

**CHARTER REFORM COMMISSIONS OF THE CITY OF LOS ANGELES  
AREAS OF DIFFERENCE BASED ON DECISIONS MADE BY BOTH COMMISSIONS**

As of November 2, 1998

APPOINTED CHARTER COMMISSION DECISIONS	ELECTED CHARTER COMMISSION DECISIONS
<b>Budget Process and Finance</b>	
<ul style="list-style-type: none"> <li>✓ The Chief Administrative Officer (CAO) shall be a neutral, independent information resource on the budget, reporting to Mayor and Council.</li> <li>✓ The Mayor shall have authority to organize his or her office within general budget limitations set by ordinance.</li> <li>✓ The Controller shall be required to submit revenue projections to the Mayor and City Council on March 1 of each year.</li> <li>✓ The Controller shall suggest plans for the improvement and management of the revenues and expenditures of the City.</li> <li>✓ The CAO shall approve intra-departmental transfers of appropriated funds under \$25,000 or other amount established by ordinance.</li> <li>✓ Inter-departmental transfers of appropriated funds will be allowed only upon recommendation of the CAO and approval of the Mayor or upon majority vote of the Council subject to mayoral approval.</li> </ul>	<ul style="list-style-type: none"> <li>✓ There should not be a CAO or other appointed officer reporting to both the Mayor and Council on the budget.</li> <li>✓ Create a City Budget Office, reporting directly to the Mayor to coordinate all budget preparation, administration and monitoring functions.</li> <li>✓ The Controller shall submit to the Mayor and Council within 30 days of the Mayor's submission of a proposed budget, an analysis of proposed budget revenue projections.</li> <li>✓ The Controller shall be authorized and required to conduct performance audits of all departments and programs. The mayor and council shall not be precluded from exercising executive and oversight authority, respectively, in conducting management studies, cost/benefit analyses, or other reviews of departmental operations.</li> <li>✓ The Mayor shall have the authority to approve intra-departmental transfers of appropriated funds for all departments up to a certain amount without Council approval. Transfer of amounts above such threshold level shall require Council approval. This dollar amount up to which the Mayor would have exclusive authority would be adjusted annually based on CPI.</li> <li>✓ The Mayor shall have the authority to approve inter-departmental transfers of appropriated funds, up to an amount established by Council resolution. Transfers above such threshold level shall</li> </ul>

**APPOINTED CHARTER COMMISSION DECISIONS**

or 2/3rds vote of the Council over Mayoral veto.

**City Attorney**

✓ The City Council shall have authority over civil litigation.

**ELECTED CHARTER COMMISSION DECISIONS**

require Council approval.

✓ Settlement of Litigation:

- Mayor shall have authority to accept or reject settlements below a dollar amount set by ordinance, or may delegate such authority to the City Attorney;
- For settlements with a range set by ordinance, a Claims Board (consisting of the Mayor, President of the Council and City Attorney, or their designees)
- For settlements above the higher amount set by ordinance, the Council shall have the authority to accept or reject settlements, subject to veto by the Mayor, and Council override by a 2/3 vote. The Claims Board shall make a recommendation to the Council in all such instances.
- The City council shall have the authority to accept or reject consent decrees, consent judgements and settlements not involving the payment of funds to a third party, subject to Mayoral veto, and Council override by a 2/3 vote.

✓ Authority Concerning Civil Litigation:

- The City Attorney shall keep the Mayor and the Council reasonably informed about significant developments in litigation and shall promptly comply with reasonable requests.
- Except as otherwise provided in the Charter, the Mayor shall be the authorized representative of the client in making decisions traditionally made by the client in the course of litigation, as provided in state law, except that settlement of all lawsuits shall be in accord with the procedures established in this Charter

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	<ul style="list-style-type: none"> <li>• In lawsuits challenging the validity of ordinances, or any other actions of the Council, the Council shall be the authorized representative of the client and the City Attorney shall represent the City and defend such actions and ordinances. Settlement of all such lawsuits shall be in accord with the procedures established in this Charter. With respect to decisions to be made by the client in these instances, the Council may delegate this authority to the Mayor.</li> </ul> <p>✓ Authority to Initiate Civil Litigation:</p> <ul style="list-style-type: none"> <li>• Where the Mayor would be the authorized representative of the client, the Mayor may direct the City Attorney to initiate a civil action on behalf of the City, subsequent to a 2/3 override by the Council;</li> <li>• The Council may direct the City Attorney to initiate a civil action on behalf of the City, subject to Mayoral veto, and override by a 2/3 vote.</li> <li>• The City Attorney shall have the authority to initiate and manage litigation on behalf of the City, in accord with federal, state, and local law.</li> <li>• Regardless of who initiated the litigation, the authorized representative and settlement procedures shall be in accordance with the provisions of this Charter.</li> </ul> <p>✓ The Mayor and Council may employ other attorneys to assist the City Attorney with the prior written approval of the City Attorney.</p>
<b>Governing Body</b>	
<p>✓ The City Council shall be the governing body of the City.</p>	<p>✓ Mayor and Council constitute the governing body of the City.</p>

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<b>City Council Size</b>	
<ul style="list-style-type: none"> <li>✓ Increase the size of the City Council from 15 to 21 council members.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Provide for a Council of 15 members, but also provide the ballot option of replacing the 15 member Council with a 25 member Council.</li> </ul>
<b>Commissions and Departments</b>	
<ul style="list-style-type: none"> <li>✓ The following commissions shall have management authority over their respective departments: Ethics, Fire, Library, Pension, Police, Public Works, Recreation &amp; Parks, Retirement, Airports, Harbor, and Water &amp; Power.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Eliminate management authority of Commissions for Fire, Library, and Recreation and Parks</li> </ul>
<ul style="list-style-type: none"> <li>✓ Commissioners shall be appointed and removed by the Mayor, in both cases with the concurrence of the City Council.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Mayor should appoint commissioners, subject to Council confirmation. No Council confirmation required for removal</li> </ul>
<ul style="list-style-type: none"> <li>✓ The Commission shall be the department head, and shall be responsible for, among other things, the following: approving the department's budget, approving contracts within Charter parameters.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Department Managers will be appointed by the Mayor, with City Council approval, but will be removable by the Mayor alone.</li> </ul>
<ul style="list-style-type: none"> <li>✓ Commissioners shall be appointed and removed by the Mayor, subject to Council confirmation.</li> </ul>	
<ul style="list-style-type: none"> <li>✓ The General Manager, except for proprietary departments, shall be appointed and removed by the Mayor subject to Council approval for appointment and removal.</li> </ul>	
<ul style="list-style-type: none"> <li>✓ Mayor shall have full latitude and discretion to consider candidates for department manager, subject to Council confirmation. Eliminate the Personnel role in recruitment.</li> </ul>	
<b>Elections</b>	
<ul style="list-style-type: none"> <li>✓ Set number of signatures required for nominating petitions at 500 but allow maximum number of signatures that can be collected to</li> </ul>	<ul style="list-style-type: none"> <li>✓ The number of signatures required to nominate a candidate for a Council district seat should be reduced from 500 to 250, and</li> </ul>

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be increased by ordinance.	should remain at 500 for a citywide office (Mayor, City Attorney, City Controller).
<ul style="list-style-type: none"> <li>✓ Allow Mayor and Council to require vote by mail in special elections.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Permit Council to call mail-only elections (for all elections) and use other balloting procedures authorized by state law.</li> </ul>
<b>Mayoral Succession</b>	
<ul style="list-style-type: none"> <li>✓ The President of the City Council becomes acting Mayor in the case of temporary absence or inability of Mayor to act; absence means at any time the Mayor is outside Los Angeles County; and serves as acting Mayor until appointment or election of successor in case of vacancy in the office of Mayor.</li> </ul>	<ul style="list-style-type: none"> <li>✓ In the event of a temporary vacancy due to the Mayor's continuous absence from the City for 30 days or unavailability or inability to carry out the duties of office due to illness or otherwise, the President of Council shall act as Mayor until the Mayor is again able to carry out such duties.</li> </ul>
	<ul style="list-style-type: none"> <li>✓ In the event of a permanent vacancy in the office of Mayor, the President of Council shall be acting Mayor until a new Mayor is elected.</li> </ul>
<b>Neighborhood Councils</b>	
<ul style="list-style-type: none"> <li>✓ Charter shall include an Office of Neighborhood Empowerment (ONE), which would be required to formulate a plan for a citywide system of neighborhood councils, to be presented to the Council &amp; Mayor within a specified time. The Office will also have the responsibility to provide support for neighborhood councils.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Create a department of Neighborhoods required to be funded in the City's budget. The department will be responsible for the initial organization of Community councils, serve as a point of contact and information clearinghouse for the Community Councils to access the City's bureaucracy, and provide a leadership training program for Community Council members, advisory groups and other community leaders.</li> </ul>
<ul style="list-style-type: none"> <li>✓ Charter shall set criteria for the plan, including: (1) formulation of the plan should involve public participation; (2) regulations for selection of governing boards must provide an opportunity for broad participation; (3) regulations must ensure that all areas are given an equal opportunity to form neighborhood councils; (4) regulations shall require neighborhood councils to adopt fair and open procedures; and (5) boundaries for neighborhood councils should respect neighborhood boundaries over political boundaries.</li> </ul>	

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<ul style="list-style-type: none"> <li>✓ Charter should allow Council to make changes to the plan, but should require Council to adopt implementing ordinances within a specified time.</li> </ul>	
<ul style="list-style-type: none"> <li>✓ Charter should provide that the Department of Neighborhoods' plan becomes effective if Council does not adopt implementing ordinances within the specified time.</li> </ul>	
<ul style="list-style-type: none"> <li>✓ There shall be a commission established after 7 years to review the work of the neighborhood council system and recommend any needed changes.</li> </ul>	
<ul style="list-style-type: none"> <li>✓ The City Council may, by ordinance, give neighborhood councils such decision-making powers as it deems appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Amend recommendation for the Charter to provide for a "participatory" form of selection for members of community councils, but also provide the voters with the alternative of replacing it with a system if community councils to be selected by the polls. (Separate choice on same ballot).</li> </ul>
<ul style="list-style-type: none"> <li>✓ The method of selecting members and drawing boundaries should be established by ordinance.</li> </ul>	<ul style="list-style-type: none"> <li>✓ The number of community councils will be equal to the number of city council districts.</li> <li>✓ Each community council will have seven elected members.</li> <li>✓ Community council members will be elected at large and voters will have limited voting power (vote only for one) to eliminate the potential of slate voting.</li> <li>✓ For elected neighborhood council option, qualifications for service on neighborhood councils should include area residency and status as a qualified elector.</li> </ul>
<ul style="list-style-type: none"> <li>✓ Subject areas or decisions considered by neighborhood councils shall be prescribed by ordinance. Charter shall require the implementing ordinance to identify decisions that may potentially impact the neighborhood and/or area residents, and shall provide that neighborhood councils be afforded, at a minimum, advisory powers concerning such local matters as shall be enumerated by</li> </ul>	<ul style="list-style-type: none"> <li>✓ Community councils shall identify community needs and concerns and may hold hearings and make recommendations to appropriate decision makers on any issues of concern to the community except in a manner inconsistent with established city policy or other sections of the Charter.</li> </ul>

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<p>ordinance.</p> <p>✓ Charter shall require that neighborhood councils be given a reasonable opportunity to provide input before decisions are made affecting their neighborhood. The procedure for obtaining input from neighborhood councils should be designed by ordinance.</p>	<p>✓ Neighborhood councils should be allocated an amount of money to use in purchasing additional capital projects or additional services from the City.</p> <p>✓ Charter should empower each neighborhood council to be heard in the budgeting process, by requiring that the Mayor include that communication in the budget transmittal to Council.</p>
<p>✓ All neighborhoods must be given an equal opportunity to form neighborhood councils.</p>	
<p>✓ Neighborhood councils must adopt fair and open procedures.</p>	
<p><b>Proposition 5</b></p>	
<p>✓ For all board decisions, except as specified below, including actions of commissions of proprietary departments, modify Prop. 5 to permit Council to waive review and to give Council 5 meeting days to initiate, by majority vote, review of a commission decision. Council may veto, but not change commission action by 2/3 vote within 14 days of initiating review.</p> <ul style="list-style-type: none"> <li>• Retain the current Prop 5 review process for the Planning Commission. Commission decisions would continue to be subject to assertion of jurisdiction by the Council, enabling the Council to change Commission actions.</li> <li>• The Ethics Commission, and Pension and Retirement Boards shall be exempt from the Council's Prop. 5 review process.</li> <li>• Quasi-judicial personnel decisions of the Board of Civil Service Commissioners shall also be exempt from Prop. 5.</li> </ul>	<p>✓ Council shall have a legislative veto power with respect to decisions of boards by a 2/3 vote. Such veto authority would not extend to individual personnel decisions, adjudicative decisions, decisions of the pension boards or employee relations board.</p>
<p><b>Proprietary Departments</b></p>	
<p>✓ The commissions of the three proprietary departments should continue to manage their departments.</p>	<p>✓ The Commission should be responsible for policy setting and policy oversight, but should not be responsible for day-to-day management.</p>

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<ul style="list-style-type: none"> <li>✓ The Mayor should appoint and remove commissioners, with confirmation by the City Council.</li> </ul>	<ul style="list-style-type: none"> <li>✓ The Mayor should appoint commissioners with confirmation by the City Council. Commissioners should be removable by the Mayor alone, at will.</li> </ul>
<ul style="list-style-type: none"> <li>✓ The commissions should appoint, remove, and evaluate the general manager, subject to Council confirmation.</li> </ul>	<ul style="list-style-type: none"> <li>✓ General Managers should be appointed by the Mayor, subject to confirmation by the Commission and by the City Council.</li> <li>✓ General Managers should be removed by the Mayor with the approval of the Commission; or by a majority vote of the Commission and the approval of the Mayor; each having 30 days to act upon the other's initiation. Failure to act by the Mayor or Commission within the time provided shall be deemed an assent to action to remove.</li> </ul>
<b>Public Works</b>	
<ul style="list-style-type: none"> <li>✓ The Board of Public Works shall be a full-time, managing commission over the Department of Public Works.</li> </ul>	<ul style="list-style-type: none"> <li>✓ The positions of City Engineer and Secretary to the Board of Public Works should not be included in the Charter. Such positions may however be established by ordinance or through the budget process.</li> <li>✓ The bureaus of the Department should not be named in the Charter.</li> <li>✓ The Charter should provide for a Board of Public Works that will serve full time and be responsible for policy-making and serving as a hearing board. The Board will not be responsible for day-to-day management.</li> <li>✓ The Department of Public Works shall have a General Manger responsible for day-to-day operations of that department, appointed and removed in the same manner as other non-proprietary or non-enterprise General Managers.</li> </ul>
<b>Redistricting</b>	
<ul style="list-style-type: none"> <li>✓ The Charter shall establish an advisory commission to</li> </ul>	<ul style="list-style-type: none"> <li>✓ Reject the current system of having the City Council control the</li> </ul>

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<p>recommend changes in Council district lines to the Council to be appointed as follows: 1 commissioner by each Council member, except the President of the Council who appoints 2; 3 by the Mayor, 1 by the City Attorney and 1 by the Controller.</p>	<p>process of drawing new district boundaries.</p>
	<p>✓ Members of the independent redistricting commission to draw new Council boundaries shall be appointed as follows: 2 by the Mayor; 2 by the City Attorney; 2 by the Controller; and 7 by the Council.</p>
<p><b>Reorganization of Departments</b></p>	
<p>✓ The Mayor and the City Council shall have the power to reorganize City departments and shall also be able to reorganize appointed offices.</p>	<p>✓ The Mayor should have unilateral authority to reorganize non-Charter departments or non-core functions of Charter departments.</p>
	<p>✓ Mayor should have authority to eliminate a department function through the budget or by proposal, subject to Council veto by 2/3 vote within 45 days, which is then subject to mayoral veto and Council override by 3/4 vote.</p>
	<p>✓ Mayor should have authority to eliminate core functions of Charter departments through the budget, subject to 2/3 vote of Council. Any Council modifications would be subject to mayoral veto and Council override by 3/4 vote.</p>
	<p>✓ Charter amendment would be required to reorganize elected offices; disciplinary functions of police and fire departments; and the functions relating to the primary purpose or character of the police, fire, CERS, pensions and proprietary departments.</p>
	<p>✓ Council could propose creation or elimination of non-Charter departments through the budget process. Creation of a new department by Council would be subject to mayoral veto and Council override by 2/3 vote. Elimination of a Charter department or function by Council would require a 2/3 vote, subject to mayoral veto &amp; Council override by 3/4 vote.</p>