

Commentary

PERSPECTIVE ON CHARTER REFORM

On L.A. Council, the Selfish Rule



Some seek to sabotage much needed changes rather than modestly reduce any of their considerable powers.

By ERWIN CHEREMINSKY

On June 8, voters will have the opportunity to improve Los Angeles city government by adopting a charter to replace the one that has existed since 1925. The opposition to the proposed charter is led by several members of the Los Angeles City Council. They have tried to sabotage charter reform at every step because it modestly reduces their extraordinary powers—greater than any other city council in the country. Their arm-twisting opposition tactics directed at labor leaders and others, are based on power, not principle.

Repeatedly, I have heard from those involved in city commissions and unions who favor the charter that council members have told them that if they don't change their positions, it will be "remembered" the next time the council considers funding and contracts. Threats of this sort, veiled or not, are unconscionable.

Two charter reform commissions worked for two years without pay and held hundreds of public meetings to produce a consensus document with a broad base of support. Some council members, such as Rudy Svorinich and Mike Hernandez, who are now opposing the proposed charter, never came to a single meeting or expressed any views during the two-year process.

Other council members participated directly in the process, and the charter commissions followed almost every recommendation they made. Yet they now oppose the proposed charter anyway. For example, City Council President John Ferraro raised only two issues: He opposed the mayor, having unilateral authority to fire department

heads and he was against elected neighborhood councils. The commissions followed his views on both issues. Nonetheless, he now opposes the new charter without explaining why.

The City Council also participated in other ways throughout the reform effort. It created the appointed charter reform commission, which was almost unanimous in endorsing the proposed charter. Additionally, the City Council was represented in extensive final negotiations by Ron Deaton, its chief legislative analyst. Deaton raised a dozen areas of major concern to the City Council and each was addressed to his satisfaction.

Although council members Mike Feuer, Cindy Miscikowski and Joel Wachs have endorsed the new charter, they are a minority. Why are so many council members now opposing the new charter? The answer is simple: They just don't want reform.

More fundamentally, these council members are against the charter because it provides a modest increase in the mayor's authority in an effort to enhance government accountability and efficiency. Although council members describe the new charter as a power grab by the mayor, the reality is that the new powers for the mayor are important, but quite limited.

The most significant increase in mayoral authority is a greater ability to fire department heads when they or their departments are performing poorly. Under the current charter, the mayor can fire a department head only with the concurrence of a majority of the City Council. In virtually every other major city, the mayor can unilaterally remove a department head. At the urging of council members Jackie Goldberg and John Ferraro, a compromise was struck: The mayor can fire department heads, but the City Council can overturn this by a two-thirds vote. Council members, such as Goldberg,

are now attacking the very compromise that they urged the commissions to accept.

The reality is that if this charter proposal fails, there will not be charter reform in Los Angeles for a very long time. The last reform effort, in 1971, was defeated when council members led a successful campaign against it. If this charter, with a broad consensus behind it, fails, there is no reason to believe any charter reform could succeed. The new charter is endorsed by all three citywide elected officials, Mayor Richard Riordan, City Atty. James Hahn and Controller Rick Tuttle, and a coalition that ranges from Valley secessionists to the Los Angeles NAACP, from the League of Women Voters to the Los Angeles Chamber of Commerce.

If charter reform fails, Los Angeles will be left with an anachronistic governing document that hinders city government in its delivery of basic services. If charter reform fails, secessionist movements in the San Fernando Valley, the Harbor area and elsewhere will gain strength as frustrated citizens will see reform of government as impossible.

But if charter reform succeeds, city government will be significantly improved. Citizen oversight of the Los Angeles Police Department and handling of police discipline will be improved by strengthening the powers of the inspector general. A system of neighborhood councils will enhance citizen participation in government. Requiring performance audits of all departments will uncover waste and fraud.

The choice is with the voters: Reform city government or preserve the power that has thwarted these, and other needed changes, for years.

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