

## RESOLUTION

Resolution providing the ballot measure text and the ballot title and question for a Charter amendment to be submitted to the qualified voters of the City of Los Angeles regarding the following subject: City governance, appointments, and elections.

**WHEREAS**, the City Council wishes to submit the Charter amendment referenced above to the qualified voters of the City of Los Angeles at a Special Election to be consolidated with the City's General Municipal Election and the State General Election held on November 5, 2024; and

**WHEREAS**, the City Attorney has prepared and presented an impartial ballot title and question for the Charter amendment as required under the City Election Code.

### **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

Section 1. The Charter amendment attached to this Resolution shall be submitted to the qualified voters of the City of Los Angeles at a Special Election consolidated with the City's General Municipal Election and the State General Election held on November 5, 2024.

Sec. 2. The vote requirement for the Charter amendment to pass is a majority of the votes cast.

Sec. 3. The impartial ballot title and question for the Charter amendment shall be as follows and shall include a letter designation as determined by the City Council in accordance with applicable City and State law:

### **CITY GOVERNANCE, APPOINTMENTS, AND ELECTIONS. CHARTER AMENDMENT \_\_\_\_.**

Shall the City Charter be amended to: require that commission appointees file financial disclosures before they can be confirmed; clarify the Controller's auditing authority regarding City contractors; expand the City Attorney's subpoena power; authorize temporary appointments to certain general manager positions; establish a process to evaluate the impacts of laws proposed by initiative petition; and make other changes and clarifications regarding City governance, appointments, and elections?

Sec. 4. The City Clerk is hereby authorized to make technical and formatting adjustments to the attached Charter amendment as needed to facilitate presentation in ballot materials.

Sec. 5. The City Clerk is hereby authorized and directed to publish a notice containing the proposed Charter amendment and specifying the date of the election for the Charter amendment. The notice shall be published once in a newspaper of general

circulation in the City of Los Angeles, and in each edition thereof during that day of publication.

Sec. 6. The City Clerk is hereby authorized and directed to publish once in a newspaper of general circulation that copies of voter information pamphlets containing the proposed Charter amendment may be obtained upon request in the City Clerk's office. The City Clerk is authorized and directed to prepare and keep in the City Clerk's office a sufficient supply of copies of the voter information pamphlets and to distribute them to persons requesting a copy. Further, the City Clerk is authorized and directed to mail copies of the voter information pamphlets to the qualified voters of the City of Los Angeles.

Sec. 7. The City Clerk shall file a duly certified copy of this Resolution forthwith with the Board of Supervisors and with the Registrar-Recorder of the County of Los Angeles.

I hereby certify that the foregoing Resolution was adopted by the Council of the City of Los Angeles at its meeting held on \_\_\_\_\_.

HOLLY L. WOLCOTT, City Clerk

By \_\_\_\_\_ Deputy

## TEXT OF THE PROPOSED BALLOT MEASURE

### CHARTER AMENDMENT \_\_\_\_\_ (CITY GOVERNANCE, APPOINTMENTS, AND ELECTIONS)

Section 1. Section 212 of the Charter of the City of Los Angeles is amended to read as follows:

No member of the Council shall, during the term for which he or she has been elected, serve in any other office, if the position is appointed by or subject to confirmation by the Council. This section shall not apply to prohibit a member of the Council from serving on the board of a joint powers authority if the member receives no compensation for the service.

Sec. 2. Section 244 of the Charter of the City of Los Angeles is amended to read as follows:

Two-thirds of the members of the Council shall constitute a quorum for the transaction of business. Nothing in the Charter shall prevent a smaller number from transacting business by a majority vote of members present to the extent necessary to fill vacancies in the membership of the Council in the manner provided in Article IV, where no quorum can be assembled except by filling the vacancies. Except as otherwise provided in the Charter, action by the Council shall be taken by a majority vote of the entire membership of the Council; provided, however, that if a majority of the entire membership of the Council votes against a proposed action requiring approval or disapproval, that vote shall constitute Council's disapproval without requiring a separate vote to disapprove. Whenever in the Charter a certain proportion of the Council is required for the performance of any act, it shall mean that proportion of the entire membership of the Council.

Sec. 3. Subsection (e) of Section 261 of the Charter of the City of Los Angeles, regarding the powers and duties of the Controller, is amended to read as follows:

(e) in compliance with generally accepted government auditing standards, audit all departments and offices of the City, including proprietary departments, where any City funds are either received or expended; be entitled to obtain access to all department records and personnel, including from City contractors and subcontractors that are either expending or receiving City funds, in order to carry out this function; establish an auditing cycle to ensure that the performance, programs and activities of every department are audited on a regular basis, and promptly provide completed audit reports to the Mayor, Council, and City Attorney and make those reports available to the public;

Sec. 4. A new Subsection (f) is added to Section 271 of the Charter of the City of Los Angeles, regarding the powers and duties of the City Attorney, to read as follows:

(f) Notwithstanding any other provision of the Charter, in the course of investigating any violations of state or local law that the City Attorney has authority to enforce, the City Attorney shall have the power to subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence, require the production of any books, papers, records or other items, and require responses to written interrogatories relevant to the investigation, except that the powers granted by this subsection shall not include the power to investigate City offices, departments, officers, or employees or to compel the production of documents or testimony from City offices, departments, officers, or employees. The Chief of Police, or other officer designated by ordinance, shall cause all such subpoenas or other written orders to be served. The Council shall prescribe by ordinance suitable penalties for disobedience of subpoenas, and the refusal of witnesses to testify, produce evidence, or respond to written interrogatories.

Sec. 5. Section 401 of the Charter of the City of Los Angeles is amended to read as follows:

~~(a) Until the year 2020, for City offices and elections of the Board of Education, primary nominating elections shall be held on the first Tuesday after the first Monday in March in every odd-numbered year, and general municipal elections shall be held on the third Tuesday in May in every odd-numbered year, except that no such elections will be held in the year 2019 in order to transition to new election dates as provided in subsection (b).~~

~~(b) Beginning in the year 2020, for~~ For City offices and elections of the Board of Education, primary nominating elections shall be held on the first Tuesday after the first Monday in March in every even-numbered year, and general municipal elections shall be held on the first Tuesday after the first Monday in November of every even-numbered year. The Council may, by ordinance, specify different dates for the primary nominating and general municipal elections so that they may be held on the same dates as the statewide primary and general elections.

Sec. 6. Subsection (b) of Section 451 of the Charter of the City of Los Angeles, regarding initiative petitions, is amended to read as follows:

(b) All names signed to a petition must have been secured not more than 120 days prior to the date of filing. Any signature affixed outside of this time period shall not be counted in determining the sufficiency of the petition. To qualify for presentation to the Council, an initiative petition shall be signed by registered voters of the City in a number equal to 15% of the total number of votes cast for all candidates for the office of Mayor at the last general municipal election, or primary nominating election, at which a Mayor was elected prior to the date the City Clerk approves the petition for circulation

~~filing of the petition.~~ In order to be accepted for filing with the City Clerk, the petition must on its face purport to have the requisite number of signatures appended to it.

Sec. 7. Subsection (b) of Section 452 of the Charter of the City of Los Angeles, regarding initiative petitions, is amended to read as follows:

(b) When an initiative petition requesting the adoption by the Council of a proposed ordinance is presented to the Council by the City Clerk, the Council must take one of the following actions within 20 days after the presentation, unless the petition is withdrawn by the proponents:

(1) adopt the proposed ordinance, without alteration;

~~(2) call a special election to be held not earlier than 110 days nor more than 140 days after Council action on the petition to submit the proposed ordinance, without alteration, to a vote of the electors of the City; or~~

~~(2)(3) determine to submit the proposed ordinance, without alteration, to a vote of the electors of the City at either a special election, the next regular City election, or the next Statewide election, to be held more than 110 days from the date of Council action on the petition or the next Statewide election conducted by the County of Los Angeles to be held more than 110 days from the date of Council action on the petition; or~~

(3) refer the proposed ordinance to a department or office for a report on its fiscal and other impacts on the City, provided however that the Council must take one of the actions described in Subdivisions (1) or (2) of this subsection within 30 days after referring the proposed ordinance for a report.

Sec. 8. Section 462 of the Charter of the City of Los Angeles, regarding referendum petitions, is amended to read as follows:

(a) The proponents of a referendum petition may withdraw the petition in accordance with the procedures of the City Election Code.

(b) When a referendary petition is presented to the City Council by the City Clerk, the Council must take one of the following actions within 20 days of the presentation, unless the petition is withdrawn by the proponents:

~~(1)(a)~~ repeal the ordinance;

~~(b) call a special election to be held not earlier than 110 days nor more than 140 days after action by the Council on the petition to submit the ordinance to a referendary vote; or~~

(2)(e) determine to submit the ordinance to a vote of the qualified electors of the City for approval or rejection at either a special election, the next regular City election, or the next Statewide election, to be held more than 110 days from the date of certification of the petition or the next Statewide election conducted by the County of Los Angeles to be held more than 110 days from the date of certification of the petition; or

(3) refer the ordinance to a department or office for a report on its fiscal and other impacts on the City, provided however that the Council must take one of the actions described in Subdivisions (1) or (2) of this subsection within 30 days after referring the proposed ordinance for a report.

Sec. 9. A new Subsection (e) is added to Section 502 of the Charter of the City of Los Angeles, regarding appointment of commissioners, is amended to read as follows:

(e) **Financial Disclosures.** Council shall not approve an appointee before the appointee's financial disclosure statements have been filed with the Ethics Commission and submitted to the Council. Notwithstanding Subsections (a) and (b), an appointee shall be deemed disapproved if the appointee's financial disclosure statements have not been filed with the Ethics Commission and submitted to the Council within 45 days after the submission of the appointment to the Council.

Sec. 10. Section 650 of the Charter of the City of Los Angeles is amended to read as follows:

The Board of Harbor Commissioners shall consist of five members appointed and removed as provided in Section 502. The board shall include at least one member who resides within San Pedro and one member who resides within Wilmington, the area surrounding the Harbor District, as that area is as those areas are defined by ordinance.

Sec. 11. Subsection (b) of Section 683 of the Charter of the City of Los Angeles, regarding the executive director of the Office of Public Accountability, is amended to read as follows:

(b) The OPA shall be headed by an Executive Director, who shall be exempt from civil service. The Executive Director shall be appointed by a citizens committee to a five-year term, subject in appointment to confirmation by the Council and Mayor. The Council shall by ordinance provide for the removal of the Executive Director in a procedure similar to that set forth in City Charter Section 575(e), and only for the reasons provided by ordinance. The Council by ordinance shall prescribe the composition and manner of selection of the citizens committee.

The citizens committee shall fill any vacancy in the position of the Executive Director by appointment, subject to confirmation by the Council and Mayor. The Mayor may appoint a temporary Executive Director to serve until the vacancy is filled, subject

to confirmation by the Council, provided however that no temporary Executive Director shall serve for longer than six months without the approval of the citizens committee.

Sec. 12. A new Subsection (d) is added to Section 1108 of the Charter of the City of Los Angeles, regarding the general managers of pension and retirement systems, to read as follows:

(d) **Temporary Appointments.** If a vacancy arises in the position of general manager, until the vacancy is filled, the board may appoint a temporary general manager for six months, which period may be extended with the consent of the Mayor and Council for an additional six months.

Sec. 13. If any section, clause, sentence, phrase, or portion of this Charter amendment is held unconstitutional or invalid by any court or tribunal of competent jurisdiction, the remaining sections, clauses, sentences, phrases, or portions of this article shall remain in full force and effect, and to this end the provisions of this article are severable. In addition, the voters declare that they would have passed all sections, clauses, sentences, phrases, or portions of this Charter amendment without the section, clause, sentence, phrase or portion held unconstitutional or invalid.

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