

HOLLY L. WOLCOTT
CITY CLERK

City of Los Angeles CALIFORNIA

OFFICE OF THE
CITY CLERK

Executive Office
200 N. Spring Street, Room 360
Los Angeles, CA 90012
(213) 978-1020
FAX: (213) 978-1027

PETTY F. SANTOS
EXECUTIVE OFFICER



KAREN BASS
MAYOR

clerk.lacity.gov

February 22, 2024

Honorable Members of the
Ad Hoc Committee on City Governance Reform
Office of the City Clerk
Room 395, City Hall
Los Angeles, CA 90012

SUBJECT: OFFICE OF THE CITY CLERK – CHARTER REFORM RECOMMENDATIONS

Honorable Members:

On December 12, 2023, The Los Angeles City Council (Council) adopted the Ad Hoc Committee on City Governance Reform's (Committee's) amended report on best practices for future Charter Reform processes, options to create a commission to evaluate and provide recommendations on Charter reform for future ballots and related matters.

In accordance with the Committee's request, the Office of the City Clerk (City Clerk) respectfully recommends the following changes to the City Charter.

RECOMMENDATIONS

Article II - Officers of the City

The City Clerk must carry out a variety of tasks associated with officers of the City. In order to responsibly carry out these tasks, the following Charter sections will require clarification and/or amendment:

Article II, Section 207(e)

"the incumbent of an elected office, or the Chief of Police has ceased to discharge the duties of the office for 90 consecutive days, except when prevented by illness, injury, or other reasonable cause; or"

Under Article II, Section 208(b), the City Clerk is tasked with investigating and determining if all conditions set forth in Section 207 have been met before initiating legal action to declare a seat vacant. However, Section 207(e) does not expressly define what the duties of a Council Member are to discharge in the event of a vacancy. If the City Clerk is required to enact this provision and produce findings to justify declaring the seat vacant, it will be necessary to clarify or amend this subsection to provide clearer guidance on how to execute it.

Article II, Section 211

"Pending trial, the Council may suspend any elected officer, and the appointing power may suspend any appointed officer, against whom felony criminal proceedings, or criminal misdemeanor proceedings related to a violation of official duties as described in Section 207(c). The temporary vacancy shall be filled in accordance with the Charter."

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This provision does not state whether the suspension of an elected officer is to be paid or unpaid. A clarification or amendment to this provision will be necessary in order to properly execute it.

Article III - Finance, Budget, and Contracts

The City Charter states that the City Clerk serves as the custodian for City contracts [see Article II, Section 281(a)]. As this custodian, the City Clerk attests over 2,100 contracts annually, providing the legal acknowledgement of authenticity of the document and that the proper processes for contracting with the City were followed. Part of the attestation process includes affixing the City Seal onto the contract packet and assigning an official contract number.

However, this attestation process, as a specific act, is not explicitly defined as a City Clerk duty (Article II, Section 281) or a requirement for contracting under Article III, Section 370 of the City Charter or Division 10 of the City Administrative Code (see Section 10.2 - Formalities - Approval). In order to clear up the duties and responsibilities of not only the City Clerk, but of all City departments that must adhere to the contracting provisions in the Charter and Administrative Code, the Committee may want to consider adding clarifying language to the aforementioned Charter and/or Code sections.

Article IV - Elections

On January 22, 2024, the Office of the Los Angeles City Attorney submitted a report that recommended a variety of Charter revisions, which include several changes to Article IV - Elections, Sections 401, 409, 451, 452, and 462. We fully support these recommendations.

If you have any questions regarding this matter, please contact Christopher Garcia at christopher.garcia@lacity.org.

Sincerely,

Signed with ClerkSign



Feb 22, 2024 8:51AM

Holly L. Wolcott
City Clerk

HLW/PFS/EM/PYL/CG:ih
EXE-005-24