



## A New Ethics Commission in Los Angeles County? More Powerful Ethics Commissions in the City of Los Angeles and Oakland?

October 2024

By: [Jim Sutton](#) and [Matthew Alvarez](#)

For clients and colleagues involved in local political and lobbying efforts, the City and County of Los Angeles and the City of Oakland have proposed expanding the powers of their Ethics Commissions (some may characterize the proposals as “power grabs”) which voters will be asked to approve or disapprove on the November ballots in these jurisdictions.

City of Los Angeles. Charter Amendment ER is a proposal to make the City Ethics Commission more independent from the City Council and to expand its enforcement powers. The amendment would establish a minimum annual budget of \$6.5 million for the Commission (up just a little bit from the current budget), grant it greater authority over hiring and spending decisions, and allow it to retain outside counsel in specific circumstances. In response to the Council’s unwillingness over the years to approve all of the Commission’s proposed revisions to the City’s lobbying, ethics and campaign laws, the Charter amendment would also require the City Council to publicly agendize and address all Commission recommendations within 180 days. Perhaps more notably, maximum penalties for campaign, lobbying and ethics violations would triple from \$5,000 to \$15,000. An additional provision would impose stricter qualifications for Commission members (which is a bit unexpected, given the recent difficulties in filling vacancies on the Commission).

County of Los Angeles. As part of its proposal to expand the Board of Supervisors from five to nine members and to establish an elective County Executive Officer, County Measure G proposes creating an independent County Ethics Commission to be set up by 2026. Although the County has had its own campaign, lobbying and ethics laws on the books for years, these laws are rarely interpreted and have basically never been enforced. The proposal would also create a new “Office of Ethics Compliance” responsible for interpreting these laws.

The proposal does not specify the duties of the new Ethics Commission or Office of Ethics Compliance, does not reference fines or subpoena powers, and really does not contain any specifics whatsoever about their proposed operations, leaving the details to a future ordinance to be passed by the Board. The



proposal also simply says that the Board of Supervisors will have to provide “reasonable funding and staffing” for these new County bodies. Because of the lack of specifics, many commentators have posited that the Supervisors added an ethics commission to the measure solely as a way to convince voters to approve expanding the number of seats on the Board.

Oakland. Measure OO would amend the Oakland Charter with similar goals as the City and County of Los Angeles proposals. In response to several vacancies on the Commission which have lasted for months or longer, the proposal would allow the Commission itself to fill a vacant PEC seat which the Mayor, City Attorney or City Auditor has not filled, allow the City Council or the PEC to remove a Commissioner, and allow Commissioners to serve for up to one year past the end of their term if no one has been appointed to fill the seat. It would also lower the limit on gifts from registered lobbyists to elected officials and their family members from \$240 to \$50 per year.

Similar to the proposal in the City of Los Angeles, Oakland also seeks to expand the PEC’s independence, re-characterizing the Commission as “an autonomous City department,” authorizing the Executive Director to hire outside counsel under certain circumstances, adding one additional investigator, requiring the City Council to consider PEC proposals to amend campaign, lobbying and ethics laws within six months, and allowing the PEC to set the City Attorney’s and City Auditor’s salaries. In response to recent efforts by the Mayor’s office to cut the PEC’s budget, the proposal would only allow the Commission’s budget to be reduced if the budget of other City departments are being reduced as well.

\* \* \*

Although these proposals are subject to voter approval, voters rarely reject measures which – like the ones here – are spun as “reforms.” In fact, none of the three proposals face any type of funded opposition campaigns (at least not yet). We therefore expect all of these proposals to pass, prompting these ethics commissions to pursue even more enforcement matters, to seek even higher fines, and to continue to expand the scope and reach of their jurisdiction’s campaign, lobbying and ethics laws.

Please contact Rutan & Tucker’s Election Law Practice Group with any questions about these or any other local ethics commissions, or if you would like more details about Los Angeles County Measure ER, City of Los Angeles Measure G, or Oakland Measure OO.