



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. **R 22 - 0 2 7 0**
AUG 11 2022

REPORT RE:

**DRAFT ORDINANCE AND BALLOT RESOLUTION RELATED TO A CERTIFIED
INITIATIVE PETITION REGARDING THE CITY'S MOBILITY PLAN AND STREET
IMPROVEMENT MEASURES**

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

Council File No. 22-0910

Honorable Members:

The City Clerk has presented the City Council with a certified initiative petition in support of a proposed ordinance regarding the City's mobility plan and street improvement measures. The City Charter requires the City Council to take certain actions upon presentation of a certified initiative petition. This report summarizes the background of the initiative petition, the provisions of the proposed ordinance, and the City Council's options under the Charter. Accompanying this report are a draft ordinance and ballot resolution to facilitate City Council action on the initiative petition.

Background

On June 30, 2022, a group of proponents submitted an initiative petition to the City Clerk containing voter signatures in support of a proposed ordinance regarding the City's mobility plan and street improvement measures. On July 22, 2022, the City Clerk completed its preliminary review of the initiative petition and accepted it for processing. The City Clerk thereafter examined the voter signatures contained on the petition using the random sampling method authorized in the City Election Code and in accordance with Charter Section 451. The City Clerk has now completed that examination and has

determined that the initiative petition contains a sufficient number of valid voter signatures to qualify for presentation to the City Council. The City Clerk certified the petition as sufficient on August 8, 2022, and presented the certified petition to Council on August 9, 2022.

Summary of the Proposed Ordinance

The ordinance proposed by the initiative petition states that its purpose would be to require the City to prioritize street improvement measures described in the City's Mobility Plan 2035 ("Mobility Plan"). The Mobility Plan, adopted by the City Council in 2015, includes concept maps and descriptions for a connected multimodal network of pedestrian, bicycle, transit, and vehicle routes in the City.

More specifically, the proposed ordinance, which includes a set of legislative findings, adds new Section 85.11 to Los Angeles Municipal Code to incorporate the following provisions:

- Street Improvement Requirements

The proposed ordinance defines "Enhanced Complete Street System" as the network of streets defined in the Mobility Plan that facilitates the different transportation modes within the citywide transportation system, including: (i) Pedestrian-Enhanced Districts; (ii) a Bicycle-Enhanced Network; (iii) a Bicycle Lane Network; (iv) a Transit-Enhanced Network; and (v) a Vehicle-Enhanced Network. Under the proposed ordinance, a street that is part of the Enhanced Complete Street System is considered a "Mobility Plan Street."

The proposed ordinance requires that whenever the City makes an "Improvement" to a segment of a Mobility Plan Street, the City must also install/construct the applicable street enhancement elements that are described in the Mobility Plan for that street as part of the Improvement project. The Mobility Plan describes street enhancement elements for each category of street/transportation mode within the citywide transportation system.

The proposed ordinance defines an "Improvement" that triggers the new requirements as any paving project or other modification of at least one-eighth (1/8) of a mile (660 feet) on a City public right-of-way, including a street (roadway), parking strip (parkway), or sidewalk. Restriping, pothole repairs, utility cuts and emergency repairs are exempt. No other exemptions are provided in the proposed ordinance.

No funding sources or fees are identified in the proposed ordinance to fund the additional street Improvement requirements.

- Public Monitoring

The proposed ordinance requires the City to deploy an open data portal or website within one year of the effective date and to maintain that website in order to provide public access for monitoring the implementation of the Mobility Plan street enhancements. (See Enforcement and Attorney's Fees section below.) Information for each Improvement project is to be part of the open data portal/website.

No funding sources or fees are identified in the proposed ordinance to fund the costs of the public monitoring portal/website.

- Enforcement and Attorney's Fees

The proposed ordinance creates a private right of action for any individual residing in the City to bring a civil action (lawsuit) against the City to enjoin violations of the ordinance or to compel compliance with the ordinance. The enforcement provision also provides that parties bringing an enforcement action against the City may be awarded litigation costs and attorneys' fees should they prevail in any civil action brought against the City pursuant to the ordinance. The proposed ordinance precludes any award of litigation costs or attorneys' fees for the City should it prevail in an enforcement action.

Council Options

Charter Section 452 provides that, when a valid and certified initiative petition requesting adoption of a proposed ordinance is presented to the City Council, the City Council must take one of the following actions:

- (i) Adopt the proposed ordinance;
- (ii) Submit the proposed ordinance to a vote of the electors of the City at a special stand-alone election held no earlier than 110 days but no later than 140 days after the Council acts; or
- (iii) Determine to submit the proposed ordinance to a vote of the electors of the City at either the next regular City election or the next Statewide election occurring more than 110 days from the date of Council action (i.e., the City's Primary Nominating Election held on March 5, 2024).

Charter Section 452 provides that Council must take one of these actions within 20 days after the presentation of a valid certified petition. For this initiative, that deadline is August 29, 2022.

Should the Council wish to adopt the proposed ordinance, we have attached the ordinance proposed in the initiative. (See Option 1 Attachment.) Should the Council wish to submit the proposed ordinance to the voters, we have attached a ballot resolution determining to submit the proposed ordinance to the voters at the next regular City election occurring in more than 110 days. That election is the City's Primary Nominating Election to be held on March 5, 2024. (See Option 2 Attachments.)¹

If you have any questions regarding this matter, please contact Assistant City Attorneys Adrienne Khorasane at (213) 978-8246, Ted Jordan at (213) 978-8130, or 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,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:HT:cl
Transmittals

M:\GENERAL COUNSEL DIVISION\ORDINANCES AND REPORTS\REPORTS - FINAL\Report Mobility Plan Initiative.docx

¹ Please note that we have not transmitted documents for a special stand-alone election. If Council wishes to call a special election for the initiative, we will transmit the appropriate election ordinances and resolutions for Council approval.