



Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. **R24-0166**
APR 10 2024

REPORT RE:

**DRAFT CHARTER AMENDMENT ESTABLISHING AN INDEPENDENT
REDISTRICTING COMMISSION FOR THE CITY OF LOS ANGELES; DRAFT
BALLOT RESOLUTIONS AND ELECTION ORDINANCE PLACING THE CHARTER
AMENDMENT ON THE NOVEMBER 5, 2024 BALLOT; AND A DRAFT ORDINANCE
ADDING RELATED PROVISIONS TO THE LOS ANGELES ADMINISTRATIVE CODE**

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 November 29, 2023, the City Council requested this Office to prepare the documents necessary for a Charter amendment establishing an independent redistricting commission for the City of Los Angeles. This Office hereby transmits the draft Charter amendment and the election ordinance and ballot resolutions necessary to place the Charter amendment on the ballot at the City's General Municipal Election to be held on November 5, 2024. We also are transmitting a draft ordinance adding provisions to the Administrative Code to implement the establishment and operation of the Commission should the Charter amendment be approved by the voters. We have approved the draft Charter amendment, ordinances and resolutions as to form and legality.

Background

The Ad Hoc Committee on City Governance Reform met over the course of several months to develop an independent redistricting system for the drawing of

Council district boundaries in the City of Los Angeles. This new system would replace the City's advisory redistricting commission with an independent commission authorized to adopt Council district boundaries every ten years without the involvement or approval of the City Council.

The Committee solicited input and testimony from redistricting experts, community organizations, and various other individuals and entities regarding the best practices for the independent drawing of legislative districts. The Committee also received several reports from the Chief Legislative Analyst framing the main elements of an independent redistricting system and specifying the potential features of an independent redistricting commission for the City.

On November 29, 2023, the City Council adopted a detailed set of directions for the establishment of an independent redistricting commission for the City of Los Angeles. The City Council requested that our Office draft a Charter amendment and prepare the election ordinance and resolutions necessary to submit the Charter amendment to the voters on the November 5, 2024 ballot.

Summary of the Proposed Charter Amendment and Administrative Code Provisions

The Charter amendment would add several new sections to the City Charter establishing an Independent Redistricting Commission ("Commission") authorized to adopt new boundaries for City Council districts every ten years. The Charter amendment also would make changes to existing provisions of the Charter consistent with the establishment and scope of authority of the new Commission.

The language of the draft Charter amendment is based on the directions adopted by the City Council and reflected in Attachment A to the CLA's report dated October 16, 2023, as amended by the City Council on November 29, 2023 (CF 22-1196-S1). We have modified some of the language from those directions to provide additional clarity, fill gaps, and track the language of similar redistricting provisions in state law. We also have placed several administrative elements of the program in the Administrative Code to provide more flexibility for the Commission and the City to adjust these provisions in the future, for example to reflect changes to parallel provisions of state law or to implement recommendations of the Commission.

We have summarized the primary provisions of the Charter amendment and Administrative Code provisions below. For ease of reference, we have attached a chart cross-referencing the categories listed in Attachment A of the CLA's report with the sections of the draft Charter amendment and draft Administrative Code provisions.

1. *Commission Establishment and Organization (Charter Sections 480 and 481)*

The Charter amendment would establish a new Commission authorized to independently adopt the boundaries of Council districts every ten years based on the redistricting criteria and process described in the Charter amendment and Administrative Code. The Commission would consist of 16 members and four alternate members, each serving a term of ten years until the time a new Commission is seated after the next decennial census. The first Commission must be selected by April 1, 2030.

2. *Commissioner Qualifications and Restrictions (Charter Section 482 and LAAC Section 2.62)*

The Charter amendment provides eligibility requirements for service on the Commission. A commissioner must be at least 18 years old, have resided in the City for at least five years, and possess collaborative skills, experience in civic engagement, and the ability to analyze complex data. A commissioner need not be a registered voter. The Charter amendment and related Administrative Code provisions also describe the types of prior activity that would disqualify a person from serving on the Commission. For example, a person would not be eligible to apply to the Commission if the person has been a City employee in the prior two years or if the person or a family member has engaged in certain political or lobbying activity. Here, and in other places, we have followed the direction of the Council to draft the language based on similar provisions in state law regarding independent redistricting commissions. (See California Elections Code § 23003(c) and (d).)

The Charter amendment also would impose post-service restrictions on commissioners, including restrictions on running for City office, working for an elected City official, acting as a registered lobbyist, or engaging in certain other activities for a period of time after service on the Commission. These draft provisions track the language used in state law. (See California Elections Code § 23003(e).) However, the language used in state law could be clarified in certain respects. For example, the restriction on serving as a future consultant to an elected City officer or candidate does not specify whether it applies to both paid and unpaid consultants. The restriction on accepting future appointment to “a City office” could be defined in more detail to mean “an elective City office” or to mean the offices listed in Charter Section 200 or 201.

3. *Commissioner Selection and Removal (Charter Section 483 and LAAC Section 2.63)*

The City Clerk and City Ethics Commission would administer the process of soliciting applications and selecting the initial members of the Commission. This process would not involve any appointments or approval by the Mayor or City Council.

The selection process would proceed in two steps. In the first step, the City Clerk would screen applicants for eligibility to create an initial pool of applicants. The City Ethics Commission would review the applicants in the pool based on the established eligibility requirements, consider input from the public, and establish a final Commission Selection Pool. Applicants in the Commission Selection Pool would be divided into eight geographic regions and the City Clerk would draw one name randomly from each of the regional groups to select the initial eight members of the Commission.

In the second step of the process, the randomly selected commissioners would review the applications remaining in the Commission Selection Pool and select eight more commissioners in a manner that balances the overall diversity of the Commission. This process is similar to the process utilized in state law for the Los Angeles County Citizens Redistricting Commission and in the Long Beach City Charter for its independent redistricting commission, and those laws served as a model in drafting this provision. (See, e.g., California Elections Code § 21532; Long Beach City Charter § 2505.)

Commissioners would be subject to removal for neglect of duty, gross misconduct, and other grounds by a two-thirds vote of the Commission after a hearing process. In addition, a commissioner may be removed immediately if charged with a felony offense or a serious crime (*i.e.*, a criminal misdemeanor related to a violation of official duties).

4. Redistricting Criteria (Charter Section 484)

The Charter amendment would require the Commission to draw district lines in compliance with the United States Constitution, California Constitution, and federal Voting Rights Act. The Commission also would be required to follow the same redistricting criteria contained in state law and applicable to other redistricting bodies. These criteria include requirements that the districts must be geographically contiguous, respect communities of interest in a manner that minimizes their division, be bound by natural barriers and streets, and be geographically compact. (See California Elections Code § 21130(c).) The Commission would be prohibited from adopting boundaries for the purpose of favoring or disfavoring an incumbent or political candidate.

The Charter amendment also would provide that the Commission should consider additional criteria, including consideration of the community and cultural association with economic and cultural landmarks and resources. The Charter amendment would not prohibit adding other criteria by ordinance. The Commission's consideration of additional criteria must be done in public and in compliance with and subordinate to the requirements contained in the Charter and applicable provisions of federal and state law.

5. *Public Meetings, Outreach and Accessibility (Charter Section 485 and LAAC Section 2.65)*

The Charter amendment would require the Commission to conduct its work in public consistent with the Brown Act. The Commission also would be required to conduct extensive outreach to encourage public participation in the redistricting process. As part of this effort, the Commission must translate meetings and materials in applicable languages and implement an accessibility plan.

The Charter amendment would prohibit members of the Commission from engaging in ex parte communications regarding redistricting. Commissioners and key Commission staff would not be allowed to communicate with individuals or organizations regarding redistricting matters outside of a public meeting. In addition, City Clerk and Ethics Commission staff would not be allowed to communicate with elected City officials, candidates or their staff regarding the process of selecting the members of the Commission.

6. *Conduct of Business, Administration, and Personnel (Charter Section 486 and LAAC Section 2.66)*

Commission actions generally would require a majority vote of the Commission. Certain actions, however, would require two-thirds approval, including the adoption of a final map, removal of a commissioner, and hiring of an executive director.

The Commission would have the authority to hire an executive director and other staff, who would be exempt from the civil service provisions of the Charter, and the authority to enter into contracts with consultants. The Commission also would have the authority to select the City Attorney as legal counsel or to request the City Attorney retain other legal counsel for the Commission, and the authority to make client decisions in redistricting litigation and settlement matters.

7. *Records and Data (LAAC Section 2.67)*

The Commission would be required to maintain audio or video recordings of all meetings, provide a free electronic mapping tool so that the public can create and submit proposed maps of districts, and establish and maintain a website providing public access to all Commission materials.

8. *Adoption of Final Redistricting Plan (Charter Section 487)*

The Commission would be required to adopt its final redistricting plan establishing new Council district boundaries no later than September 30, 2031, and every ten years after that date. If the Commission fails to adopt a redistricting plan by

that deadline, the City Attorney would be required to seek an order from the Superior Court adopting new district boundaries.

The Commission's final redistricting plan would be published by the City Clerk and subject to referendum in the same manner as a City ordinance.

The Charter amendment provides that the Commission's redistricting plan would become effective 31 days after completion of the publication period, similar to other City ordinances. In this respect, the Charter amendment differs from state law regarding the effective date of a redistricting plan. Under state law, in a provision that purports to apply to charter cities, redistricting plans do not become effective until the first election for council members following the adoption of the boundaries, and council members continue to represent the constituents residing in the district boundaries from which the member was elected for the duration of that member's term. (California Elections Code § 21626.) As a charter city, the City has home rule authority over the conduct of City elections and the terms of its elected officials and, therefore, the City can provide for an earlier effective date for redistricting plans than that contained in state law. We note this issue, however, because it is an area where the draft Charter amendment differs with a provision of state law.

9. *Commission Funding (Charter Section 488)*

The Charter amendment would require the Mayor and City Council to provide sufficient funds to meet the needs of the Commission. Commissioners would be compensated as provided by ordinance.

10. *Commission Recommendations (Charter Section 489)*

The Charter amendment would establish a process by which the Commission could recommend changes to the Charter and Administrative Code related to redistricting. The Ethics Commission would review the Commission's proposals and present recommendations to the Council. The City Council would be required to either approve or disapprove any recommended changes to the Administrative Code, similar to the process currently in the Charter regarding changes to Ethics Commission regulations. The City Council would be required to consider proposed Charter changes in time for submittal to the voters at the next election.

11. *City Data Bureau (Charter Section 490)*

The Charter amendment would establish a City Data Bureau to prepare and manage data for the Commission, as further provided by ordinance.

12. *Changes to Existing Provisions*

The Charter amendment makes several changes to existing Charter provisions consistent with the establishment of the Commission (e.g., Sections 245(d), 252(h), 272(c), 273(a), 281, 502(d), 514(b) and 702). The Charter amendment also would repeal provisions in the Charter regarding the City's current advisory redistricting commission (Sections 204(a)-(d)) and recodify other provisions regarding the impact of redistricting on existing terms of office, annexed territory, and staggered election cycles (Sections 204(e)-(g)).

Voter Approval and Election Requirements

The Charter amendment requires approval by 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 amendment is July 3, 2024.

Council Rule 38 Referral

A copy of the draft Charter amendment was 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 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 
VALERIE E. FLORES

Chief Deputy City Attorney

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Transmittal