Staff
- Time, place, and manner restrictions
 - E.g., three (3) minute time limit
 - Enforce consistently

Additional Rights of the Public



- Entitled to see all non-privileged documents given to the COC (except closed session items)
- May record the meeting (audio or video)
- May listen to tape & obtain minutes
- Reasonable accommodation under ADA

Closed Session



- Pending litigation
 - Threat or exposure (documented)
 - Actual case
 - Initiation
- Public employee
- Labor negotiations
- Real estate negotiations

Political Reform Act



- Disclose
 - Form 700 due within 30 days of taking office
 - Thereafter, annually by April 1
- Disqualify
 - Publicly; note in the minutes

Disqualification



- Financial Interest
 - Business interest
 - Source of income (\$500/12 months)
 - Source of gift (\$630 in CY 2025)
 - Real property
 - Personal financial interest (indirect) [Form 806]
- Four-step analysis

Disqualification



- Must not vote on, influence or participate in any matter in which you have a financial interest
- You have a financial interest in any matter that you must disclose on Form 700; perhaps others

How to Disqualify



- Publicly announce reason after item is announced and before any discussion
- Must leave room
 - Exception 1: Consent calendar
 - Exception 2: Direct, personal interest
- If absent when the item is called but present during *any* another portion of the meeting, must still make announcement

Gifts – Basics

- What is a gift?
- What are the limits?
- Unwanted gifts?
- Penalties?

Gifts: Three Rules



- Disclosure on Statement of Economic Interests:
 - \$50 or more from a single source during reporting period.
- Gift Limit:
 - \$630* from a single source during the calendar year
 - *This amount is usually updated every two years. The \$630 limit is effective January 1, 2025 – December 31, 2026.
- Disqualification:
 - More than \$630 during the previous 12 month period, e.g., when gifts made in two calendar years but within a 12 month period.

Gifts to LACAHSAs are Not Considered Gifts to Official



- Provided:
 - LACAHSAs receive and control gift
 - Gift used for official business
 - LACAHSAs decide which official uses it
 - LACAHSAs report the gift
 - Form 801 or 802

Unwanted Gifts When Not Considered



- Within 30 days, the official:
 - Returns the unused gift
 - Donates the unused gift to a charity or the government without taking tax deduction
 - May not donate to a charity in which the official or immediate family member holds a position

Gov't Code Section 1090/ Levine Act



- Government Code Section 1090:
 - Official cannot be interested in a LACAHSAs
- Levine Act:
 - Conflicts of Interests triggered by campaign contributions

Mandatory Trainings



- Ethics (AB 1234)
 - Two hours within 1st year of taking office
 - Then, 2 hours every 2 years
- Sexual Harassment Prevention (AB 1661)
 - Within 6 months of taking office
 - Then every 2 years

Public Records Act



- Records of public agency are open to the public
- Any writing pertaining to the conduct of the public's business prepared, owned, used or retained by a public agency
 - Regardless of form or location; includes e-mail on private devices and accounts
- Many exceptions including privilege
- 10-day response period
- Must cite any exemptions in written response

QUESTIONS??