

Communication from Public

Name: Clara Solis

Date Submitted: 04/18/2024 07:53 AM

Council File No: 23-1027

Comments for Public Posting: Item #4 Ethics Charter Reform Must go through a public process including a minimum established budget with increases for inflation. 6.5 million is not enough. The Charter Reform Commission must have the ability to place measures on the ballot. The Charter Reform Commission members should be chosen in a manner similar to the Independent Redistricting Commission. The members should not be chosen primarily by two individuals. I am opposed to the Mayor and City Council president appointing 4 members each. This gives the Mayor and City Council president too much influence over the Commission.

Communication from Public

Name: Coalition Letter re: Ethics

Date Submitted: 04/17/2024 08:03 PM

Council File No: 23-1027

Comments for Public Posting: Letter re: need to place Ethics Charter Reforms on 2024 ballot.

November 30th, 2023

RE: Gov. Reform Committee Agenda Item # 1 & The Need for Comprehensive Ethics Charter Reforms - Council Files 23-1010 & 22-1232

Dear Honorable Councilmembers:

We, the undersigned organizations, write to urge the committee to schedule Council File 22-1232.¹ In the wake of last fall's scandal, Councilmembers Koretz, Krekorian, O'Farrell, Raman, Harris-Dawson, Hutt, & Rodriguez introduced the motion, seeking comprehensive ethics charter reforms necessary to strengthen the power and independence of the Ethics Commission. The item has subsequently gone unheard for 13 months.

We appreciate the committee scheduling Council File 23-1010,² a motion which seeks to establish an independent budget process for the Ethics Commission. However, this motion should serve to supplement, and not to replace, the comprehensive motion contained in Council File 22-1232.

Council must act on this motion with urgency if it is going to have sufficient time to navigate outstanding issues that were left unresolved in the original proposal before the June deadline to place measures on the November 2024 ballot. Other reforms, not touched upon in the motion, also need to be considered, like ensuring greater independence in the appointment process. Those concerns have been echoed by a number of the 13 Neighborhood Council's who have submitted CIS statements, and the LA Times Editorial Board.³

Now is the time for meaningful changes to the way City Hall works. A protected budget alone will do little to meet the moment or restore trust in City Hall. The other reforms being advanced on redistricting and council size are important, but full implementation of those measures is unlikely to happen until 2032. LA residents rose up last year demanding *immediate* change, and we ask this council to deliver comprehensive charter ethics reforms to the 2024 ballot. We look forward to hearing the committee's discussion of these items.

Sincerely,

California Clean Money Campaign

Green Party of Los Angeles County

Ground Game LA

League of Women Voters of Greater Los Angeles

Los Angeles for Democracy Vouchers

Represent Los Angeles

Unrig LA

West Valley People's Alliance

¹ Council File 22-1232:

<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=22-1232>

² Council File 23-01010:

<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=23-1010>

³ September 2023 LA Times Editorial: A nominee to L.A. Ethics Commission raises, well, ethical questions

<https://www.latimes.com/opinion/story/2023-09-19/editorial-l-a-s-ethics-commission-needs-an-overhaul>

Communication from Public

Name: Coalition Letter
Date Submitted: 04/17/2024 11:56 AM
Council File No: 23-1027
Comments for Public Posting: Attached Letter From: Fair Rep LA Green Party of Los Angeles
County Ground Game LA League of Women Voters of Greater
Los Angeles Los Angeles for Democracy Vouchers MOVI,
Money Out Voters In North Westwood Neighborhood Council
Represent Us Los Angeles Reseda Neighborhood Council The
River Project Unrig LA

RE: Charter Reform Commission Creation - CF 23-1027
April 17th Coalition Letter

Dear Honorable City Councilmembers,

We, the undersigned organizations, write to offer recommendations for a more independent charter reform process capable of delivering meaningful reforms to voters in 2026. We appreciate the work of the Ad Hoc Committee on Governance Reform (Ad Hoc Committee) to advance an Independent Redistricting Commission (IRC) to the November 2024 ballot. The time has come for the Ad Hoc Committee to move forward on creating a Charter Reform Commission (Commission) to undertake the first comprehensive review of our City Charter in a quarter century. If we are to create a new City Charter that is more representative of all Angelenos, we will need a Charter reform process that engages them as much as possible. Our recommendations are the following:

1. Prioritize independent selection methods for Commissioners:

Avoid the perception of bias by: a.) allowing no single elected official to appoint more than two members of the Commission, and b.) selecting a majority of Commissioners through an independent selection process.

A proposal discussed at the January 25th meeting of the Ad Hoc Committee suggested that the Charter Reform Commission would include four Commissioners appointed by the Mayor and another four by the Council President. Structuring the Commission this way could give the appearance that a majority of the members are beholden to two of the most prominent members of City government.

When public trust in the reform process depends on the empowerment of a wider set of voices, it becomes vital to avoid the perception that the Commission is dominated by a small group of political insiders. We recommend that no single elected official should be able to select more than two of the Commissioners. We also recommend selecting the majority of Commissioners using a process similar to the one used to select members of the IRC. This would meet the need for City government input while enhancing the trustworthiness of the Commission itself.

2. Create clear community engagement standards:

Broaden public participation by directing the Commission to meet the same community engagement standards as the IRC (extended notice requirements, remote public comment, Spanish translation services, language justice plan, etc.).

The Commission’s work must reflect the needs and interests of *all* city residents. This requires a comprehensive set of community engagement standards designed to make the Commission’s activities more accessible, inclusive, and transparent for all members of the public. These standards should include, but are not limited to: extended notice requirements, options for remote public comment at all meetings, Spanish interpretation services at all meetings, and a comprehensive language justice plan¹ that provides language accessibility options and multilingual interpretation services. Enacting these standards will not only improve public engagement, but will make the Commission’s recommendations more representative of our diverse city.

3. Require disclosure of *ex parte* (off-the-record) communications:

Promote transparency and trust by mandating Commissioners disclose *ex parte* communications with elected officials and their staff.

Commissioners should be required to disclose *ex parte* communications with elected officials and their staff. This will foster an environment of transparency and trust. We recommend mandating a straightforward disclosure process. This will hold Commissioners accountable, while reassuring the public that their decisions are based on independent analysis and public interest versus behind-the-scenes influence.

4. Mandate fair Commissioner removal procedures:

Safeguard the Commission’s integrity by ensuring Commissioners cannot be removed by a single elected official, or without just cause.

We recognize that removal procedures are necessary to protect the ethics of the Commission. However, the Commission must also operate without the possibility of arbitrary or unwarranted intervention. Removing Commissioners must require clear and justifiable cause, and involve more than the decision of a single elected official. Such measures will protect City government and the Commission from the perception of retaliation if a Commissioner is removed. Commissioners will be able to fulfill their duties without the undue threat of removal or other political interests.

5. Enhance the effectiveness of the Commission:

Allow the Commission to place measures directly on the ballot with the support of a supermajority of the Commissioners.

Commissioners and City Councilmembers should be able to focus their reform work on a diverse set of impactful issues. The Commission should have the authority to, if necessary, place a measure on the ballot without Council approval, so long as it receives the support of a

¹ As adopted by City Council on November 8, 2023 (see: [Council File 23-0755](#)).

supermajority (3/4ths)² of the commission. This would guarantee our elected officials and Commission collaborate with each other in good faith to arrive at consensus. Allowing the Commission to place items directly on the ballot will enhance public trust in the effectiveness and reliability of the reform process.

As displayed during our last redistricting process, an advisory commission's work can be gutted or completely ignored by the Council. Empowering the Commission in this way sends a clear signal that reform *will* be headed to the ballot. With a near guarantee that at least some reform will reach the ballot, the public, press, and city officials will be encouraged to engage with the Commission early and often. This creates a more reliable path to meaningful reforms on the November 2026 ballot.

6. Put Commission recommendations on the November 2026 ballot:
Maximize the legitimacy of the reform process by setting the vote on Commission recommendations to engage as much of the public as possible.

To assure the broadest possible engagement and an authentic reflection of the community, it is essential that the Commission's recommendations are presented to the electorate at a time that historically sees higher voter turnout. We encourage the Commission's pivotal recommendations to be placed on the November 2026 General Election ballot, rather than the June 2026 Primary Election. It is proven that general elections attract greater public interest and media attention than do midterms. November 2026 is a prime opportunity to increase awareness and engagement with the Commission's recommendations. By aligning the presentation of these recommendations with a time of heightened civic participation, we can ensure greater scrutiny, discussion, and informed voting on these vital issues.

Thank you for your careful consideration.

Sincerely,

Fair Rep LA
Green Party of Los Angeles County
Ground Game LA
League of Women Voters of Greater Los Angeles
Los Angeles for Democracy Vouchers
MOVI, Money Out Voters In
North Westwood Neighborhood Council
Represent Us Los Angeles

² Portland's Periodic Charter Review Commission has the authority to place a measure directly on the ballot if it receives the support of 15 out of their 20 commissioners: <https://www.portland.gov/charter/13/3>

Reseda Neighborhood Council
The River Project
Unrig LA

Communication from Public

Name: Sean McMorris
Date Submitted: 04/17/2024 04:45 PM
Council File No: 23-1027
Comments for Public Posting: Please California Common Cause's attached comments for Council regarding Ethics Commission charter reforms.

April 17, 2024

Ad Hoc Committee on City Governance
200 North Spring Street
City Hall, Room 340
Los Angeles, California 90012



Re: Ethics Commission Charter Reform

Dear Council President and Councilmembers:

California Common Cause is pleased to see Ethics Commission reforms before the Ad Hoc Committee on City Governance. We believe that Council President Krekorian's proposed charter reforms¹ are an excellent start. LA City Council has needed strengthening of its ethics, conflict of interest, and lobbying rules for several decades, and a stronger Ethics Commission is a step in that direction. While we are generally supportive, we request the following amendments to Council President Krekorian's proposal.

Secured Ethics Commission Budget

Guaranteed Budget that Adjusts Appropriately: We request Section 1(a)(i) of Council President Krekorian's proposal to update Charter sections 702(k) and 711 be amended to ensure that the L.A. City Ethics Commission's (hereafter "Commission") minimum secured budget increases with new Commission mandates or duties. We also request that the minimum secured budget account for salary increases and changes to collective bargaining agreements. A baseline minimum is positive, but one that does not adjust to new duties, salary increases, or collective bargaining agreements will inevitably underfund future Commissions.

City Revenue vs. CPI: We would like clarification on why adjusting the Commission's minimum annual budget by City revenue is a better alternative than adjusting it to the Consumer Price Index.

Commission Authority to Place Policies on the Ballot

In addition to a guaranteed minimum budget, Commission authority to place reforms directly on the ballot is the best way to ensure Commission independence and fluid ethics laws that adapt to deficiencies. For this reason, California Common Cause is very supportive of Commission authority to place measures directly on the ballot, but the Commission must be granted

¹ Paul Krekorian, L.A. City Council President. 2024. "Re: Ethics Commission Reform Recommendations 23-1027." April 12, 2024. <https://lacity.primegov.com/Portal/viewer?id=0&type=7&uid=521b14d8-514d-4abb-b0f6-9e0560bf196b>.

meaningful, independent authority. To that end, California Common Cause urges multiple amendments to Council President Krekorian's proposed language.

Commission and Council Dual Consent and Council Inaction: We request that Section 1(b) of Council President Krekorian's proposal to update Charter section 703 be amended in two ways. 1) To require dual consent from the Council *and* the Commission for amendments made to proposed Commission policies, instead of the current proposal to grant the Council unimpeded authority to amend Commission policy proposals. And 2) to clarify that if the Council or Mayor do not act on proposed Commission policies within 120 days, then those policies will become law.

Parameters for Commission Ballot Placement: We request that Section 1(c) of Council President Krekorian's proposal to update Charter section 703 be amended in two ways. 1) To clarify that "policy" includes proposed ordinances, and 2) to clarify that "disapproved" policies, for the purpose of the Commission placing policies/ordinances on the ballot, includes policy clauses that were removed or significantly altered from Commission proposals without Commission consent.

These amendments ensure that this important reform functions as intended by establishing Commission independence and greater City Council accountability. If these amendments are not included, then the door is open for bad-faith engagement and politically strategic Council amendments that would prevent the Commission from placing ordinances directly before voters. For example, as worded now, Section 1(b-c) of the proposal creates the possibility that a gutting of the Commission's proposed policies/ordinance, via Council amendments, prevents the Commission from placing the removed or disagreeably amended policies directly before the voters — because the Council did not technically "disapprove" the Commission's package of reforms, but instead *amended* them, possibly to irrelevance. Such a loophole defeats the purpose of this crucial check on the elected officials who are policed by the Commission.

Commission Due Process and Adjudication

Imposed Enforcement Costs: In order to provide the Commission with guiding parameters when imposing enforcement costs on violators, we recommend defining "egregious cases" in Section 1(f) of Council President Krekorian's proposal to update Charter section 706(c)(4). For example, it could include violations that were willful, involved significant funds or deception, as well as violators who were uncooperative and significantly delayed the adjudicative process.

Independent Outside Counsel: In Section 1(g) of Council President Krekorian's proposal to update Charter section 708, we recommend defining the "limited circumstances" in which the Commission may hire outside counsel. For example, when a conflict of interest — real or perceived — arises. This is particularly relevant when the City Attorney's office is advising both the Commission and government officials under investigation by the Commission. We recommend granting the Commission significant discretion on when outside counsel is

employed. We believe such an amendment will increase fairness and independence of the Commission's quasi-judicial authority.

Commissioner Criteria

Commissioner Removal: We urge that Section 1(i) of Council President Krekorian's proposal to update Charter section 700(e) require just cause for commissioner removal by Council, as well as a confirming super-majority vote of the Council. This will help ensure that commissioners are not removed for political reasons.

Commission Functionality

Commission Vacancies: We request that Section 1(m) of Council President Krekorian's proposal to update Charter section 700(f) be amended to stipulate that if a commission vacancy remains unfilled for 120 days, then the Commission shall fill the vacancy in the same manner that an expanded Commission would appoint non-political appointees to the Commission. This will ensure that vacancies are filled in a timely manner and that the Commission can consistently function with a quorum.

Non-political Appointees: We request multiple amendments to Section 1(p) of Council President Krekorian's proposal to update Charter section 700(a).

First, to ensure Commission independence during the proposed application-based commission-driven appointment process, we recommend an ex parte communications ban on communications between sitting commissioners and elected City officials during the Commission's application vetting and appointment process. Elected officials, like members of the public, would still be free to voice their opinions publicly.

Second, *all* commissioners on an expanded Commission, including Commission-appointed commissioners, should be able to vet applications and vote on vacancies for Commission-appointed seats, as opposed to the current proposal that only allows politically appointed Commissioners to seat those commissioners. This is a matter of basic fairness, avoids power imbalances between commissioners, and increases Commission independence.

Ultimately, these amendments will help ensure Commission independence in what is meant to be a non-political appointment process.

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In closing, we hope that this Committee and the City Council will work to place meaningful Ethics Commission charter reforms on this year's ballot, which will go a long way in addressing trust and accountability at City Hall. These reforms, if amended as we recommend, can increase the independence of the Ethics Commission, secure adequate funding for the Commission's mission of ensuring integrity in city government, guarantee that Commission recommendations

receive timely consideration, and give the Ethics Commission the authority to take much-needed future reforms directly to the voters. Ultimately, these reforms build the infrastructure needed to have a fully functioning watchdog for LA city politics, a critical need.

We look forward to engaging with the City Council on this matter to ensure that meaningful Ethics Commission reforms are on the November 2024 ballot.

Sincerely,
Sean McMorris
Transparency, Ethics & Accountability Program Manager
California Common Cause
smcmorris@commoncause.org

Communication from Public

Name: Mike Feinstein
Date Submitted: 04/17/2024 05:17 PM
Council File No: 23-1027
Comments for Public Posting: The first Charter Reform Commission should be based upon a Civic Assembly model and focus specifically on (i) city council enlargement, (ii) the kind of electoral system used, including whether to switch to multi-seat districts elected by proportional ranked choice voting and (iii) what kind of powers would be appropriate for city council members under such new conditions. See this opinion piece for more <https://www.dailynews.com/2024/04/17/time-for-a-civic-assembly-for-los-angeles-charter-reform/> Opinion: Time for a Civic Assembly for Los Angeles charter reform By Michael Feinstein. Los Angeles Daily News. April 17, 2024