

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: January 19, 2024

TO: Honorable Paul Krekorian, Chair
Honorable Nithya Raman
Honorable Marquise Harris-Dawson
Honorable Tim McOskar
Honorable Heather Hutt
Honorable Eunisses Hernandez
Honorable Traci Park
Ad Hoc Committee on City Governance Reform

FROM: Board of Public Works

SUBJECT: Report for Recommendations on Changes to the City Charter

On November 30, 2023, the City Council's Ad Hoc Committee on City Governance Reform approved a Motion (Krekorian – Harris-Dawson – McOskar) requesting the Board of Public Works provide recommendations for Charter reform (C.F.23-1027).

In response to Council File 23-1027, the Board of Public Works provides the following recommendations, which have been categorized into two sections: **Hiring/Examination** and **Contracting**.

Hiring/Examinations:

Increase Management Scientific, Professional Automatic Exemptions

The Board of Public Works proposes to increase the number of automatic position exemptions for Assistant General Manager level positions from the current two (2) per department to either a higher number in the range of five (5), or set the number on a sliding scale based upon the number of employees. The City's current practice is to use civil service exemptions for Assistant General Manager positions so it would be appropriate to have the charter reflect that. Not having to request exemption approvals would also speed the process of filling positions. The Board also proposes to increase grant funded position exemptions up to the term of each grant rather than two (2) years.

Revise the Rule of Three Whole Scores

- Increase certification deadline from 60 days to 90 days or eliminate deadline, to allow departments to be able to backfill as needed.

- Increase candidate pool from at least 5 eligibles to up to 10 eligibles.
- If the 5+1 and 3 whole scores rule does not produce a suitable candidate selection, allow Departments to pursue additional candidates above and beyond 5+1 and 3 whole scores without having to close out the certification.

Examinations

- Make some exams continuous and/or on demand when vacancy has occurred (for ubiquitous positions, such as: Management Analyst, Tree Surgeon/Tree Surgeon Supervisor, and Environmental Specialist).
- Eliminate exams where proof of experience can be verified i.e work experience (years), certificates, licenses or classes completed.
- Conduct performance-based testing (as opposed to written exams) for classifications that perform field services.
- Create an incentive/pathway for exempt staff including Council staff to enter the civil service pool (above and beyond entry-level positions), and be based on years of experience and/or area of expertise or equivalent level of experience.

Contracting:

Construction contracts: Amend Charter Section 371(b) to allow for alternative delivery methods and modernize the City's capital project programs

Allow the use of alternative delivery construction methods using lowest ultimate cost (as opposed to low bid) without Council action. Alternative delivery is becoming more common and lowest ultimate cost allows us to consider the value of local outreach efforts and such, as opposed to low bid where we have to take the low bidder regardless of other factors.

Contracting authority: Amend Charter Section 373 and associated LAAC provisions to delegate authority to General Managers for certain categories, such as procurement of specialized equipment and highly technical services, subject to threshold limits and reporting requirements

This would allow for faster procurement, cost savings, and improved deployment of limited staff resources. This process has already been successfully implemented by the proprietary departments (C.F.16-0093-S1).

Adding a Small Business Preference to the Charter, with language that places restrictions on its use just as Local is restricted to State, County, or City

- A Small Business Preference should be added to the Charter, with language that places restrictions on its use just as Local is restricted to State, County, or City.
- In addition to a Local preference, a Local Small Business preference may be applied. Under this term, there would be less concern over the size of the Small Business because a "Small Business" from out of county or state would not qualify.
- Allow for the use of mandatory small business participation percentages in large scale contracts.

These recommendations would modernize the City Charter and allow for more efficient use of resources, while also addressing some of the current challenges the Department of Public Works faces.

Additional recommendation for consideration:

Contracting Ordinance increasing BPW Approval Award threshold

Charter section 373 does not define what are "long term contracts" for which Council approval is required, but refers to the length of time as determined by Council in ordinance. A change to the default three years would be enacted by ordinance not Charter change. The Board of Public Works therefore requests to draft an ordinance to increase the Contract award and approval authority for the Board of Public Works for terms of up to five (5) years.