

RESOLUTION RULES & GOVERNMENT

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state, or federal governmental body or agency must first have been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, California voters recently decided by a narrow margin to amend the California Constitution to take away the fundamental right, confirmed by the State Supreme Court, for same-sex couples to marry; and

WHEREAS, the California Supreme Court is scheduled to hear arguments on March 5 as to whether Proposition 8 constitutes a revision to the California Constitution and as such improperly bypassed the Legislature; and

WHEREAS, the National Center for Lesbian Rights, Lambda Legal, the American Civil Liberties Union and Equality California all filed briefs in June of 2008 with the California Supreme Court arguing that Proposition 8 represented a revision to the State Constitution; and

WHEREAS, the process for adopting a revision to the California Constitution is that two-thirds of the State Legislature needs to vote to place the matter on the ballot for voters to weigh in on it; and

WHEREAS, had the Supreme Court agreed to review the issue raised by the opponents of Proposition 8 they might have determined that the matter could not be adopted directly by voters and thereby saved both sides a great deal of effort and heartache, as well as over \$70 million; and


WHEREAS, California voters have twice before voted to support discriminatory initiatives (Proposition 14, which sought to overturn the Rumford Fair Housing Act in 1964, and Proposition 187, which sought to ban the children of undocumented immigrants from receiving any public services in 1994) that were later tossed out by the courts for being unconstitutional on federal grounds; and


WHEREAS, in the case of *Raven v. Deukmejian* (1990) the California Supreme Court prevented an initiative titled the "Crime Victims Justice Reform Act" from being placed on the ballot due to concerns about how it would disturb the state's constitutional balance of powers; and

WHEREAS, the Asian Pacific American Legal Center, Mexican American Legal Defense and Educational Fund, Equal Justice Society, California NAACP and the NAACP Legal Defense and Educational Fund have all filed briefs in support of overturning Proposition 8 because of the dangerous precedent it would set in undermining all minorities' rights; and

WHEREAS, the City has adopted a resolution to support S.R. 7 and A.R. 5, which if passed by the State Legislature and signed by the Governor would place them officially on record as opposing Proposition 8 for the reasons laid on in this Resolution;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby included in its 2009-2010 State Legislative Program SUPPORT for any legislation which would place a referendum on the 2010 California ballot to amend the California Constitution to require that all new initiatives be reviewed by the California Supreme Court prior to being placed on a ballot to determine if they are constitutional and, for those that would change the State Constitution, whether they constitute a simple amendment or a revision, which must instead be placed on the ballot by the Legislature.

PRESENTED BY: 
JOSE HUIZAR
Councilmember
14th District

SECONDED BY: 
ERIC GARCETTI
Councilmember
13th District

ORIGINAL

FEB 24 2009

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