


# REPORT OF THE CHIEF LEGISLATIVE ANALYST

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DATE: January 22, 2024

TO: Honorable Members of the City Council

FROM: Sharon M. Tso   
Chief Legislative Analyst

Council File No. 23-1027  
Assignment No. 24-01-0002

SUBJECT: **Charter Reform Commission**

## SUMMARY

Motion (Krekorian, Harris-Dawson – McOsker) directed the Chief Legislative Analyst (CLA), with the assistance from the City Attorney and City Clerk, to report with best practices for a Charter reform process and options to create a commission to evaluate and provide recommendations for the 2024 or 2026 ballots (Council File 23-1027). The Motion further requested the City Attorney, CLA, City Administrative Officer (CAO), Ethics Commission, Planning Department, Harbor Department, Department of Water and Power (DWP), Los Angeles World Airports (LAWA), Department of Recreation and Parks (RAP), Department of Public Works, Department of Neighborhood Empowerment (DONE), and the Personnel Department to report with Charter amendment recommendations that would benefit from reform and support strategic Citywide policies. Our Office was further instructed to seek input from Council Offices and other City stakeholders regarding Charter reform and to report on such concerns or recommendations. Finally, the Council directed our Office, with the assistance from the City Attorney and City Clerk, to report with options for creating a process for periodic review of the City Charter.

Our Office reviewed the State Constitution and Government Code, Charter, academic articles, guidance documents and other literature, as well as held discussions with City staff relative to Charter Commissions to evaluate the issues raised in the Motion. In addition, our Office researched the practices and Charters of various California cities. This report provides information regarding the Council's authority and options for establishing a Charter Commission. The report provides an approximate timeline for a commission's appointment, operation, and submission of Charter amendment recommendations in the context of the 2026 Statewide election. Finally, the report provides examples from other cities concerning the periodic review of a Charter, as well as potential subjects for amending the City Charter for the ballots in 2024 and 2026.

Motion (Krekorian, Harris-Dawson – McOsker) notes that during the last comprehensive Charter review process of the late 1990's, the City instituted two commissions: one elected by the voters and the other appointed by the Council. To adhere to the Council instruction, including the election timeframe under consideration, this report focuses on options for a Council appointed

commission, in which its purpose is to review and recommend Charter amendments for Council consideration and potential inclusion on a future ballot.

## **RECOMMENDATIONS**

That the City Council request the City Attorney, with the assistance of the Chief Legislative Analyst and other Departments as necessary, to prepare an ordinance relative to the establishment of a Charter Reform Commission consistent with the instructions of the Committee and Council.

## **FISCAL IMPACT**

There is no impact to the General Fund.

## **DISCUSSION**

The Charter is a foundational document that acts like a constitution for the City. The Charter establishes the government system and structure of a city as authorized by the State Constitution. It establishes the city as a legal entity and authorizes its powers, as well as provides greater authority over governance issues than provided by state law. The Charter can only be adopted, amended, or repealed by a majority vote of a city's voters. The City's Charter addresses the following municipal affairs, among other matters:

- Powers of the City and the role of its elected officials.
- Financial concerns, including budgeting and contracts.
- Elections, including eligibility for office, recall provisions, and campaign finance.
- Role and purview of the City departments, including the proprietary departments.
- Employment provisions regarding civil service and exempt positions.
- Pension and retirement systems.

A new Charter was approved by the voters in June 1999, and it became effective July 2000. Since that time, the City Clerk reports that the Charter has been amended 29 times, with five measures failing passage. Attachment A of this report summarizes the amendments presented to the voters.

The procedures for amending the Charter are governed by the California Constitution and California Government and Election Codes. The pertinent sections of State law are included in this report as Attachment B. The California Constitution provides that amendments to a city Charter may be proposed by 1) an initiative petition, 2) a charter commission, or 3) by the governing body adopting a resolution that places the amendment(s) on the ballot.

Los Angeles Administrative Code (LAAC) Section 2.2 states that the Council, except as otherwise in the Charter provided, is the governing body of the City.

### **Options for a Charter Reform Commission**

The Council directed our Office, with the assistance of the City Attorney and City Clerk, to report with options to create a commission to evaluate and provide recommendations on potential Charter amendments for the 2024 or 2026 ballots.

The Council may establish a Charter Commission by instruction or by ordinance. After consulting with the City Attorney's Office, our Office recommends that the Council initiate a Charter Commission by ordinance to support its legal standing. The legislative action should specify the task or scope of the commission, designate the number of commissioners and appointment process, and specify a deadline for reporting to the Council with recommendations for inclusion on a future ballot.

The Council will need to determine the extent of reform issues that the commission will review. The scope of work may range from a limited number of topics, to a review of the Charter in its entirety. The subject matter will inform the appointment process and the membership's qualifications, such as professional or other personal experience. A Charter Commission is expected to study particular municipal affairs, such as employment provisions, land use, ethics, or other matters. Commission members who have certain professional expertise may enhance the consideration and analysis of the subjects under review.

Once these formative matters are resolved, the Council may then wish to direct staff to establish an initial budget for commission operations. A cost estimate would address the hiring of an executive director and staff; office space, expenses, equipment and furniture; legal and technical assistance through the use of consultants; and a budget for outreach and public education expenses. Past practice when assisting a Charter Commission has been to establish a written memorandum of understanding or contract to define the relationship between the commission and the City inasmuch as there will be an expenditure of City funds, staff assistance, and other resources that may be provided to support the effort. In addition, adequate controls and reporting requirements should be established to ensure that expenditures made and staff hours utilized are both necessary for and appropriate to the Charter reform effort.

Generally, a Charter Commission, with the assistance of their executive director and staff, will develop by-laws that will further define the purpose, mission, operating procedures, and outreach goals consistent with the City's Administrative and Municipal Codes, as well as applicable State law, including the Brown Act and Political Reform Act. A Charter Commission is active for a limited period of time, such as 12 to 18 months, since there is a deadline for the group to complete its work prior to a Statewide ballot for a Primary or General election, in accordance with the California Elections Code.

Our Office's review of best practices regarding Charter Commissions indicates that the body should work independently and give the Council and the voters its best thinking about Charter change. The Council may direct the commission to review specific subject areas, or Council may provide the commission with the flexibility to examine additional areas. A Charter Commission's recommendations would then be submitted to the Council for its review, and the decision on whether to submit it to the voters, and the content of any amendments, would be made by a majority vote of the Council.

### **Charter Study Group**

Rather than immediately forming a Charter Commission, the Council could establish a Charter Study Group to conduct a preliminary survey for the purpose of developing recommendations for potential revisions and a procedure that would guide a Charter Commission at a later date.

In 1990, the Council established a Charter Study Group prior to forming a Charter Commission (Council File 90-0707). The Study Group was comprised of no more than eight members, with members designated by a consensus of the Mayor, Council President, and the Chair of the Rules and Elections Committee, in consultation with Council. In addition to the public members, the group included representatives from the CLA, CAO, City Attorney, and City Clerk. The Study Group was given the responsibility of reviewing the Charter for the purpose of developing recommendations, including a scope of work, timetable for completion of work, staffing and a methodology to ensure that a Charter Commission would appropriately reflect the diversity of the City. As noted above, it is essential to establish the staffing and resources for a Charter Commission, as well as define a scope of work. A Charter Study Group could initiate this work prior to commission formation, which could expedite the commission's efforts. However, using a Charter Study Group may add approximately two to three months prior to forming a Charter Commission.

Attachment C provides a chart of the various components relative to establishing a Charter Commission and provides a list of options for Council consideration.

### **Best Practices**

Council directed our Office to report with best practices for a Charter Reform Process. Below are key considerations when developing a Charter Commission:

#### **Scope and Deadline for Completion**

The commission should have a clear idea of what it is to accomplish. The scope of study is critical, since challenging subject matter - whether contentious or technical - takes time to research, consider, and discuss with the public. A Charter Commission will also need to identify the underlying factors of an issue that are motivating the need for change. A clear understanding of the problem that is being addressed will also aid in explaining the issue to the general public and serve as motivation in voter participation.

The Charter Commission should be given a reasonable deadline to complete its work as the process to develop substantive recommendations will take time. Once appointed, the commission will elect a chairperson, hire staff and consultants, develop by-laws and a work plan, schedule presentations, and hold numerous Brown Act compliant meetings to encourage and document public input. After deliberation, consensus and drafting the preliminary amendments, a best practice is to publish and circulate drafts and invite public review. This process allows for feedback, notifies the public that the body is near the end of its work, and allows for adjustment. Publishing a draft also supports transparency in the Charter review process. The Commission's final report will then be presented for Council consideration and review, all of which should take place well before the last day to request the City Attorney to prepare resolutions placing measures on the ballot.

#### **Membership and the Appointment Process**

A review of Charter Commissions in various cities found membership varied between 9 to 20 registered voters. The membership should include a variety of ages, races, ethnicity, gender, geography, interests, and experiences. The Council may also wish to consider certain professional backgrounds, such as labor/union, business and development, and academia, for

representation on the commission. However, according to the National Civic League, a non-partisan, non-profit organization that promotes civic engagement, the most effective commissions should be balanced with informed and active community residents that are not involved in governmental operations, which may allow for more detached, objective, and impartial participants. The overall effort should promote good government, civic engagement, and momentum for initiating change in how the government functions.

The appointment process is another key feature when creating a Charter Commission. The process may be handled in a traditional manner, in which the elected officials agree to assign a certain number of appointments, or it may be handled through an application process. A recent example of a traditional appointment process occurred in 2013, when the Council approved a resolution to establish a Municipal Elections Reform Commission to undertake a comprehensive review of the Election Code and sections of the City Charter to provide recommendations concerning voter participation, registration, and access to absentee ballots, among other issues (Council File 13-1364). The appointment process was established as follows: a) four members appointed by the Mayor; b) four members appointed by the Council President; and one member who was jointly appointed by the Mayor and Council President and served as Chair of the commission.

In 2018, the City of Santa Cruz employed a hybrid appointment process for their 13 member Charter Commission. Seven members were selected directly by individual Councilmembers and the Mayor, and the remaining six Council-appointed members were selected through an application/letter of interest process facilitated by the City Manager's Office. If the Council includes an application process for potential commission membership, additional time will need to be factored into the schedule prior to the start of commission operation.

Similarly, the Council recently approved a proposed Independent Redistricting Commission Program (Council File 22-1196-S1). As outlined in the program, candidates to become a commissioner are required to submit an application to the City Clerk's Office. The Council may wish to incorporate certain qualifications and restrictions and apply them to the Charter Commission, such as

- ❖ Shall be a resident of the City for at least five years prior to appointment.
- ❖ Shall be at least 18 years old.
- ❖ Shall not have acted as a City lobbyist within the previous four years from the date of appointment.

The application and appointment process for the United to House Los Angeles Citizens Oversight Committee (ULA COC) may also serve as a model for establishing a Charter Commission (LAAC Section 22.618.6 (d) et. seq.; Council File 22-1100-S2). The ULA COC has 13 voting members and two advisory members, and includes applicant experience categories in housing development; preservation and finance; renter protection and support; lived experience and expertise; and youth. The Housing Department is responsible for collecting and submitting at least three qualified candidates for each category. The Mayor appoints members for each category, subject to approval by the Council. For a Charter Commission, this process could be

modified in which the Council directs the City Clerk to develop and receive applications, as well as assemble qualified candidates for Council review and appointment.

### **Public Outreach**

A commission should hold numerous meetings and public hearings. Workshops and presentations on special topics from experts will require significant planning and organization. Meeting locations will likely be distributed throughout the City to provide for public input from the different regions and neighborhoods, and in a manner that provides for greatest participation, such as evening and weekend meetings, ease of transportation access, among other practices. Civic engagement should be creative and constant, particularly in the use of social media, community surveys and other online tools for communicating and organizing voters.

In Portland, Oregon, the Charter Commission's engagement efforts strive to be culturally relevant, while reducing barriers to public participation. The commission partners with community-based organizations to support the design and implementation of education and engagement activities. Portland's Charter Commission has also partnered with community organizations to engage diverse populations and those who have historically been underrepresented in municipal decision making. It should be noted that staff from Portland's Charter Commission emphasized that civic participation improves if the reform issues under consideration are relevant to the public's communities and everyday lives.

On January 16, 2024, our Office received a letter signed by the following organizations: The American Public Trust; California Clean Money Campaign; Healthy Democracy; League of Women Voters of Greater Los Angeles; Los Angeles for Democracy Vouchers; Pete Peterson; Public Access Democracy; Public Democracy Los Angeles; Represent LA; The River Project; and Unrig LA. The letter is included as part of the Council file and recommends that our Office research how a citizens' assembly could be implemented to encourage public engagement and representative participation as either a primary or supplementary Charter Commission body. The letter further explains that a citizens' assembly is an independent body whose members are primarily or completely selected by democratic lottery, with the goal of promoting public trust in the government process. Our Office recommends that this letter be submitted to the prospective Charter Commission for consideration.

### **Election Calendar**

Any change to the City Charter requires presentation of a measure to the voters. Measures can be presented to the voters by initiative or by an action of a majority of the Council. In conformance with the California Elections Code, Charter amendments may only be presented on a Statewide ballot at a Primary or General election. The 2024 Primary election is no longer an option as the election will be held in March.

For the November 2024 General election, Council must request the City Attorney to prepare the documents necessary to place measures on the ballot no later than 125 days prior to the election date, as follows:

November 5, 2024 General Election

Council action by June 18, 2024

Following that initial date, there remains a number of additional pertinent deadlines that extend through September 2024 to place a measure on the ballot.

In 2026, the Primary election will be held in June and the General election will be held in November. The City Clerk will determine the actual deadlines for 2026 at a later date, but the dates will generally be in the same timeframe as the 2024 election. Again, Council action to place measures on these ballots would require at least 125 days prior to the election date.

For illustrative purposes, an approximate timeline for the Charter Commission process to submit recommendations to Council prior to the June 2026 election is provided in Table 1:

**TABLE 1**

| <b>Action</b>  | <b>Approximate Time Period</b> | <b>Months</b> |
|--|--------------------------------|---------------|
| Charter Commission appointed by Council                                      | April 2024                     | -             |
| Commission start up period - hiring staff, office space, by-laws, workplan   | May - July 2024                | 3             |
| Commission deliberations, outreach and drafting amendments                   | July 2024 - July 2025          | 12            |
| Recommendations submitted to Council   | August 2025                    | 1             |
| Council consideration  | September - December 2025      | ~ 3.5         |
| Approximate last day to direct City Attorney to prepare necessary documents* | January 28, 2026               | -             |
| Primary Election   | June 2, 2026                   | -             |

\*125 days prior to election date.

### **Periodic Charter Review**

The Council directed our Office, with the assistance of the City Attorney and City Clerk, to report with options for creating a process for periodic review of the Charter. As noted above, Council has the authority to initiate a Charter amendment or create a Charter Commission as it finds appropriate, providing significant flexibility to address the need for change. If the Council wishes to institute a regularly scheduled Charter review process, it may be established through ordinance or by an amendment to the City Charter. Instituting a regular review process does not preclude the Council from initiating Charter amendments at any time for voter consideration.

While periodic review of the Charter is an important task, Council will need to determine whether the task should be handled through an ordinance, which will allow greater flexibility by allowing for future amendment, or to include it in the City Charter, which can only be amended by the voters. Council will also need to determine if the appointment process for the Charter Commission should be codified, or decided at a later date coinciding with the review period. The

National Civic League in their *Guide for Charter Commissions* recommends that a Charter be flexible and grant elected officials and administrative staff broad powers to implement it, rather than prescriptive.

Below are some examples of cities that have established Charter review cycles, and the specific language used to establish the process. The cities referenced are smaller in population and lack the operational complexity of Los Angeles. In addition, smaller cities usually operate as a Council - City Manager form of government, and lack the particular dynamic of a Council - Mayor system. Generally, larger cities have addressed major Charter reform through the Council legislative process. Our Office researched the Charter provisions of larger cities in California, such as San Francisco, Long Beach, and San Diego, and did not identify an example of a required review process.

#### **Five Year Review**

The City of Burbank's review is a two step process and is specified in their Charter (Section 1400). Although the number of members and appointment process is defined, the language provides flexibility in appointing a full Charter Review Committee:

*Not more than five (5) years following completion of the previous Charter review or the completion of the citizen committee review as provided in this paragraph, whichever is most recent, the Council shall appoint a citizen committee of five (5) members, one (1) appointed by each Council Member, to consider the Charter and advise the Council whether a comprehensive Charter review is necessary. The committee may recommend a full review, a limited, focused review, or no review. Upon such recommendation the Council may appoint a full Charter Review Committee, the number and appointments of which shall be determined by the Council, to determine what, if any, Charter changes should be placed before the voters.*

*From time to time the Council may also place other proposed Charter changes before the voters.*

#### **Ten Year Review**

The City of Huntington Beach's review process is specified in the Charter (Section 804) and takes a broad approach in regard to process:

*The City Council shall determine if there is a need to convene a citizen's Charter Review Commission to conduct a review of the City Charter no less frequently than every ten years.*

The City of Santa Rosa's review process is specified in the Charter (Section 12) and references a Council adopted appointment process:

*This Charter shall be reviewed in the year 2002 and not less than every ten years thereafter by a committee to be appointed by Council in accordance with Section 11 (a) and existing Council Policies on the appointment of Boards, Commissions and Committees. Nothing in this section precludes additional amendments placed on the*



*ballot by voter initiative or by Council ordinance at such other times as deemed appropriate.*

Motion (Krekorian, Harris-Dawson – McOsker) notes that the City of Portland implemented periodic Charter review in 2007. Portland's review process is specified in their Charter (Section 13-301). The review period, number of commission members, and appointment process are addressed; however, the language allows the Charter Commission to determine its own rules of procedure:

*From time to time, but no less frequently than every 10 years, the Council shall convene a charter review commission to review and recommend amendments to the charter. The charter commission shall be reflective of the City in terms of its racial and ethnic diversity, age and geography. It shall be comprised of twenty residents of the City. Each member of the Council shall nominate four charter commission members who shall be subject to confirmation by the Council. The term of office of each member of the Charter Commission shall be no less than two years. The Council may reappoint members to additional terms of office or to subsequent Charter commissions. The Charter Commission shall determine its own rules of procedure. No member of the Charter commission shall serve as an elective officer during the member service on the commission. The Mayor or Council may request that the Charter Commission review specific sections of the Charter, but the work and recommendations of the Charter Commission shall not be limited to such specific sections. The Commission shall provide a written report of its findings to the City Council.*

#### **Potential Charter Amendments for 2024 and 2026**

In response to Council direction, the following City offices and departments will be submitting reports under separate cover to the Ad Hoc Committee on City Governance Reform relative to potential Charter amendments: City Attorney, CAO, Ethics Commission, Planning Department, Harbor Department, DWP, LAWA, RAP, Public Works, DONE and the Personnel Department. These reports will provide Charter amendment recommendations that may benefit from reform and support strategic Citywide policies.


Below are potential subjects for Charter amendments for the 2024 and 2026 ballots. These issues have been raised in prior Council motions or during committee discussions.

**TABLE 2**

| <b>2024 - Potential Charter Amendment</b> |   |                        |  |
|---|---|------------------------|--|
| <b>No.</b>                                | <b>Subject</b>  | <b>Charter Section</b> | <b>Notes</b>   |
| 1   | Establish periodic review of the Charter by appointing a Charter Commission every 10 years. |                        | Council File 23-1027. Can also be addressed through ordinance. |

**TABLE 3**

| <b>2026 - Potential Subjects for Charter Review</b> |   |                              |   |
|---|---|------------------------------|---|
| <b>No.</b>  | <b>Subject</b>  | <b>Charter Section</b>       | <b>Notes</b>  |
| 1   | Increase flexibility relative to the number of Council meeting days.  | Section 242 (a)              | Committee discussions regarding importance of constituent work.   |
| 2   | Further clarify a vacancy of the Mayor and the role of the Council President.   | Sections 243 (a);<br>409 (a) | Committee discussion regarding former Mayor's appointment to a federal post.                                    |
| 3   | Extend Council's consideration of the proposed budget.  | Sections 312 through<br>315  | Committee discussion regarding compressed time period for review.   |
| 4   | Explore additional options relative to the Code of Conduct of Elected Officials and censure.  | Section 209                  | Council File 22-1285.   |
| 5   | Establish a dedicated budget allocation for the Ethics Commission.  | Section 711                  | Council File 23-1010. Financial support of the Ethics Commission operations through an annual appropriated sum. |
| 6   | Explore creation of an independent auditor/investigators office to provide oversight of land use development and construction services. |                              | Council File 23-0188.   |
| 7   | Increase the number of Council Districts.   |                              | Council File 22-1196-S1. Under consideration by Council.  |



Christopher P. Espinosa  
Analyst

Attachments: A - Charter Amendments Since 2000

B - California Constitution Article XI, Section 3  
California Government Code, Section 34450 et. seq.

C - Options for Charter Commission

D - Motion (Krekorian, Harris Dawson – McOsker)

**ATTACHMENT A**  
Charter Amendments Since 2000

| Charter Amendments 2000-2022            |          |   |             |  |        |
|---|----------|---|-------------|--|--------|
| Primary, General, and Special Elections |          |   |             |  |        |
| Year                                    | Election | Type  | Designation | Amendment/Proposition/Measure Title  | Result |
| 2001                                    | Primary  | Charter Amendment                           | 1           | Police Officer Discipline  | PASS   |
|   |          |   | 2           | Modification to the Fire and Police Pension Plans  | PASS   |
|   | General  | Charter Amendment                           | A           | Modification to Fire and Police Pension Plans to Merge the Plans Into One Tier, Retaining the Separate Benefit Tiers, and Permit the Establishment of a New Tier   | PASS   |
|   |          |   | B           | Modification of the Fire and Police Pension Plan to Permit the Reactivation of Surviving Spouse Benefits to Widows and Widowers of Firefighters and Police Officers who Remarried Prior to December 5, 1996  | PASS   |
| 2002                                    | Special  | Charter Amendment                           | R           | Changing the Dates of City Elections   | PASS   |
| 2005                                    | Primary  | Charter Amendment                           | 1           | Inclusion of the Port Police in the Fire and Police Pension Plan   | PASS   |
|   |          |   | 2           | Modifications to the Fire and Police Pension Plan  | PASS   |
|   | General  |   | A           | Removal of Restrictions on Reorganization of Security and Law Enforcement Authority at the City's Airport Facilities   | FAIL   |
|   |          |   | B           | Vote Counting Procedures for Recall Elections  | PASS   |
| 2006                                    | Special  | Charter Amendment and Ordinance Proposition | R           | Councilmember Term Limits for Three Terms; City Lobbying, Campaign Finance and Ethics Laws   | PASS   |
| 2007                                    | Primary  | Charter Amendment                           | L           | Establishing Campaign Finance Regulations and Enforcement, Term Limits, and a Compensation Review Committee for the Los Angeles Unified School District Board  | PASS   |
|   |          |   | M           | Establishment of a Public Service Purchase Program   | PASS   |
| 2009                                    | Primary  | Charter Amendment                           | A           | Fire Department Independent Assessor   | PASS   |
|   |          | Charter Amendment and Ordinance Proposition | B           | Solar Energy and Job Creation Program  | FAIL   |
|   |          | Charter Amendment                           | C           | Disabled Children Survivor Benefit of the Fire and Police Pension Plan   | PASS   |
|   |          |   | D           | Survivor Benefit Purchase Program for Retirees of the Fire and Police Pension Plan   | PASS   |
|   |          |   | E           | Economic Incentives for Business Development   | FAIL   |
| 2011                                    | Primary  | Charter Amendment                           | P           | Establishment of Contingency Reserve Account and Emergency Reserve Account Within Reserve Fund and Budget Stabilization Fund in the City Treasury  | PASS   |
|   |          |   | Q           | Employment Provisions  | PASS   |
|   |          |   | J           | Department of Water and Power; Submission of Preliminary Budget to the City Council for Informational Purposes; Procedures for Making Surplus Transfers from the Power Revenue Fund to the City Reserve Fund | PASS   |
|   |          |   | L           | Public Library Funding   | PASS   |
|   |          |   | M           | Taxation of Medical Marijuana Collectives  | PASS   |
|   |          |   | N           | Campaign Finance   | PASS   |
| 2013                                    | Primary  | Charter Amendment                           | B           | Fire and Police Pension Plan; Cost Neutral Purchases of Retirement Credit by Certain Members   | PASS   |
| 2015                                    | Primary  | Charter Amendment                           | 1           | New City Election Dates and Schedules; One-Time Adjustment to Align terms with New Election Dates by 2020  | PASS   |
|   |          |   | 2           | New Election Dates and Schedules for the Los Angeles Unified School District (LAUSD); One-Time Adjustment to Align Terms with New Election Dates   | PASS   |
| 2016                                    | Special  | Charter Amendment                           | RRR         | City of Los Angeles Department of Water and Power (DWP)  | FAIL   |
|   | Special  |   | SSS         | City of Los Angeles Fire and Police Pensions; Airport Peace Officers   | PASS   |
| 2017                                    | Primary  | Charter Amendment                           | P           | Maximum Term of Harbor Department Leases   | PASS   |
|   | General  |   | C           | Civilian Review of Police Disciplinary Matters   | PASS   |
| 2018                                    | Special  | Charter Amendment and Measure               | B           | Municipal Financial Institution  | FAIL   |
|   |          |   | E           | Realign City Election dates  | PASS   |
|   |          |   | EE          | Realign Los Angeles Unified School District (LAUSD) and State Election Dates   | PASS   |
| 2022                                    | Primary  | Charter Amendment                           | BB          | Competitive Bid Preference for Local Contract Bidders  | PASS   |

**TOTAL:**  
34

29 PASSED  
5 FAILED

## **ATTACHMENT B**

### California Constitution Article XI, Section 3

(a) For its own government, a county or city may adopt a charter by majority vote of its electors voting on the question. The charter is effective when filed with the Secretary of State. A charter may be amended, revised, or repealed in the same manner. A charter, amendment, revision, or repeal thereof shall be published in the official state statutes. County charters adopted pursuant to this section shall supersede any existing charter and all laws inconsistent therewith. The provisions of a charter are the law of the State and have the force and effect of legislative enactments.

(b) The governing body or charter commission of a county or city may propose a charter or revision. Amendment or repeal may be proposed by initiative or by the governing body.

(c) An election to determine whether to draft or revise a charter and elect a charter commission may be required by initiative or by the governing body.

(d) If provisions of 2 or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

### California Government Code, Section 34450 et. seq.

34450. Any city or city and county may enact, amend, or repeal a charter for its own government according to this article or Article 3 (commencing with Section 9255) of Chapter 3 of Division 9 of the Elections Code.

34451. The charter may be proposed by a charter commission chosen by the voters of the city or city and county, at any general or special election, but no person shall be eligible as a candidate for the commission unless he or she is a registered voter of the city or city and county.

34452. (a) An election for choosing charter commissioners may be called by a majority vote of the governing body of a city or city and county, or on presentation of a petition signed by not less than 15 percent of the registered voters of the city or city and county. The petition shall be verified by the authority having charge of the registration records of the city or city and county and the expenses of the verification shall be provided by the governing body thereof. The governing body shall call an election pursuant to Sections 1000 and 10403 of the Elections Code.

(b) If any vacancy arises in a charter commission established for a city or city and county pursuant to this chapter, the vacancy shall be filled by an appointment by the mayor of the city or city and county.

34453. At an election the voters shall vote first on the question "Shall a charter commission be elected to propose a new charter?" and, secondly, for the candidates of the office of charter commissioner. If the first question receives a majority of the votes of the qualified voters voting thereon at the election, the 15 candidates for the office of charter commissioner receiving the highest number of votes shall forthwith organize as a charter commission. However, if the first

question receives less than a majority of the votes of the qualified voters voting thereon at the election, no charter commission shall be deemed to have been elected.

34454. Candidates for the office of charter commissioner shall be nominated either in the same manner provided for the nomination of officers of the municipal or city and county government, or by petition substantially in the same manner provided by general laws for the nomination by petition of candidates for public offices to be voted for at general elections.

34455. The charter commissioners shall propose a charter and may propose amendments to a charter, for the government of the city or city and county. The charter so prepared shall be signed by a majority of the charter commissioners and shall be filed in the office of the clerk of the governing body of the city or city and county.

34456. In any city or city and county, the governing body shall cause copies of the charter to be printed in type of not less than 10-point. If the governing body causes copies of the proposed charter to be mailed to the voters, the text of the proposed charter may show the difference from existing provisions of law by the use of distinguishing type styles.

34457. After the charter prepared by the charter commission has been filed in the office of the clerk of the governing body of the city or city and county pursuant to Section 34455, the proposed charter shall be submitted to the voters of the city or city and county at the next established statewide general election pursuant to Section 1200 of the Elections Code, provided there are at least 95 days before the election.

34458. (a) As an alternative to the procedure provided for in Sections 34450 to 34457, inclusive, the governing body of a city or city and county, on its own motion may propose or cause to be proposed, amend or cause to be amended, or repeal or cause to be repealed, a charter, and may submit the proposal for the adoption, amendment, or repeal thereof, to the voters at the next established statewide general election pursuant to Section 1200 of the Elections Code, provided there are at least 88 days before the election, or, for a proposal described in paragraph (2) of subdivision (a) of Section 1415 of the Elections Code, at an election specified in that paragraph.

(b) Prior to approving the submission to the voters of a proposal to adopt a charter, the governing body shall hold at least two public hearings on the matter of the proposal of a charter and the content of the proposed charter. Notice of the public hearings shall be given by publication pursuant to Section 6066, in a newspaper designated by the governing body and circulated throughout the city, and by posting the notice in three public places within the jurisdiction at least 21 calendar days prior to the date of each public hearing. The second public hearing shall be held at least 30 days after the first public hearing. At least one of the public hearings shall be held outside of normal business hours to facilitate public participation. The governing body shall not conduct a vote on whether to approve the submission to the voters of the proposal to adopt a charter until 21 days after the second public hearing.

34458.5 A proposal to adopt or amend a charter, whether submitted to the voters pursuant to Section 34457 or 34458, shall include in the ballot description an enumeration of new city powers as a result of the adoption of the charter, including, but not limited to, whether the city

council will, pursuant to an adopted charter, have the power to raise its own compensation and the compensation of other city officials without voter approval.

34459. If the voters vote in favor of the charter proposal, amendment, or repeal, it shall be deemed to be ratified, but shall not take effect until accepted and filed by the Secretary of State pursuant to Section 34460.

34460. Three copies of the complete text of a charter proposal or of any amended or repealed section ratified by the voters of a city or city and county shall be certified and authenticated by the chairperson and the clerk of the governing body and attested by the city clerk, setting forth the submission of the charter to the voters of the city, and its ratification by them. One copy shall be recorded with the recorder of the county in which the city is located, and one filed in the archives of the city. In the case of a city and county, one copy shall be recorded with the recorder thereof, and one filed in the archives of the city and county. The third copy shall be filed with the Secretary of State. Each copy recorded with the recorder of the county or city and county and filed in the archives of the city or city and county shall be filed with the following:

- (a) Certified copies of all publications and notices required of the city by this chapter or by the laws of this state in connection with the calling of an election to propose, amend, or repeal a city charter.
- (b) Certified copies of any arguments for or against the charter proposal, amendment, or repeal that were mailed to voters pursuant to Sections 9281 and 13303 of the Elections Code.
- (c) A certified abstract of the vote at the election at which the charter proposal, amendment, or repeal was approved by the voters.

34461. A charter proposal, amendment, or repeal by the voters of a city or city and county and submitted to the Secretary of State in compliance with this chapter shall be accepted and filed by the Secretary of State. The charter proposal, amendment, or repeal shall be published in the statutes in a charter chapter series under the designation "Statutes of \_\_\_\_ (year), Charter Chapter \_\_\_\_." Under the chapter number, the date of the ratification election and the date of filing with the Secretary of State shall be indicated.

After a charter proposal, amendment, or repeal is accepted and filed by the Secretary of State, the courts shall take judicial notice thereof.

34462. (a) A charter commission established for a city and county pursuant to this chapter shall complete a proposed or amended charter and submit the charter to the voters of the city and county within two years of the date of the election of the charter commissioners, and at the expiration of that period is abolished. (b) A charter commission may submit portions of the proposed or amended charter to the voters periodically.

## ATTACHMENT C

### Options for initiating a Charter Commission

#### Prior to initiating a Charter Commission

| A. Charter Study Group   |  |
|--|--|
| <ol style="list-style-type: none"><li>1. Initiate a Charter Study Group.</li><li>2. Appoint members of the public to work with City staff on a potential scope of work for a prospective Charter Commission.</li><li>3. Direct that the Charter Study Group report in 90 days with potential amendments for consideration, a methodology for commission membership, schedule and budget.</li><li>4. Other.</li></ol> |  |

#### Charter Commission

| 1. 2026 Ballot Election   |  |
|---|--|
| <p>Charter amendments to be placed on ballot:</p> <ol style="list-style-type: none"><li>a. Primary Election - June 2026</li><li>b. General Election - November 2026</li></ol> |  |

| 2. Membership   |  |
|---|--|
| <p>Number of commissioners:</p> <ol style="list-style-type: none"><li>a. 9</li><li>b. 15</li><li>c. 20</li><li>d. Other</li></ol> |  |



### 3. Appointment Process

- a. Elected Official selection.
- b. Hybrid - Elected Official selection, with partial selection by application process.
- c. Application process through City Clerk's Office with Council confirmation.

### 4. Term

- a. 12 months
- b. 18 months
- c. Other

### 5. Minimum Qualifications

- a. Candidate must be a registered voter in the City of Los Angeles.
- b. Candidate must be at least 18 years of age.
- c. Shall be a resident of the City for at least five years prior to appointment.
- d. Other.

### 6. Restrictions

- a. Shall not have acted as a City lobbyist within the previous four years from the date of appointment.
- b. During service, shall not endorse, work for, volunteer for any City elected official or candidate for elective office of the City.
- c. During service, shall not serve as paid staff for or as a paid consultant to any City elected official or candidate for elective office in the City.
- d. Other.

**7. Vacancy / Removal**

- |  |  |
|--|--|
| <ul style="list-style-type: none"><li>a. A vacancy exists upon a member's resignation, death, inability to serve or failure of a member without cause to attend three successive regular meetings.</li><li>b. Filing an intent to seek public office.</li><li>c. Relocation outside of the City.</li><li>d. Other.</li></ul> |  |
|--|--|

**8. Filling Vacancies**

- |  |  |
|--|--|
| <ul style="list-style-type: none"><li>a. By Elected Official who originally made the appointment.</li><li>b. By establishing an alternate pool of candidates, selected by Council.</li><li>c. Other.</li></ul> |  |
|--|--|

**ATTACHMENT D**

Motion (Krekorian, Harris Dawson – McOsker)

**MOTION**

The current version of the Los Angeles City Charter was developed in the late 1990's through the combined efforts of two charter reform commissions that conducted an extensive review and analysis of every section of the prior charter. That charter reform process was the outgrowth of widespread dissatisfaction with the responsiveness of municipal government at the time, which was most dramatically evidenced by a secession movement in the San Fernando Valley that nearly succeeded.

Twenty-three years after that overhauled charter went into effect, the City faces new challenges that could not have been foreseen then, as well as new opportunities for progress, improved services, greater accountability and more responsiveness. The delivery of core city services has been severely challenged in recent years by overlapping crises of homelessness, housing unaffordability, a global pandemic, economic strain, climate change urgency and threats to public safety, among other things. At the same time, City government has been rocked by the unethical conduct of some city leaders that has caused a crisis of trust and confidence.

In light of these circumstances, many parts of the Charter have come into question in recent years, including those involving the City's land use process, role of the Ethics Commission, delivery of City services, vacancies in City elected offices, censure and suspension, and others. The City's Charter is in need of both minor revisions in the short term and a major overhaul in the long term. It is important for the City Council to engage with the public to start this work now.

In addition to addressing the issues of the current Charter, the City should also create a process for a periodic review of the Charter. The process to update the City Charter in the late 1999s was chaotic due to the lack of a predefined process. To draft a new Charter, two different commissions were created, one elected by the voters and the other appointed by the City Council. It was initially unclear which commission had what authority. The dueling commissions later came together to present a unified set of Charter reform changes to the voters, but the process to arrive at a unified set of reforms was unnecessarily confusing, disorderly and acrimonious.

To ensure that future Charter updates are more orderly, the City Council should establish a process for periodic review of the City Charter. Periodic charter review commissions can address governance issues by gradually proposing amendments with a regular cadence, rather than the current process of completely overhauling the Charter. In 2007, Portland, Oregon voters adopted a regular Charter Review Commission and starting in 2010, it has referred nine amendments to the ballot, all of which were overwhelmingly adopted by voters. A similar process for Los Angeles is worthy of consideration.

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WE THEREFORE MOVE that the Chief Legislative Analyst, with assistance from the City Attorney and City Clerk, be directed to report with best practices for a Charter reform process and options to create a commission to evaluate and provide recommendations on Charter reform for the 2024 or 2026 ballots.


WE FURTHER MOVE that the City Attorney, CLA, CAO, Ethics Commission and the Planning Department each be requested to report back with separate recommendations for identifying and prioritizing sections in the Charter that would benefit from reform to modernize the City's organizational infrastructure and/or support more strategic citywide policies.

WE FURTHER MOVE that the CLA seek input from Council Offices and other City stakeholders regarding Charter reform and include in the aforementioned report these concerns and/or recommendations.

WE FURTHER MOVE that the Chief Legislative Analyst, with assistance from the City Attorney and City Clerk, be directed to report with options for creating a process for periodic review of the City Charter.

PRESENTED BY:   
PAUL KREKORIAN  
Councilmember, 2nd District

PRESENTED BY:   
MARQUEECE HARRIS-DAWSON  
Councilmember, 8th District

SECONDED BY: 

ORIGINAL