



Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. **R 24 - 0331**
JUN 21 2024

REPORT RE:

DRAFT CHARTER AMENDMENTS MODIFYING AND CLARIFYING VARIOUS PROVISIONS OF THE CHARTER REGARDING CITY ADMINISTRATION, OPERATIONS, GOVERNANCE, APPOINTMENTS, AND ELECTIONS; DRAFT BALLOT RESOLUTIONS AND ELECTION ORDINANCES PLACING THE CHARTER AMENDMENTS ON THE NOVEMBER 5, 2024 BALLOT

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

On June 4, 2024, the City Council requested this Office to prepare the documents necessary to modify and clarify various sections of the City Charter regarding City administration, operations, governance, appointments, and elections. This Office hereby transmits the proposed Charter changes in the form of two ballot measures to submit to the voters at the City's General Municipal Election to be held on November 5, 2024. We have approved the draft Charter amendments, and the associated election ordinances and ballot resolutions, as to form and legality.

Background

On May 17, 2024, the Rules, Elections, and Intergovernmental Relations Committee considered a motion seeking to require that nominees to City boards and commissions must submit their statements of economic interest and other financial disclosure statements as a condition to their confirmation by the City Council. The

Committee recommended that a Charter amendment be placed on the November 2024 ballot to establish this requirement. (See CF 24-0488.)

On May 20, 2024, the Ad Hoc Committee on City Governance Reform met to consider the reports of several City departments and offices proposing changes to various provisions of the City Charter. The Committee identified a list of proposed changes to advance to the City Council for consideration for the November ballot. The Committee also directed that other proposed changes either be referred to the Charter Reform Commission for further study or be received and filed. The Ad Hoc Committee's list of recommended Charter changes for the November ballot are summarized in Attachment A of the CLA's report dated May 31, 2024. (See CF 23-1027.)

On June 4, 2024, the City Council considered the recommendations of both Committees as well as several motions related to proposed changes to the City Charter. The Council acted to submit to the voters in November approximately two dozen of the Charter changes recommended by the Ad Hoc Committee. The Council also approved motions to place two other Charter changes on the November ballot (regarding the Board of Harbor Commissioners and the City Attorney's subpoena power) and adopted the Charter amendment recommendation of the Rules, Elections and Intergovernmental Relations Committee.

The Council requested that the City Attorney's Office draft the documents necessary to submit these various Charter changes to the voters on the November 5, 2024 ballot.

Summary of the Proposed Charter Amendments

The proposed Charter changes have been grouped into two ballot measures, as described below. One ballot measure would contain Charter amendments relating to City administration and operations. The other ballot measure would contain Charter amendments related to City governance, appointments, and elections. Below we have described the Charter changes that would be included in each ballot measure and, for ease of reference, have noted the associated item number either from Attachment A of the CLA's report dated May 31, 2024 or from the amending motions passed by the City Council at the time the CLA's report was adopted.¹

¹ The proposed Charter amendment regarding transfer of certain peace officers from LACERS to Tier 6 of LAFPP (Item No. 19 of Attachment A) must be submitted to the voters as a separate measure. We will be transmitting the documents for that Charter amendment under separate cover.

1. *City Administration and Operations Charter Amendment*

The following proposed changes to the City Charter would be presented to the voters in a ballot measure regarding City Administration and Operations.

- Sec. 104(g) -- Business Enterprises [Item #42]
The proposed amendment would clarify explicitly that departments are able to directly sell food and merchandise to support City operations and purposes.
- Sec. 104(i) -- Non-discrimination [Item #43]
The proposed amendment would include gender identity and gender expression in the Charter section regarding non-discrimination in City employment.
- Sec. 320 -- Expenditure Programs [Item #33]
The proposed amendment would clarify language regarding budget authorizations and expenditures.
- Sec. 561 -- Office of Zoning Administration [Item #46]
The proposed amendment would provide flexibility regarding the inspection of Office of Zoning Administration rules and regulations.
- Sec. 594(c) -- Restrictions on Transfer of Dedicated Parks [Item #47]
The proposed amendment would allow the Department of Recreation and Parks to enter into leases with the Los Angeles Unified School District similar to the Department's current authority to enter into leases with the County, State and federal government.
- Sec. 598 -- Dedicated Park Property [Item #45]
The proposed amendment would clarify explicitly that El Pueblo de Los Angeles and the Los Angeles Zoo remain dedicated park property even after being removed from the control of the Board of Recreation and Park Commissioners.
- Sec. 604 -- Proprietary Department General Managers [Item #2]
The proposed amendment would allow the use of an alternate title for a Proprietary department general manager.
- Sec. 609(g) -- Proprietary Department Revenue Bonds [Item #4]
The proposed amendment would clarify that electronic signatures may be used in connection with Proprietary department revenue bonds.
- Sec. 632 -- Powers and Duties of Board of Airport Commissioners [Item #5]
The proposed amendment would clarify the Board of Airport Commissioner's ability to establish fees, rules, and regulations for the use of and access to airport

property by commercial and private operators for aeronautical and ground transportation purpose.

- Sec. 637 – Airport Department Name [Item #6]
The proposed amendment would allow the use of the term “Los Angeles World Airports” as an official name of the department.
- Sec. 1007 – Examination Bulletins [Item #22]
The proposed amendment would provide flexibility regarding the official responsible for providing notice of civil service examinations.
- Sec. 1010 – Certification [Item #23]
The proposed amendment would clarify that civil service certifications may be utilized concurrently by multiple departments.
- Sections 290 and other Sections – CAO Name [Items #9 & #44]
The proposed amendments would change the name of the “Office of Administrative and Research Services” to the “Office of the City Administrative Officer,” and term “Director of the Office of Administrative and Research Services” to the term “City Administrative Officer” to be consistent with current practices.

2. *City Governance, Appointments, and Elections Charter Amendment*

The following proposed changes to the City Charter would be presented to the voters in a ballot measure regarding City Governance, Appointments, and Elections.

- Sec. 212 – Council Member Serving in Other Capacity [Item #29]
The proposed amendment would allow a member of the City Council to serve on the board of a joint powers authority if the member receives no compensation for that service.
- Sec. 244 – Quorum and Vote Necessary to Take Action [Item #31]
The proposed amendment would clarify the rules regarding votes in City Council to disapprove a proposed action.
- Sec. 261 – Powers and Duties of Controller [Item #32]
The proposed amendment would clarify that the Controller has the authority, in conducting financial audits, to obtain access to the records and personnel of a City contractor and any other entity that receives or manages City funds.

The City Council also instructed this office to provide language amending Section 261 to require the financial audits of the Controller to be conducted in compliance with generally accepted government auditing standards. Such a requirement

already exists in Charter Section 261(e). If that is the extent of the Council's intent with the instruction, no amendment is necessary. If Council intended to clarify explicitly that the Controller has a Charter-based obligation to conduct all audit work in compliance with generally accepted government auditing standards, similar language should be inserted in Section 261(k) to provide that clarification.

- **Sec. 271 – Powers and Duties of City Attorney [Motion 27G]**
The proposed amendment would expand the existing subpoena power of the City Attorney, which is currently authorized by state law, to include new Charter-based authority to subpoena witnesses, administer oaths and affirmations, and to require the production of records in the course of investigating any violations of state or local law that the City Attorney has authority to enforce.
- **Sec. 401 – Election Days [Item #34]**
The proposed amendment would delete obsolete language regarding the dates of City elections.
- **Sec. 451 – Initiative Petition [Item #35]**
The proposed amendment would provide clarity regarding the signature requirements for initiative petitions.
- **Sec. 452 – Action by Council on Initiative Petition [Item #36]**
The proposed amendment would establish a process for the City Council to order and consider a report on the impacts of an ordinance proposed by an initiative petition before deciding whether to adopt the ordinance or submit it to the voters.
- **Sec. 462 – Action by City Council on Referendary Petition [Item #37]**
The proposed amendment would clarify that a referendum petition may be withdrawn by the proponents and would establish a process for the City Council to order and consider a report on the impacts of an ordinance that is the subject of a referendum petition before deciding whether to repeal the ordinance or submit it to the voters.
- **Sec. 502 – Appointment and Removal of Commissioners [CF 24-0488]**
The proposed amendment would require that an appointee to a City board or commission must file financial disclosure statements before the appointee can be confirmed by Council.
- **Sec. 650 – Harbor Board Composition [Motion 27C]**
The proposed amendment would require that two members of the Board of Harbor Commissioners reside within the area surrounding the Harbor, one from the community of San Pedro and one from the community of Wilmington.

- Sec. 683 – Office of Public Accountability [Item #39]
The proposed amendment would establish a method for appointment of a temporary executive director of the Office of Public Accountability in case of a vacancy in that office and pending appointment of a permanent executive director.
- Sec. 1108 – General Manager of Pension or Retirement Systems [Item #40]
The proposed amendment would establish a method for appointment of a temporary general manager of a pension or retirement system in case of a vacancy in that office and pending appointment of a permanent general manager.

Voter Approval and Election Requirements

Each Charter amendment requires the approval of a majority of the voters of the City of Los Angeles to be adopted.

City Election Code Section 601 requires that final resolutions to place a measure on the ballot must be adopted no less than 110 days before the election. For the November 5, 2024 election, in light of Council's recess schedule, the deadline for the City Council to adopt the resolutions containing the final language of the Charter amendments in a regularly scheduled meeting is July 3, 2024.

Council Rule 38 Referral

The draft Charter amendments were sent, pursuant to Council Rule 38, to the Chief Legislative Analyst's office and the CLA's comments have been incorporated or will be presented to the City Council when it considers this matter.

If you have any questions regarding this matter, please contact me or Assistant City Attorney Harit Trivedi at (213) 978-7100. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By



MICHAEL J. DUNDAS
Senior Assistant City Attorney

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Transmittals

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