



Office of the Los Angeles City Attorney  
Hydee Feldstein Soto

REPORT NO. R 24 - 0 2 8 6  
MAY 3 0 2024

**REPORT RE:**

**DRAFT CHARTER AMENDMENT ESTABLISHING AN INDEPENDENT  
REDISTRICTING COMMISSION FOR THE LOS ANGELES UNIFIED SCHOOL  
DISTRICT; DRAFT BALLOT RESOLUTIONS AND ELECTION ORDINANCE  
PLACING THE CHARTER AMENDMENT ON THE NOVEMBER 5, 2024 BALLOT;  
AND A DRAFT ORDINANCE ADDING RELATED PROVISIONS TO THE  
LOS ANGELES ADMINISTRATIVE CODE**

The Honorable City Council  
of the City of Los Angeles  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

Honorable Members:

On April 30, 2024, the City Council requested this Office to prepare the documents necessary for a Charter amendment establishing an independent redistricting commission for the Los Angeles Unified School District (LAUSD). This Office hereby transmits the draft Charter amendment and the election ordinance and ballot resolutions necessary to place the Charter amendment on the ballot at the City's General Municipal Election to be held on November 5, 2024. We also are transmitting a draft ordinance adding provisions to the Administrative Code to implement the establishment and operation of the Commission should the Charter amendment be approved by the voters. We have approved the draft Charter amendment, ordinances and resolutions as to form and legality.



### Summary of the Proposed Charter Amendment

The enclosed draft Charter amendment would establish an independent commission authorized to adopt LAUSD Board of Education district boundaries every ten years without the involvement or approval of the City Council or the Board of Education.

The primary provisions of the draft Charter amendment are essentially the same as those contained in the recently approved Charter amendment proposal for a City independent redistricting commission. A summary of those provisions can be found in our Office's report dated April 10, 2024 (CF 24-1100-S6).<sup>1</sup> The rules governing the LAUSD commission would differ from those applicable to the City commission only in certain respects, consistent with the City Council's direction. For example, the LAUSD commission would consist of 14 members, at least four of which must be parents or guardians of pupils who attend a LAUSD school at the time of their selection. (See Sections 811(b), 813(h).) With regard to eligibility, a person must have resided in the LAUSD for at least three years to be eligible for the LAUSD commission (as compared to five years for the City commission) and must not have been employed by the LAUSD for at least four years prior to selection (as compared to two years for the City commission). (See Sections 812(a) & (b).)

The City Council's directions included a request that the minimum age to serve on the LAUSD commission be 16 years old (as compared to 18 years old for the City commission). In the Ad Hoc Committee's discussion on this matter, Committee members referenced as a model the participation of youth members on school district boards of education. The authority of youth members to participate on a board of education is limited under State law. Youth members may cast only a preferential vote which does not count toward the final board vote on a matter. Additionally, youth members cannot participate fully in personnel decisions or closed-session matters, are not subject to quorum or Brown Act requirements, cannot be liable for the acts of the board or school district, and can serve for only one year. (See California Education Code § 35012.) State law also generally contains restrictions on the ability of individuals under 18 years of age to participate in contracting decisions. (See California Civil Code § 1556.)<sup>2</sup>

In light of these State law provisions, the draft Charter amendment provides for potential youth participation on the LAUSD commission in two respects. First, the draft Charter amendment provides that a person must be at least 18 years old to serve on the LAUSD commission "unless a lower minimum age requirement is established by ordinance." (See Section 812(a).) Second, the draft Charter amendment authorizes the

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<sup>1</sup> The attached draft Charter amendment and Administrative Code ordinance also incorporate the amendments to the City's independent redistricting system approved by the City Council and described in our Office's report dated April 24, 2024 (CF 24-1100-S6).

<sup>2</sup> See also California Government Code § 1020 (generally providing that a person is eligible to hold an appointed civil office if the person is 18 years of age and a resident of the state).

Commission to involve youth participants on the Commission selected through a process, and possessing the powers and duties, as provided by ordinance. (See Section 811(e).) These provisions allow for the inclusion of youth members on the LAUSD commission in a manner that comports with existing State law and provides flexibility if State law is amended or clarified to clearly allow youth participation on commissions before the next redistricting cycle. This approach also would allow for the time and opportunity to solicit input from youth, the LAUSD, and other stakeholders in developing effective methods to involve youth in the Commission's work.

#### Voter Approval and Election Requirements

The Charter amendment requires approval by a majority of the voters of the Los Angeles Unified School to be adopted.

City Election Code Section 601 requires that final resolutions to place a measure on the ballot must be adopted no less than 110 days before the election. For the November 5, 2024 election, in light of Council's recess schedule, the deadline for the City Council to adopt the resolutions containing the final language of the Charter amendment is July 3, 2024.

#### Council Rule 38 Referral

A copy of the draft Charter amendment was sent, pursuant to Council Rule 38, to the Chief Legislative Analyst's office and the CLA's comments have been incorporated or will be presented to the City Council when it considers this matter.

If you have any questions regarding this matter, please contact Assistant City Attorney Harit Trivedi at (213) 978-7100. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By



MICHAEL J. DUNDAS  
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MJD:HT:cl  
Transmittals