

Communication from Public

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To: LA City Council Governance Reform Committee
From: Unrig LA
Date: January 25th, 2024
Re: CF 23-0188 & 23-1027

GOV REFORM: INSPECTOR GENERAL & CHARTER COMMISSION

Oppose Item #1

Planning IG: *An IG devoted to planning issues is unlikely to provide a meaningful impact, and we would be better off spending that time, effort, and money on enhancing the Ethics Commission. Creating a citywide IG (that encompasses the LAPD IG & LADWP IG) could have value but this should be considered in a comprehensive manner by a charter commission, and not on an ad hoc basis.*

The Ethics Commission's initial report offers important guidance for the committee. A potential Planning IG is not being created in a vacuum. We already have two other IGs which command significant budgets and have produced questionable results. The LAPD's IG alone has a budget nearly twice that of the City Ethics Commission. A Planning IG would need to have a staff with the experience and footprint necessary to cover multiple departments related to land use issues. Creating a centralized IG would appear to be the best route, however existing IGs *must* be reevaluated within the context of our full charter.

Our city needs to reform its land use policies, but we would be far better off focusing on actual changes to zoning, council's authority to rewrite planning decisions, and the way planning items make their way through council. A stand alone IG covering land use issues would not be an efficient use of money, and those resources would be better spent on the Ethics Commission.

Support Item #2 (If Amended)

Charter Commission: *This item should be held in committee for further deliberation in order to ensure the Charter Commission has the independence necessary to deliver real change. A majority of commissioners should be chosen in a manner similar to the proposed redistricting commission, and the commission must have the authority to put a measure directly on the ballot.*

This committee's efforts to reform our government have, thus far, produced little tangible change and left many wondering "Are L.A. leaders trying to sabotage City Hall reform?"¹ The last redistricting cycle made it very clear that an advisory commission composed fully of political appointees is in no way capable of delivering fair representation. Angelenos will have little

¹ December 4th 2023 LA Times Board Editorial:

<https://www.latimes.com/opinion/story/2023-12-04/editorial-are-l-a-leaders-trying-to-sabotage-city-hall-reform>

reason to participate in the commission's process or trust the ultimate work product if the commission lacks any meaningful independence or power. Redistricting and charter reform are distinct endeavors, and a charter commission *should* work with city leaders in a more collaborative fashion. That being said, efforts must be taken to ensure the commission has meaningful leverage to deliver its proposals to the ballot, and that its membership offers a diverse mixture of voices for *both* the public and our elected officials.

1. Appointment & Removal of Commissioners

The Commission should be a manageable size, and no larger than 15 members. A hybrid approach that offers a mix of appointment methods would offer the right balance in composition. Removal of commissioners should only be allowed with cause.

- *Commission Appointment:* The make up of the commission should include a limited number of direct appointments, all elected officials should have an opportunity to advance a potential commissioner, and a majority of the commission should be chosen in a manner similar to the proposed Independent Redistricting Commission.
 - Potential Process for Selecting 15 Member Commission:
 - 8 Open Applicants: The process could begin with the open solicitation of applications, screening by the Ethics Commission, and a random drawing to select the first 8 commissioners.
 - 4 Indirect Nominations: The 15 elected officials who lack direct appointments should be able to nominate applicants to a separate pool from which the first 8 commissioners would choose the next 4 commissioners from the 15 nominations. This process would incentivize the nomination of independent and well qualified applicants.
 - 3 Direct Appointments: The Mayor, Council President, and Council President Pro Tempore should each be allowed to directly appoint 1 commissioner.
- *Commissioner Removal:* There must be a formal process for commissioner removal to guard against interference. Removal should only be permitted with cause.

2. Independence of Operations

- *Staffing:* The Charter Commission will need to work extensively with the CLA, City Attorney, and other city departments, but it must have an adequate budget and the authority to independently hire its primary staff members.
- *Ex-Parte Communications:* Banning ex-parte communications could make for an unnecessarily cumbersome process and undermine collaboration with the commission. However, some level of transparency is warranted. At a minimum, commissioners should be required to disclose ex parte communications with elected officials and their staff.²

² The 2021 LACCRC offers a model, although greater specificity in disclosures needs to be required by the law. Some LACCRC members offered meaningful detail, while others simply reported "I gave the councilmember an update on the process," with nothing relating to the contents of their conversation.

- *Community Engagement:* The Charter Commission should be given clear direction on how to utilize and work with community based organizations, conduct outreach, ensure language justice, and offer enhanced accessibility via remote participation options.

3. Commission Authority to Place Measures on Ballot

The Charter Commission must be given the authority to, if necessary, place a measure directly on the ballot. This authority, secured via the elected charter commission, was a driving force behind the charter reforms advanced to the ballot in 1999. The City of Portland's Charter Review Commission is empowered to place measures directly on the ballot if they are passed with the support of $\frac{3}{4}$ commissioners.³ In both Los Angeles and Portland, this power has forced legislative bodies to negotiate in good faith, and allowed commissions to work with them collaboratively to advance meaningful reforms. In the potential process proposed above, a 15 member commission could potentially place a measure on the ballot if it had the support of at least 12 out of 15 commissioners.

This issue of authority was a major faultline in 90s charter reform. Proponents of an elected commission were willing to support an appointed one, but only if it was granted the power to place a measure on the ballot. The City Attorney originally said that couldn't be done, and then later reversed their opinion. Nevertheless, it would be best to avoid potential litigation and create this power via our charter, as the state constitution allows.

OPTIONS FOR AN INDEPENDENT CHARTER COMMISSION

Charter Reform Option 1: Permanent Governance Reform Commission

We need a better process for governance reform. Neither of the options offered at this time are sufficient. In an ideal world, we'd amend our charter to create a permanent governance reform commission that is given the authority, no more than once every five years, to place a charter measure directly on the ballot. The council could place a measure on the November 2024 ballot to create this commission. This would delay the process, but a charter study group could be created now to ensure that the commission can hit the ground running when it is approved.

Charter Reform Option 2: Strengthen Authority of Commission After Creation

Creating a permanent governance reform commission would likely be best considered through the deliberative process of a charter commission. An alternative could be to create a standard charter commission at this time, and place a straightforward measure on the November 2024 ballot that empowers that commission to advance its recommendations directly on a future ballot.

Lastly, as this committee discusses what reforms the commission should consider, we would like to reiterate that Charter Ethics Reforms and council expansion should not be punted to the commission. This Committee has an obligation to deliver meaningful reforms now, and it should continue the work necessary to place these measures on the November 2024 ballot.

³ Portland Charter Section 13-302 Submission to Voters: <https://www.portland.gov/charter/13/3>