

Los Angeles City Council, **Journal/Council Proceedings**
Tuesday, **November 16, 2010**
John Ferraro Council Chamber, Room 340, City Hall - 10 am

(For further details see Official Council Files)

(For communications referred by the President see Referral Memorandum)

ROLL CALL - Members present: Cárdenas, Huizar, LaBonge, Parks, Perry, Reyes, Rosendahl, Wesson, Zine and President Garcetti (10); Absent: Alarcón, Hahn, Koretz, Krekorian and Smith (5)

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
NOVEMBER 10, 2010

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 23

PUBLIC TESTIMONY ON NON-AGENDA ITEMS AT THE CALL OF THE CHAIR -
An opportunity for public testimony was provided.

ROLL CALL NUMBER (#) - INDICATES THE ORDER IN WHICH THE ITEMS WERE ACTED
UPON DURING THE COUNCIL MEETING

Item Noticed for Public Hearing - Item 1

ITEM NO. (1) - PUBLIC HEARING CLOSED - ORDINANCE ADOPTED - TO THE MAYOR FORTHWITH

Roll Call #2 - Adopted, Ayes (15)

[10-1504](#)

CDs 4 & 13

HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to levying the Los Feliz Village Business Improvement District (District) special assessment for the District's ninth fiscal year (operating year) beginning on January 1, 2010 through December 31, 2010.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. HEAR PROTESTS against the proposed levying of the special assessment for the District's 2010 fiscal year, pursuant to Section 36524 of the California Streets and Highways Code.
2. PRESENT and ADOPT the accompanying ORDINANCE levying the special assessment for the District's 2010 fiscal year, if a majority protest, as defined by Section 36525 of the California Streets and Highways Code is found not to exist.
3. APPROVE the Los Feliz Village Business Improvement District Advisory Board for the District's 2010 fiscal year.

4. AUTHORIZE the City Clerk, subject to the City Attorney approval, to prepare, execute and administer a contract between the City and the Los Feliz Village Business Improvement District Corporation, the nonprofit service provider for administration of the District.
5. DIRECT the Controller to provide, if necessary and if available, an advance against the District's assessment revenue, in a amount not to exceed \$18,887.50 (representing 25 percent of the anticipated assessment revenue for the District's 2010 fiscal year), to the Los Feliz Village Business Improvement District.

Fiscal Impact Statement: The City Clerk administrative expenses will be charged to the Business Improvement District (BID) and will be recovered from assessments collected. The amount of recoverable costs for the BID's sixth operating year will be \$4,533 or six percent (five percent plus an additional one percent for processing of billing for a total of six percent) of the BID's annual assessments revenue.

This is a merchant-based BID and there are no assessments for City-owned properties within the BID, therefore there is no impact on the General Fund.

(Pursuant to Council adoption of Ordinance No. 181363 on October 20, 2010)

Items for Which Public Hearings Have Not Been Held - Items 2-21

(10 Votes Required for Consideration)

ITEM NO. (2) - ADOPTED, *AS AMENDED - SEE FOLLOWING

Roll Call #3 - Adopted as Amended, Ayes (15)

[11-1100-S2](#)

COMMUNICATION FROM CITY ATTORNEY, RESOLUTIONS and ORDINANCE FIRST CONSIDERATION relative to submitting to the voters a proposed charter amendment to increase the funding for the Los Angeles Public Library while requiring reimbursement for the direct and indirect costs for financial support for the library, and calling a Special Election and consolidating it with the City's Primary Nominating Election to be held on March 8, 2011.

Recommendations for Council action:

1. ADOPT the accompanying RESOLUTION providing that a certain proposal to amend the Charter of the City of Los Angeles be submitted to the qualified electors of the City.
2. ADOPT the accompanying BALLOT TITLE RESOLUTION, as follows:

PUBLIC LIBRARY FUNDING. CHARTER AMENDMENT_____

Shall the Charter be amended to incrementally increase the amount the City is required to ~~appropriate~~ ***dedicate** annually from its General Fund to the Library Department to an amount equal to .0300 percent of the assessed value of all property in the City, and incrementally increase the Library Department's responsibility for its direct and indirect costs, **until it pays for all of its direct and indirect costs**, in order to provide Los Angeles ***Neighborhood** public libraries with additional funding to help restore library service hours, purchase books and support library programs, ***subject to audits, using existing funds with no new taxes?**

(LaBonge - Parks - Garcetti)

3. PRESENT and ADOPT the accompanying ORDINANCE, SUBJECT TO THE APPROVAL OF THE MAYOR, calling a Special Election to be held on Tuesday, March 8, 2011 for the purpose of submitting to the qualified voters of the City of Los Angeles a certain Charter amendment and consolidating this Special Election with the City's Primary Nominating Election to be held on the same date.

TIME LIMIT FILE - NOVEMBER 17, 2010

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 17, 2010)

ITEM NO. (3) - ADOPTED - ORDINANCE OVER TO NOVEMBER 23, 2010

Roll Call #5 - Adopted, Ordinance Over One Week, Ayes (9); Noes: Koretz, Krekorian, LaBonge, Rosendahl, Smith and Wesson (6)

[11-1100-S3](#)

COMMUNICATION FROM CITY ATTORNEY, RESOLUTIONS and ORDINANCE FIRST CONSIDERATION relative to submitting to the voters a proposed charter amendment to remove three unconstitutional provisions regarding contribution limits to independent groups and self-financed candidates, and calling a Special Election and consolidating it with the City's Primary Nominating Election to be held on March 8, 2011.

Recommendations for Council action:

1. ADOPT the accompanying RESOLUTION providing that a certain proposal to amend the Charter of the City of Los Angeles be submitted to the qualified electors of the City.
2. ADOPT the accompanying BALLOT TITLE RESOLUTION, as follows:

CAMPAIGN FINANCE.
CHARTER AMENDMENT_____

Shall the Charter be amended to comply with recent court decisions and avoid liability to the City by removing from the Charter three provisions determined by courts to be unconstitutional regarding campaign contribution limits on independent, non-candidate controlled groups' spending in City and LAUSD elections and notice and contribution limits regarding self-financed candidates that lifts contribution limits for only some candidates in City elections?

3. PRESENT and ADOPT the accompanying ORDINANCE, SUBJECT TO THE APPROVAL OF THE MAYOR, calling a Special Election to be held on Tuesday, March 8, 2011 for the purpose of submitting to the qualified voters of the City of Los Angeles and Los Angeles Unified School District a certain Charter amendment and consolidating this Special Election with the City's Primary Nominating Election to be held on the same date.

TIME LIMIT FILE - NOVEMBER 17, 2010

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 17, 2010)

ITEM NO. (4) - ADOPTED - ORDINANCE OVER TO NOVEMBER 23, 2010

Roll Call #4 - Adopted, Ordinance Over One Week, Ayes (13); Noes: Alarcón and Koretz (2)

11-1100-S4

COMMUNICATION FROM CITY ATTORNEY, RESOLUTIONS and ORDINANCE FIRST CONSIDERATION relative to submitting to the voters a proposed charter amendment to establish a contingency reserve account and emergency reserve account within the Reserve Fund, as well as a Budget Stabilization Fund in the City Treasury, and calling a Special Election and consolidating it with the City's Primary Nominating Election to be held on March 8, 2011.

Recommendations for Council action:

1. ADOPT the accompanying RESOLUTION providing that a certain proposal to amend the Charter of the City of Los Angeles be submitted to the qualified electors of the City.
2. ADOPT the accompanying BALLOT TITLE RESOLUTION, as follows:

ESTABLISHMENT OF CONTINGENCY RESERVE ACCOUNT AND EMERGENCY RESERVE ACCOUNT WITHIN RESERVE FUND AND BUDGET STABILIZATION FUND IN THE CITY TREASURY.
CHARTER AMENDMENT_____

Shall the Charter be amended to: establish an Emergency Reserve Account within the City's Reserve Fund, with an annual balance of not less than two and three-fourths percent of General Fund receipts, to be accessed only if the City Council finds by a two-thirds vote that there is an urgent economic necessity and to be replenished in the subsequent fiscal year except in the event of a catastrophe; establish a Contingency Reserve Account within the Reserve Fund for expenditures and revenue shortfalls unanticipated in the annual budget with details defined by ordinance; and establish a Budget Stabilization Fund within the City Treasury with details defined by ordinance?

3. PRESENT and ADOPT the accompanying ORDINANCE, SUBJECT TO THE APPROVAL OF THE MAYOR, calling a Special Election to be held on Tuesday, March 8, 2011 for the purpose of submitting to the qualified voters of the City of Los Angeles a certain Charter amendment and consolidating this Special Election with the City's Primary Nominating Election to be held on the same date.

TIME LIMIT FILE - NOVEMBER 17, 2010

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 17, 2010)

ITEM NO. (5) - ADOPTED

Roll Call #6 - Adopted, Ayes (15)

[11-1100-S5](#)

COMMUNICATION FROM CITY ATTORNEY, RESOLUTIONS and ORDINANCE FIRST CONSIDERATION relative to submitting to the voters proposed charter amendments to employment provisions, and calling a Special Election and consolidating it with the City's Primary Nominating Election to be held on March 8, 2011.

Recommendations for Council action:

1. ADOPT the accompanying RESOLUTION providing that a certain proposal to amend the Charter of the City of Los Angeles be submitted to the qualified electors of the City.
2. ADOPT the accompanying BALLOT TITLE RESOLUTION, as follows:

EMPLOYMENT PROVISIONS. CHARTER AMENDMENT_____

Shall the Charter be amended to: (1) expand the automatic civil service exemptions to include Deputy Chiefs of Fire; (2) limit the number of qualified applicants testing for civil service positions to an adequate number to prevent examinations of unnecessarily large candidate pools; (3) eliminate the requirement for certifying all eligible candidates for appointment to a civil service position, when the candidates' scores are not reachable or when no hiring is taking place; (4) clarify and standardize the probationary period for police officers to accurately reflect its application to sworn officers from the Airport, Harbor and General Services Departments; (5) increase the length of emergency appointments to no longer than one year; (6) extend the amount of time retirees may work from 90 to 120 days without increasing pension benefits?

3. PRESENT and ADOPT the accompanying ORDINANCE, SUBJECT TO THE APPROVAL OF THE MAYOR, calling a Special Election to be held on Tuesday, March 8, 2011 for the purpose of submitting to the qualified voters of the City of Los Angeles a certain Charter amendment and consolidating this Special Election with the City's Primary Nominating Election to be held on the same date.

TIME LIMIT FILE - NOVEMBER 17, 2010

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 17, 2010)

ITEM NO. (6) - CONTINUED TO NOVEMBER 17, 2010

Roll Call #11 - Adopted to Continue, Unanimous Vote (15)

[11-1100-S6](#)

COMMUNICATION FROM CITY ATTORNEY, RESOLUTIONS and ORDINANCE FIRST CONSIDERATION relative to submitting to the voters a proposed measure to impose an excise tax on oil producers in Los Angeles and calling a Special Election and consolidating it with the City's Primary Nominating Election to be held on March 8, 2011.

Recommendations for Council action:

1. ADOPT the accompanying RESOLUTION providing that a certain tax measure be submitted to the qualified electors of the City.
2. ADOPT the accompanying BALLOT TITLE RESOLUTION, as follows:

LOS ANGELES OIL PRODUCTION TAX. PROPOSITION _____

In order to fund general municipal services, including but not limited to such matters as police protection and crime suppression services, fire prevention and suppression services, park and recreation facilities, and general improvements throughout the City, shall an ordinance be adopted to impose a tax of \$1.44 per barrel of oil produced in the City of Los Angeles?

3. PRESENT and ADOPT the accompanying ORDINANCE, SUBJECT TO THE APPROVAL OF THE MAYOR, calling a Special Election to be held on Tuesday, March 8, 2011 for the purpose of submitting to the qualified voters of the City of Los Angeles a certain tax measure and consolidating this Special Election with the City's Primary Nominating Election to be held on the same date.

TIME LIMIT FILE - NOVEMBER 17, 2010

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 17, 2010)

10 VOTES REQUIRED

ITEM NO. (7) - CONTINUED TO NOVEMBER 17, 2010 - SEE FOLLOWING

Roll Call #7 - Adopted to Continue, as Amended, Unanimous Vote (15)

[11-1100-S7](#)

COMMUNICATION FROM CITY ATTORNEY, RESOLUTIONS and ORDINANCE FIRST CONSIDERATION relative to submitting to the voters a proposed charter amendment to create a new tier within the Fire and Police Pension Plan and make related modifications, and calling a Special Election and consolidating it with the City's Primary Nominating Election to be held on March 8, 2011.

- A. OPTION A (Would require member's to make a 2 percent contribution for health benefits that would be post-tax and nonrefundable)

Recommendations for Council action:

1. ADOPT the accompanying RESOLUTION providing that a certain proposal to amend the Charter of the City of Los Angeles be submitted to the qualified electors of the City.
2. ADOPT the accompanying BALLOT TITLE RESOLUTION, as follows:

FIRE AND POLICE PENSION PLAN; NEW TIER 6 FOR SWORN FIRE, POLICE, AND HARBOR DEPARTMENT EMPLOYEES HIRED ON OR AFTER JULY 1, 2011 AND OTHER MODIFICATIONS. CHARTER AMENDMENT_____

Shall the Charter be amended: (1) to provide sworn Fire, Police, and Harbor Department employees, who are hired on or after July 1, 2011, with the pension benefits provided in the Fire and Police Pension Plan-Tier 6; and (2) to modify provisions of the Fire and Police Pension Plan in order to facilitate compliance with state and federal laws, to authorize the Council to establish an Excess Benefit Plan, to allow flexibility in establishing amortization policies, and to make technical changes?

3. PRESENT and ADOPT the accompanying ORDINANCE, SUBJECT TO THE APPROVAL OF THE MAYOR, calling a Special Election to be held on Tuesday, March 8, 2011 for the purpose of submitting to the qualified voters of the City of Los Angeles a certain Charter amendment and consolidating this Special Election with the City's Primary Nominating Election to be held on the same date.

OR

- B. OPTION B (Would allow the two percent additional contribution to be paid to the service pension fund that would be pre-taxed and refundable.)

Recommendations for Council action:

1. ADOPT the accompanying RESOLUTION providing that a certain proposal to amend the Charter of the City of Los Angeles be submitted to the qualified electors of the City.
2. ADOPT the accompanying BALLOT TITLE RESOLUTION, as follows:

FIRE AND POLICE PENSION PLAN; NEW TIER 6 FOR SWORN FIRE, POLICE, AND HARBOR DEPARTMENT EMPLOYEES HIRED ON OR AFTER JULY 1, 2011 AND OTHER MODIFICATIONS. CHARTER AMENDMENT_____

Shall the Charter be amended: (1) to provide sworn Fire, Police, and Harbor Department employees, who are hired on or after July 1, 2011, with the pension benefits provided in the Fire and Police Pension Plan-Tier 6; and (2) to modify provisions of the Fire and Police Pension Plan in order to facilitate compliance with state and federal laws, to authorize the Council to establish an Excess Benefit Plan, to allow flexibility in establishing amortization policies, and to make technical changes?

3. PRESENT and ADOPT the accompanying ORDINANCE, SUBJECT TO THE APPROVAL OF THE MAYOR, calling a Special Election to be held on Tuesday, March 8, 2011 for the purpose of submitting to the qualified voters of the City of Los Angeles a certain Charter amendment and consolidating this Special Election with the City's Primary Nominating Election to be held on the same date.

TIME LIMIT FILE - NOVEMBER 17, 2010

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 17, 2010)

CONTINUED

C. AMENDING MOTION (ZINE - LABONGE - GARCETTI)

Recommendation for Council action:

AMEND Section 1714(a)(2) by the addition of - "The two percent member contribution is made for the purpose of maintaining the overall value and effect of the post retirement medical insurance at the level as exists upon implementation of this Section. The two percent member contribution shall not be increased by Ordinance."

**ITEM NO. (8) - ADOPTED, AS AMENDED - ORDINANCE OVER TO NOVEMBER 23, 2010 -
SEE FOLLOWING**

Roll Call #10 - Adopt as Amended, Ordinance over One Week, Ayes (11); Noes: Parks, Perry, Smith and Zine (4)

11-1100-S8

COMMUNICATION FROM CITY ATTORNEY, RESOLUTIONS and ORDINANCE FIRST CONSIDERATION relative to submitting to the voters a proposed charter amendment to restrict prospective contractor campaign contributions and fundraising and regarding the City's Campaign Trust Fund, and calling a Special Election and consolidating it with the City's Primary Nominating Election to be held on March 8, 2011.

Recommendations for Council action:

1. ADOPT the accompanying RESOLUTION providing that a certain proposal to amend the Charter of the City of Los Angeles be submitted to the qualified electors of the City.
2. ADOPT the accompanying BALLOT TITLE RESOLUTION, as follows:

**CONTRACT BIDDER CAMPAIGN CONTRIBUTION AND FUNDRAISING RESTRICTIONS;
CAMPAIGN TRUST FUND. CHARTER AMENDMENT_____**

Shall the Charter be amended to: (1) restrict campaign contributions to and fundraising on behalf of elected City officials and candidates by persons responding to solicitations for certain contracts, their principals, subcontractors and subcontractor's principals; provide for contract debarment for violations; require prospective contractors complete and adhere to certain disclosure, certification, and notification requirements; and (2) remove the limit on the maximum amount of funds in the City trust fund that provides limited public funds for qualified City candidates and allow the City Council in times of a declared fiscal emergency upon a two-thirds vote of the Council to under certain conditions not make an annual appropriation and temporarily transfer funds to meet City budgetary obligations when not needed for the operation of the program?

3. PRESENT and ADOPT the accompanying ORDINANCE, SUBJECT TO THE APPROVAL OF THE MAYOR, calling a Special Election to be held on Tuesday, March 8, 2011 for the purpose of submitting to the qualified voters of the City of Los Angeles a certain Charter amendment and consolidating this Special Election with the City's Primary Nominating Election to be held on the same date.

TIME LIMIT FILE - NOVEMBER 17, 2010

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 17, 2010)

ADOPTED

AMENDING MOTION (HUIZAR - GARCETTI)

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. **AMEND the BALLOT TITLE RESOLUTION, whose title is "CONTRACT BIDDER CAMPAIGN CONTRIBUTION AND FUNDRAISING RESTRICTIONS; CAMPAIGN TRUST FUND. CHARTER AMENDMENT _____", to read:**

Shall the Charter be amended (1) restrict campaign contributions and fundraising by bidders on certain City contracts; require increased disclosure for bidders; and provide for bans on future contracts for violators; and (2) build upon the City's voter-approved campaign trust fund, which provides limited matching funds for qualified City candidates who agree to spending limits, by lifting the maximum balance in the fund while allowing the City Council to a two-thirds vote to not make the annual appropriation and temporarily transfer funds to meet City budgetary obligations in certain emergency conditions?"

2. **AMEND Section 7 of the accompanying ORDINANCE so that Section 471(c) of the Charter of the City of Los Angeles is amended to read:**

(1) The City Council shall appropriate two million dollars per fiscal year for public matching funds. The Council shall appropriate such funds for each following fiscal year. The amount of such appropriation shall be adjusted for cost of living changes based on the percentage increase or decrease in the Consumer Price Index (for all items other than housing) for the Los Angeles-Riverside-Orange County metropolitan statistical area using 1991 as the base year. The City Council, by a two-thirds vote, may reduce or eliminate the annual appropriation made during a fiscal year provided that : (a) the City Council has

declared a fiscal emergency by resolution that is in effect for that fiscal year; (b) the trust fund balance is no less than eight million dollars in 1991 dollars adjusted to the Consumer Price Index at the time of the appropriation; and (c) the City Council has considered the City Ethics Commission's analysis regarding projected costs and estimated public funding needs for the next four years.

(2) All such funds shall be appropriated into a trust fund established by the Council by ordinance with interest accruing to the fund. In addition to the authority provided by Charter Section 340, the City Council, by a two-thirds vote, may temporarily transfer funds from the trust to meet obligations of the City in any fiscal year, provided that: (a) the City Council has declared a fiscal emergency by resolution that is in effect for that fiscal year; (b) The City Council has considered the City Ethics Commission's analysis regarding projected costs and estimated public funding needs for the next four years; and (c) the funds transferred are limited to funds above a trust fund balance of eight million dollars in 1991 dollars adjusted to the Consumer Price Index. Any transferred funds shall be reimbursed to the trust fund by either (a) the date the City Ethics Commission determines the funds are needed for their intended purpose, or (b) before the end of the next fiscal year, whichever is earlier.

(3) If there are insufficient funds to provide the maximum matching funds available to a candidate in any election, as specified by ordinance, the limitations on total contributions from persons other than individuals imposed by Section 470 shall not apply to any of the candidates for the same office.

(4) The funds used to make payments for matching funds shall come exclusively from City sources of revenues.

ADOPTED

AMENDING MOTION (GARCETTI - KREKORIAN)

Recommendation for Council action, **SUBJECT TO THE APPROVAL OF THE MAYOR:**

(G) This subdivision shall not apply to:

(1) Contributions to or fundraising on behalf of elected officials or candidates for elected City office where that official's approval is required only by Section 262,271(d), or 370 of the Charter (other than as provided in paragraphs B and D above) or (contracts required to be approved by City Council that have an anticipated value of at least \$100,000 and proprietary department contracts that have an anticipated value of at least \$100,000).

(2) Contributions to or fundraising on behalf of members of the City Council where the City Council's approval authority is only through Charter Section 245 (except as further restricted by ordinance).

ITEM NO. (9) - FAILED OF ADOPTION - OVER TO NOVEMBER 17, 2010, PURSUANT TO RULE 53

Roll Call #12 - Failed of Adoption - Over to Next Meeting, Ayes (7); Noes: Hahn, Huizar, LaBonge, Reyes, Wesson, Zine and President Garcetti (7); Absent: Alarcón (1)

11-1100-S9

COMMUNICATION FROM CITY ATTORNEY, RESOLUTIONS and ORDINANCE FIRST CONSIDERATION relative to submitting to the voters proposed Charter amendments concerning the Department of Water and Power and calling a Special Election and consolidating it with the City's Primary Nominating Election to be held on March 8, 2011 (DWP Board Option 1).

Recommendations for Council action:

1. ADOPT the accompanying RESOLUTION providing that a certain proposal to amend the Charter of the City of Los Angeles be submitted to the qualified electors of the City.
2. ADOPT the accompanying BALLOT TITLE RESOLUTION, as follows:

DEPARTMENT OF WATER AND POWER; COMPOSITION AND PROCEDURES FOR REMOVAL OF THE BOARD OF COMMISSIONERS. CHARTER AMENDMENT_____

Shall the Charter be amended to expand the membership of the Board of Water and Power Commissioners from five to seven members, to shorten their terms from five to three years, to require that some of them possess particular expertise or background as specified by ordinance, to permit the City Council by two-thirds vote to remove a commissioner or overturn the Mayor's removal of a commissioner, and to provide that the transition from current Board membership to that required by this amendment be determined by ordinance, with current commissioner terms being allowed to run their course while occupied?

3. PRESENT and ADOPT the accompanying ORDINANCE, SUBJECT TO THE APPROVAL OF THE MAYOR, calling a Special Election to be held on Tuesday, March 8, 2011 for the purpose of submitting to the qualified voters of the City of Los Angeles a certain Charter amendment and consolidating this Special Election with the City's Primary Nominating Election to be held on the same date.

TIME LIMIT FILE - NOVEMBER 17, 2010

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 17, 2010)

OVER TO NOVEMBER 17, 2010

AMENDING MOTION (PERRY - SMITH - PARKS - ET AL.)

Recommendations for Council action:

AMEND the following modifications to the proposed Charter Amendment and Ordinance:

- a. Under proposed Charter Sections 670, make the following changes as indicated per **strikeout and italics**:

Sec. 670. Board Composition.

~~(a) The Board of Water and Power Commissioners shall consist of seven commissioners serving three year terms. The Council shall by ordinance specify which of the four seven commissioners are to possess particular expertise or background and the nature thereof, including, but not limited to, areas such as utility policy or operations, labor, business or commerce, environmental policy, and community organization.~~

~~(b) Appointment of commissioners shall be in accordance with Section 502. The Board of Water and Power Commissioners shall consist of five members appointed and removed as provided in Section 502. Commissioners may be removed by the Mayor or by two-thirds vote of the Council. The Council may, by two-thirds vote, overturn the Mayor's removal of a commissioner within ten days after removal. Upon removal, the Mayor's nominee to fill the vacancy must possess the same expertise or background, if any, that was required of the removed commissioner.~~

~~(c) This Section shall be operative July 1, 201. Terms of office existing under prior Charter authority on that date that are not vacant shall remain in effect until their respective expiration dates. The Council shall by ordinance establish the manner in which vacancies created by the expiration of a term of office or otherwise shall be filled.~~

- b. Under proposed Ordinance Section 2, make the following changes as indicated per ~~strikeout~~ attached:

~~DEPARTMENT OF WATER AND POWER; COMPOSITION AND PROCEDURES FOR REMOVAL OF THE BOARD OF COMMISSIONERS. CHARTER AMENDMENT _____~~

~~Shall the Charter be amended to expand the membership of the Board of Water and Power Commissioners from five to seven members, to shorten their terms from five to three years, to require that some of them possess particular expertise or background as specified by ordinance, to permit the City Council by two-thirds vote to remove a commissioner or overturn the Mayor's removal of a commissioner, and to provide that the transition from current Board membership to that required by this amendment be determined by ordinance, with current commissioner terms being allowed to run their course while occupied?~~

ITEM NO. (10) - RECEIVED AND FILED

Roll Call #13 - Adopted to Receive and File, Ayes (14); Absent: Alarcón (1)

[11-1100-S9](#)

COMMUNICATION FROM CITY ATTORNEY, RESOLUTIONS and ORDINANCE FIRST CONSIDERATION relative to submitting to the voters proposed Charter amendments concerning the Department of Water and Power and calling a Special Election and consolidating it with the City's Primary Nominating Election to be held on March 8, 2011 (DWP Board Option 2).

Recommendations for Council action:

1. ADOPT the accompanying RESOLUTION providing that a certain proposal to amend the Charter of the City of Los Angeles be submitted to the qualified electors of the City.
2. ADOPT the accompanying BALLOT TITLE RESOLUTION, as follows:

DEPARTMENT OF WATER AND POWER; COMPOSITION AND PROCEDURES FOR REMOVAL OF THE BOARD OF COMMISSIONERS. CHARTER AMENDMENT_____

Shall the Charter be amended to expand the membership of the Board of Water and Power Commissioners from five to seven members, to shorten their terms from five to three years, to require that some of them possess particular expertise or background as specified by ordinance, to require that three shall be appointed by the Mayor, three by the Council President, and the seventh appointment alternating between the Mayor and Council President, to permit the City Council by two-thirds vote to overturn the removal of a commissioner, and to provide that the transition from current Board membership to that required by this amendment be determined by ordinance, with current commissioner terms allowed to run their course while occupied?

3. PRESENT and ADOPT the accompanying ORDINANCE, SUBJECT TO THE APPROVAL OF THE MAYOR, calling a Special Election to be held on Tuesday, March 8, 2011 for the purpose of submitting to the qualified voters of the City of Los Angeles a certain Charter amendment and consolidating this Special Election with the City's Primary Nominating Election to be held on the same date.

TIME LIMIT FILE - NOVEMBER 17, 2010

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 17, 2010)

ITEM NO. (11) - ADOPTED, AS AMENDED - SEE FOLLOWING - OVER TO NOVEMBER 17, 2010

Roll Call #19 - Adopted as Amended, Ayes (15)

[11-1100-S9](#)

COMMUNICATION FROM CITY ATTORNEY, RESOLUTIONS and ORDINANCE FIRST CONSIDERATION relative to submitting to the voters proposed Charter amendments concerning the Department of Water and Power and calling a Special Election and consolidating it with the City's Primary Nominating Election to be held on March 8, 2011.

Recommendations for Council action:

1. ADOPT the accompanying RESOLUTION providing that a certain proposal to amend the Charter of the City of Los Angeles be submitted to the qualified electors of the City.
2. ADOPT the accompanying BALLOT TITLE RESOLUTION, as follows:

DEPARTMENT OF WATER AND POWER; OFFICE OF PUBLIC ACCOUNTABILITY AND INSPECTOR GENERAL AND RATEPAYER ADVOCATE. CHARTER AMENDMENT_____

Shall the Charter be amended to establish an Office of Public Accountability for the Department of Water and Power, within which office shall be Inspector General and Ratepayer Advocate functions – overseen by an Executive Director appointed by a citizens committee and confirmed by the Council and Mayor – to promote efficiency and effectiveness of the Department and to promote fairness in water and electricity rates through independent analysis of Department policies and actions and in attending to ratepayer complaints?

3. PRESENT and ADOPT the accompanying ORDINANCE, SUBJECT TO THE APPROVAL OF THE MAYOR, calling a Special Election to be held on Tuesday, March 8, 2011 for the purpose of submitting to the qualified voters of the City of Los Angeles a certain Charter amendment and consolidating this Special Election with the City's Primary Nominating Election to be held on the same date.

TIME LIMIT FILE - NOVEMBER 17, 2010

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 17, 2010)

ADOPTED

AMENDING MOTION (GARCETTI - WESSON - LABONGE)

Recommendation for Council action:

AMEND as follows:

Sec. 683

- (a) The Role of the OPA shall be to provide public independent analysis of department actions, as they relate to water and electricity rates.
- (b) Strike
- ~~(e) Strike~~
- (f) Strike
- (g) The OPA shall have access to information to ~~the extent necessary to fulfill its responsibilities~~ fulfill its duties.
- (h) The OPA shall periodically issue public reports.

ADOPTED

AMENDING MOTION (KREKORIAN - GARCETTI)

Recommendation for Council action:

AMEND as follows:

Sec. 683

- (c) The OPA shall be headed by an Executive Director, who shall be exempt from civil service. The Executive Director shall be appointed by a citizens committee to a five year term, subject in appointment to confirmation by the Council and Mayor. Removal of the Executive Director shall be in the same procedure set forth in the City Charter Section 575 (e) and only for the reasons as provided by ordinance. The Council by ordinance shall prescribe the composition and manner of selection of the citizens committee.

ADOPTED

AMENDING MOTION (GARCETTI - PERRY - SMITH - ZINE - HUIZAR)

Recommendation for Council action:

AMEND as follows:

Sec. 683

- (f) The Employees of the OPA shall include a Ratepayer Advocate and additional positions as prescribed by ordinance.
- (g) The department shall include a budget for the OPA as shall be set by ordinance at a level not less than 0.025 percent of department annual revenues from the sale of water and electric energy for the previous fiscal year.

ITEM NO. (12) - ADOPTED, AS AMENDED - SEE FOLLOWING - OVER TO NOVEMBER 17, 2010

Roll Call #16 - Adopted as Amended, Ayes (8); Noes: Huizar, Krekorian, LaBonge, Reyes, Wesson and President Garcetti (6); Absent: Alarcón (1)

11-1100-S9

COMMUNICATION FROM CITY ATTORNEY, RESOLUTIONS and ORDINANCE FIRST CONSIDERATION relative to submitting to the voters proposed Charter amendments concerning the Department of Water and Power and calling a Special Election and consolidating it with the City's Primary Nominating Election to be held on March 8, 2011.

Recommendations for Council action:

1. ADOPT the accompanying RESOLUTION providing that a certain proposal to amend the Charter of the City of Los Angeles be submitted to the qualified electors of the City.
2. ADOPT the accompanying BALLOT TITLE RESOLUTION, as follows:

DEPARTMENT OF WATER AND POWER; REMOVAL OF THE GENERAL MANAGER BY THE CITY COUNCIL. CHARTER AMENDMENT_____

Shall the Charter be amended to provide that in addition to the current authority of the Board of Water and Power Commissioners, with the approval of the Mayor, to remove the General Manager of Water and Power, that the City Council be authorized to remove the General Manager by two-thirds vote?

3. PRESENT and ADOPT the accompanying ORDINANCE, SUBJECT TO THE APPROVAL OF THE MAYOR, calling a Special Election to be held on Tuesday, March 8, 2011 for the purpose of submitting to the qualified voters of the City of Los Angeles a certain Charter amendment and consolidating this Special Election with the City's Primary Nominating Election to be held on the same date.

TIME LIMIT FILE - NOVEMBER 17, 2010

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 17, 2010)

ADOPTED

AMENDING MOTION (PERRY - SMITH - PARKS - ET AL.)

Recommendations for Council action:

AMEND the following modifications to the proposed Charter Amendment and Ordinance:

- a. Under proposed Charter Sections 670, make the following changes as indicated per **strikeout** and **italics**:

Sec. 670. Board Composition.

~~(a) The Board of Water and Power Commissioners shall consist of seven commissioners serving three year terms. The Council shall by ordinance specify which of the four seven commissioners are to possess particular expertise or background and the nature thereof, including, but not limited to, areas such as utility policy or operations, labor, business or commerce, environmental policy, and community organization.~~

~~(b) Appointment of commissioners shall be in accordance with Section 502. The Board of Water and Power Commissioners shall consist of five members appointed and removed as provided in Section 502. Commissioners may be removed by the Mayor or by two-thirds vote of the Council. The Council may, by two-thirds vote, overturn the Mayor's removal of a commissioner within ten days after removal. Upon removal, the Mayor's nominee to fill the vacancy must possess the same expertise or background, if any, that was required of the removed commissioner.~~

~~(c) This Section shall be operative July 1, 201. Terms of office existing under prior Charter authority on that date that are not vacant shall remain in effect until their respective expiration dates. The Council shall by ordinance establish the manner in which vacancies created by the expiration of a term of office or otherwise shall be filled.~~

- b. Under proposed Ordinance Section 2, make the following changes as indicated per ~~strikeout~~ attached:

~~DEPARTMENT OF WATER AND POWER; COMPOSITION AND PROCEDURES FOR
REMOVAL OF THE BOARD OF COMMISSIONERS. CHARTER AMENDMENT _____~~

~~Shall the Charter be amended to expand the membership of the Board of Water and Power Commissioners from five to seven members, to shorten their terms from five to three years, to require that some of them possess particular expertise or background as specified by ordinance, to permit the City Council by two-thirds vote to remove a commissioner or overturn the Mayor's removal of a commissioner, and to provide that the transition from current Board membership to that required by this amendment be determined by ordinance, with current commissioner terms being allowed to run their course while occupied?~~

ITEM NO. (13) - ADOPTED - OVER TO NOVEMBER 17, 2010

Roll Call #14 - Adopted, Ayes (14); Absent: Alarcón (1)

[11-1100-S9](#)

COMMUNICATION FROM CITY ATTORNEY, RESOLUTIONS and ORDINANCE FIRST CONSIDERATION relative to submitting to the voters proposed Charter amendments concerning the Department of Water and Power and calling a Special Election and consolidating it with the City's Primary Nominating Election to be held on March 8, 2011.

Recommendations for Council action:

1. ADOPT the accompanying RESOLUTION providing that a certain proposal to amend the Charter of the City of Los Angeles be submitted to the qualified electors of the City.
2. ADOPT the accompanying BALLOT TITLE RESOLUTION, as follows:

DEPARTMENT OF WATER AND POWER; SUBMISSION OF PRELIMINARY BUDGET TO THE CITY COUNCIL FOR INFORMATIONAL PURPOSES; PROCEDURES FOR MAKING SURPLUS TRANSFERS FROM THE POWER REVENUE FUND TO THE CITY RESERVE FUND.

CHARTER AMENDMENT _____

Shall the Charter be amended to (a) require the Department of Water and Power for informational purposes to submit to the City Council by March 31 each year a preliminary budget for the ensuing fiscal year (July 1 through June 30), to be updated by May 31 with new information, and (b) establish procedures for making surplus transfers from the Power Revenue Fund to the City's Reserve Fund?

3. PRESENT and ADOPT the accompanying ORDINANCE, SUBJECT TO THE APPROVAL OF THE MAYOR, calling a Special Election to be held on Tuesday, March 8, 2011 for the purpose of submitting to the qualified voters of the City of Los Angeles a certain Charter amendment and consolidating this Special Election with the City's Primary Nominating Election to be held on the same date.

TIME LIMIT FILE - NOVEMBER 17, 2010

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 17, 2010)

ITEM NO. (14) - ADOPTED - ORDINANCE OVER TO NOVEMBER 23, 2010

Roll Call # - Adopted, Ordinance over One Week, Ayes (10); Noes: Huizar, Krekorian, Parks and Perry (4); Absent: Smith (1)

[11-1100-S10](#)

COMMUNICATION FROM CITY ATTORNEY, RESOLUTIONS and ORDINANCE FIRST CONSIDERATION relative to submitting to the voters a certain tax measure to impose a tax on medical marijuana collectives in Los Angeles and calling a Special Election and consolidating it with the City's Primary Nominating Election to be held on March 8, 2011.

Recommendations for Council action:

1. ADOPT the accompanying RESOLUTION providing that a certain proposal to amend the Charter of the City of Los Angeles be submitted to the qualified electors of the City.
2. ADOPT the accompanying BALLOT TITLE RESOLUTION, as follows:

TAXATION OF MEDICAL MARIJAUANA COLLECTIVES. PROPOSITION ____

In order to fund general municipal services, including but not limited to such matters as police protection and crime suppression services, fire prevention and suppression services, park and recreation facilities, and general improvements throughout the City, shall a tax be authorized on marijuana collectives of \$50 per \$1,000 of gross receipts recognizing that the sale of marijuana is illegal?

3. PRESENT and ADOPT the accompanying ORDINANCE, SUBJECT TO THE APPROVAL OF THE MAYOR, calling a Special Election to be held on Tuesday, March 8, 2011 for the purpose of submitting to the qualified voters of the City of Los Angeles a certain Charter amendment and consolidating this Special Election with the City's Primary Nominating Election to be held on the same date.

TIME LIMIT FILE - NOVEMBER 17, 2010

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 17, 2010)

10 VOTES REQUIRED

Roll Call #1 - Adopted, Ayes (14); Absent: Koretz (1)
(Item Nos. 15a-21)

ITEM NO. (15) - ADOPTED

[10-0005-S839](#)

et al. RESOLUTIONS relative to removing various properties from the Rent Escrow Account Program.

Recommendation for Council action:

ADOPT the accompanying RESOLUTIONS removing the following properties from the Rent Escrow Account Program (REAP), inasmuch as the owner(s) have corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department (LAHD), Code Enforcement Unit, habitability citations, pursuant to Ordinance 173810, and ADOPT the Findings contained in the LAHD's report of November 9, 2010:

[10-0005-S839](#)

CD 15

- a. Property at 9222 South Graham Avenue (Case No. 249545).
Assessor I.D. No. 6048-025-007

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on October 29, 2009)

[10-0005-S840](#)

CD 10

- b. Property at 4801 West Mascot Street aka 1851 South Rimpau Boulevard (Case No. 137533).
Assessor I.D. No. 5067-010-041

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on March 6, 2008)

[10-0005-S841](#)

CD 10

- c. Property at 4801 West Mascot Street aka 1851 South Rimpau Boulevard (Case No. 270253).
Assessor I.D. No. 5067-010-041

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on May 4, 2010)

[10-0005-S842](#)

CD 13

- d. Property at 1637 North Micheltorena Street aka 1639 North Micheltorena Street (Case No. 295982).
Assessor I.D. No. 5429-026-006

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on August 26, 2010)

[10-0005-S843](#)

CD 10

- e. Property at 2818 South Bronson Avenue (Case No. 229864).
Assessor I.D. No. 5051-009-004

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on August 6, 2009)

[10-0005-S844](#)

CD 12

- f. Property at 8751 North Owensmouth Avenue (Case No. 264627).
Assessor I.D. No. 2779-042-034

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on December 3, 2009)

ITEM NO. (16) - ADOPED

[10-0005-S845](#)

CD 6

RESOLUTION relative to property units recommended for Rent Reduction Termination.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION for the termination of rent reduction, for units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 at 7512 North Vineland Avenue, (Case No. 246386). The Los Angeles Housing Department (LAHD) Code Enforcement Unit has confirmed that the habitability violations have been corrected and only minor violations remain at the property, as contained in the LAHD's report of November 9, 2010, Assessor I.D. No. 2410-001-030.

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on November 5, 2009)

ITEM NO. (17) - ADOPTED

[10-0005-S846](#)

CD 6

RESOLUTION relative to property units recommended for Rent Reduction Termination.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION for the termination of rent reduction, for unit 17, at 7512 North Vineland Avenue, (Case No. 281838). The Los Angeles Housing Department (LAHD) Code Enforcement Unit has confirmed that the habitability violations have been corrected and only minor violations remain at the property, as contained in the LAHD's report of November 9, 2010, Assessor I.D. No. 2410-001-030.

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on March 4, 2010)

ITEM NO. (18) - ADOPTED

[02-1982](#)

CD 13

CONSIDERATION OF MOTION (HUIZAR - GARCETTI) relative to the new procedures for processing street vacations, which require the adoption of a Rule 16 motion to initiate street vacation proceedings and the vacation of the alley westerly of Vermont Avenue from First Street to 345 feet northerly thereof.

Recommendations for Council action:

1. DIRECT the Bureau of Engineering to process this vacation request under Council file No. 02-1982, Engineering work order No. E1400823, and apply the conditions established under the Council action of November 22, 2006, under Council file No. 02-1982 to this vacation request.
2. DIRECT the City Clerk to append this Motion to Council file No. 02-1982.
3. DIRECT the Bureau of Engineering to present its report regarding the feasibility of vacating the requested area to the Public Works Committee.

Community Impact Statement: None submitted.

(Public Works Committee waived consideration of the above matter)

ITEM NO. (19) - ADOPTED

[10-0855](#)

CD 14

CONSIDERATION OF MOTION (HUIZAR - ROSENDAHL) relative to the renaming of the intersection of Jessica Drive and Cleland Avenue in Council District 14 as "Jessica Triangle."

Recommendations for Council action:

1. AUTHORIZE the renaming of the intersection of Jessica Drive and Cleland Avenue in Council District 14 as "Jessica Triangle."
2. DIRECT the Los Angeles Department of Transportation to post the appropriate sign(s) at this location to implement the above action.

Community Impact Statement: None submitted.

(Public Works Committee waived consideration of the above matter)

ITEM NO. (20) - ADOPTED

[10-1746](#)

RESOLUTION (KORETZ - HUIZAR) relative to declaring November 14, 2010 as weSPARK Cancer Support Center Day in the City of Los Angeles.

Recommendation for Council action:

RESOLVE to DECLARE November 14, 2010 as weSPARK Cancer Support Center Day in the City of Los Angeles.

ITEM NO. (21) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED

[10-1781](#)

CD 10

FINAL MAP OF TRACT NO. 64619 for property located at 966 South St. Andrews Place lying northerly of Olympic Boulevard.

(Approve Subdivision Improvement Agreement and Contract with attached security documents)

(ADOPT City Engineer Report)

(ADOPT Bond No. C-117726)

(Quimby Fee: \$33,154)

Applicants: Andrews Place LLC

Reynaldo T. De Rama

MOTIONS PRESENTED PURSUANT TO RULE NO. 16 - TO BE PLACED ON THE NEXT AVAILABLE AGENDA

[10-2413](#)

MOTION (REYES - HUIZAR) relative to amending prior Council action of September 10, 2010, regarding various expenses incurred for this year's celebration of El Grito.

[09-1350-S1](#)

MOTION (WESSON - KORETZ) relative to funding to support the Koreatown Youth Community Center's efforts for maintenance of the 120 street trees on Motor Avenue between Venice Boulevard and the 10 Freeway overpass in Council District 10.

[10-0010-S45](#)

MOTION (REYES - PARKS) relative to an offer of reward for information leading to the identification, apprehension, and conviction of the person(s) responsible for the deaths of Samuel Martinez and Jose Martinez on September 25, 2010.

COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Upon his request and without objections, Councilmember Krekorian was excused from Council Session of Tuesday, November 23, 2010, due to City business.

Upon her request and without objections, Councilmember Perry was excused to arrive at 11:15 a.m. to Council Session of Friday, December 10, 2010, due to City business.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

[10-0004-S3](#) - Bea Gold

LaBonge - Garcetti - All Councilmembers

At the conclusion of this day's Council Session ADJOURNING MOTIONS WERE ADOPTED in tribute to the memory of:

[10-0003-S3](#) - Daniel Alvidrez

Perry - All Councilmembers

Joseph Puryer

Zine

Alarcón, Cárdenas, Hahn, Huizar, Koretz, Krekorian, LaBonge, Parks, Perry, Reyes, Rosendahl, Wesson, Zine and President Garcetti (14); Absent: Smith (1)

Whereupon the Council did adjourn.

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL