

City Council Meeting: September 24, 2024

Santa Monica, California

ORDINANCE NUMBER 2791 (CCS)

(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SANTA MONICA ADDING SECTION 2.32.290 PROHIBITING ACCEPTANCE OF
GRATUITIES BY CITY OFFICIALS

WHEREAS, the United States Supreme Court recently ruled that anti-bribery laws do not make it a crime for local officials to accept a gratuity for official acts they have already taken; and

WHEREAS, the Council believes it is unacceptable for City officials to receive gratuities for acts performed in their official capacity, and hereby formalizes the prohibition on so doing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Santa Monica Municipal Code Section 2.32.290 is hereby added to read as follows:

2.32.290. PROHIBITION ON GRATUITIES

(a) No City official shall receive, accept, take, seek, or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor, from any person or entity to whom the official has conferred a public benefit within the last 12 months, intended as a reward or token of appreciation for or because of any official act performed by the public official. This Section shall be in addition to the provisions of Charter Section XXII, the Taxpayer Protection Act.

(b) As used herein, the term “public benefit” does not include public employment in the normal course of business for services rendered, but includes a contract, benefit, permit, or arrangement between the City and any individual, corporation, firm, partnership, association, or other person or entity to:

(1) provide services of a value in excess of \$5,000 over any 12-month period;

(2) sell or furnish any material, supplies or equipment to the City of a value in excess of \$5,000 over any 12 month period;

(3) buy or sell any real property to or from the City with a value in excess of \$5,000, or lease or license any real property to or from the City with a value in excess of \$5,000 over any 12-month period;

(4) receive an award of a franchise to conduct any business activity in a territory, and for which gross revenue from the business activity exceeds \$5,000 in any 12-month period;

(5) confer a land use variance, special use permit, or other exception to a pre-existing master plan or land use ordinance pertaining to real property where such decision has a value in excess of \$5,000;

(6) confer a tax abatement, exception, or benefit not generally applicable of a value in excess of \$5,000 in any 12-month period; or

(7) receive cash or property of a net value to the recipient in excess of \$5,000 in any 12-month period.

(c) Those persons or entities receiving public benefits as defined above shall include the individual, corporation, firm, partnership, association, or other person or entity

so benefiting, and any individual or person who, during a period where such benefit is received or accrues,

(1) has more than a five percent (5%) equity, participation, or revenue interest in that entity, or

(2) who is a trustee, director, partner, or officer of that entity or of another entity that owns or controls the entity receiving the public benefit, excepting persons serving in those capacities as volunteers, without compensation, for organizations exempt from income taxes under Section 501(c)(3), (4), or (6) of the Internal Revenue Code. However, this exception shall not apply if the organization is a political committee or controls political committees as defined by California Government Code Section 82013 or 2 U.S.C. Section 431(4) or successor provisions.

(d) As used herein, the term “public official” includes any elected or appointed public official acting in an official capacity. This includes, but is not limited to: City Council members, Planning Commission members, and the City Manager, City Attorney, City Clerk, and Department Heads and their designees who may confer public benefits as defined in this section.

(e) Each violation of the provisions of this Chapter shall constitute a misdemeanor. Alternatively, a civil action may also be brought by the City or any interested party before any court of competent jurisdiction. In addition to all other remedies authorized by law, the court may impose a fine of up to five hundred dollars for each violation of this Chapter.


SECTION 2. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such

inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

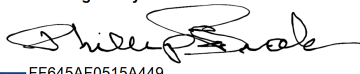
SECTION 4. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AS TO FORM:

DocuSigned by:

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Douglas Sloan, City Attorney

Approved and adopted this 24th day of September, 2024.

DocuSigned by:

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Phil Brock, Mayor

State of California)
County of Los Angeles) ss.
City of Santa Monica)


I, Nikima S. Newsome, City Clerk of the City of Santa Monica, do hereby certify that the foregoing Ordinance No. 2791 (CCS) had its introduction on September 10, 2024, and was adopted at the Santa Monica City Council meeting held on September 24, 2024, by the following vote:

AYES: Councilmembers de la Torre, Torosis, Davis, Parra, Zwick,
 Mayor Brock, Mayor Pro Tem Negrete

NOES: None

ABSENT: None

ATTEST:

DocuSigned by:

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Nikima S. Newsome, City Clerk

9/27/2024
Date

A summary of Ordinance No. 2791 (CCS) was duly published pursuant to California Government Code Section 40806.