



# The *Elected* Los Angeles Charter Reform Commission

*"..to meet the changing needs of the City  
through the next century."*



**Charter Reform:  
Building the Future  
Together**

# A History of the *Elected* Los Angeles Charter Reform Commission

The *Elected* Los Angeles Charter Reform Commission was created by voters of the City of Los Angeles in the spring of 1997. The Commission consists of 15 individuals elected by City Council District, ranging from lawyers to teachers to architects, all working together to reform the 78-year old City Charter.

Over the past year, the Commission has convened virtually every week (and sometimes twice a week) in areas throughout Los Angeles, listening to citizens, City officials, neighborhood and homeowners associations, community activists, business groups, and others on how best to reform the Charter. The Commission then made tentative decisions on nearly every aspect of City government to create a new Charter for a new millennium.



We now present to you the first-ever Los Angeles Constitutional Convention and a list of decisions we've made to shape the Charter you will be voting on in June 1999.

We hope that today you will give us your input on the future of Los Angeles, whether it be voicing your concerns in one of our four response forums, or recording your thoughts for posterity in our Charter Chat Room.

- The *Elected* Los Angeles Charter Reform Commission

#### Did you know?

The authors of the United States Constitution locked themselves in a room and nailed the windows shut so nobody else could participate in the process.

**Come visit us:**  
**[www.LACharter.com](http://www.LACharter.com)**

# SCHEDULE

Saturday, November 7

Los Angeles  
Constitutional  
Convention

8:00 A.M. REGISTRATION OPENS

9:00 A.M. **PLENARY SESSION**  
**Welcome**  
Commissioner Erwin Chemerinsky, *Chair*  
*Elected Charter Reform Commission*  
Mayor Richard J. Riordan  
City Controller Rick Tuttle  
City Attorney James K. Hahn  
City Council  
Commissioner Jackie Dupont-Walker,  
*Chair, Charter Convention*

11:40 A.M. RE-CAP

11:45 A.M. - LUNCH  
12:45 P.M.

## FORUM III BUDGET AND FINANCE

*Commission decisions regarding City spending and management of its finances.*

12:45 P.M. - **Presentation of Commission Recommendations**  
12:55 P.M.

Commissioners Erwin Chemerinsky,  
Dennis P. Zine

12:55 A.M. - **Audience Response Forum**  
1:55 A.M.

Members of the Charter Convention will ask questions and respond to recommendations of the Commission.

## FORUM IV CITY COUNCIL & COMMUNITY/NEIGHBORHOOD COUNCILS

*Increasing the size of City Council and creating neighborhood representation.*

2:00 P.M. - **Presentation of Commission Recommendations**  
2:10 P.M.

Commissioners Bennett Kayser, Paula Boland, Woody Fleming, Janice Hahn

12:55 A.M. - **Audience Response Forum**  
1:55 A.M.

Members of the Charter Convention will ask questions and respond to recommendations of the Commission.

3:15 P.M. **CLOSING FORUM**

3:45 P.M. **ADJOURNMENT**

## RESPONSE FORUMS

### FORUM I ALLOCATION OF POWER AND GOVERNANCE

*A discussion of decisions regarding the responsibilities of the City's elected officials, Mayor, City Council, City Attorney, Controller, and LAUSD.*

9:20 A.M. - **Presentation of Commission Recommendations**  
9:30 A.M.

Commissioners Rob Glushon, Bill Weinberger, Chet Widom

9:30 A.M. - **Audience Response Forum**  
10:30 A.M.

Members of the Charter Convention will ask questions and respond to recommendations of the Commission.

### FORUM II DELIVERY OF CITY SERVICES

*A discussion of issues concerning improving the delivery of City services; the Civil Service; and the requirement of standards of excellence throughout City government.*

10:30 A.M. - **Presentation of Commission Recommendations**  
10:40 A.M.

Commissioners Marcos Castaneda, Jackie Dupont-Walker, Anne V. Finn

10:40 A.M. - **Audience Response Forum**  
11:40 A.M.

Members of the Charter Convention will ask questions and respond to recommendations of the Commission.

# Forum 1

## Allocation of Power and Governance

## Governing Body/ Mayor

### GOVERNING BODY

- √ Provide that the Mayor and City Council constitute the “governing body” of the City.

### MAYOR

- √ The organization of government should include two branches: the Mayor as chief executive, and the City Council as the legislative body.
- √ The Mayor should be given increased executive authority and held accountable for administration and management.
- √ Department Managers will be appointed by the Mayor, with City Council approval, but will be removable by the Mayor alone.
- √ Department Managers, except for any departments managed by a commission, will report directly to the Mayor.
- √ The Mayor should have the flexibility to organize departments and duties, subject to City Council approval for new departments.
- √ When the Mayor appoints the heads of City departments, the Mayor should have full latitude and discretion in considering candidates.

- √ When the Mayor appoints staff assistants in the Office of the Mayor, there should be no constraints or requirements (such as a personnel ordinance) other than the availability of appropriated funds in the budget.

- √ The Mayor shall be required to fill a vacancy in a department head position, at least on a temporary basis, within ten (10) days.



- √ Provide the Mayor with the responsibility to coordinate emergency preparedness activities and the authority to declare a local emergency with certain emergency powers.
- √ The Mayor should have the authority to issue executive orders to manage the executive branch, which shall be binding on all departments and employees of the City.
- √ Remove provisions for the succession of the President of the Council to act as Mayor, by deleting “absence from the City” as a circumstance that would cause a temporary succession.

# Forum 1

## Allocation of Power and Governance

# Mayor/ City Council

- √ Provide that in the event of a permanent vacancy in the Office of the Mayor, the President of the City Council shall succeed as Acting Mayor until a new Mayor has been elected.
- √ Provide that in the event of the Mayor's continuous absence from the City for a period of 30 days, or in the event of the Mayor's unavailability or inability to carry out the duties of the office due to illness or otherwise, the President of the Council shall act as Mayor until the Mayor is again able to carry out such duties.



- √ The Mayor shall have the authority to represent the City in intergovernmental relations in accord with City policy.
- √ General Managers of the proprietary departments may be removed by the Mayor with the approval of the respective Commission/Board; or, by a majority vote of the Commission/Board, and the approval of the Mayor.
- √ The Mayor should control litigation and be empowered to speak on behalf of the City.

## CITY COUNCIL

- √ General statement of Powers of the City Council:

All legislative power of the City except as otherwise provided in this Charter is vested in the City Council and shall be exercised by ordinance, subject to the power of veto or approval by the Mayor, and veto override, as set forth in this Charter. The Council may also act, as provided in this Charter, by resolution. The Council shall have the power to legislate in all areas of the government consistent with other provisions of this Charter, to adopt all laws and regulations in respect to municipal affairs, and to exercise any or all rights, powers, privileges and procedures of a legislative body, now or hereafter established or authorized for municipalities, or specifically for the City of Los Angeles, by any law of the State of California, by this Charter or by any other lawful authority.
- √ City Council should have power to organize and conduct its business without rigidly imposed Charter requirements, but should not be involved in day-to-day administrative matters.
- √ The City Council's budget approval power remains, including an override of the Mayor's veto with a 2/3 vote.

# Forum 1

## Allocation of Power and Governance

# City Council

- √ Specifically set forth the powers of the City Council rather than providing prohibitory language. Councilmembers should not be prohibited from contacting department officials in regard to service delivery problems.



- √ Require the City Council to meet a minimum of three days per week, except that by resolution the Council may establish periods when it shall be in recess.
- √ Permit the Council to hold any of its meetings outside of City Hall.
- √ Not require the City Council to establish a specific number of committees.
- √ Continue the Charter provision precluding the Council from passing an ordinance on the day it is introduced, unless approved by a unanimous vote of all members present and constituting at least three-fourths of the membership.
- √ The Mayor should be allowed 10 days to sign or veto an ordinance, and the City Council be allowed 30 days to override a veto by the Mayor.
- √ Retain current Charter provisions regarding the effective date of ordinances, providing for a 30-day delay between adoption and their effective date, and providing for specified ordinances to take effect immediately.

- √ Provide the following timeframes for the adoption of ordinances:
  - 15 days for the Mayor to sign or veto an ordinance passed by Council (if the Mayor fails to act within that time, the measure becomes law without his/her signature)
  - 30 days for the Council to override a Mayoral veto
- √ Specify the positions of President of the Council and President Pro Tempore as presiding officer and substitute, respectively, of the Council.
- √ Continue the Council's quorum requirement of two-thirds of its members, and a majority of the entire membership in order to take action.

# Forum 1

## Allocation of Power and Governance

# City Council

- √ Continue to provide for the adoption of urgency ordinances.
- √ Retain the Charter provisions requiring the publishing and/or posting of ordinances prior to their taking effect (current Charter Section 31).
- √ Retain Charter provisions for the City Council to prescribe the rules of its proceedings and to preserve order (current Charter Section 23) but modify to eliminate any reference to a fine or imprisonment as punishment for contemptuous or disorderly conduct.
- √ Provide the City Council with the authority to subpoena witnesses and compel the taking of testimony under oath.
- √ Retain the form of the enacting clause of ordinances as: "The People of the City of Los Angeles do ordain as follows:"
- √ Provide that the City Clerk shall maintain a record of the proceedings of the City Council and record all votes, including the ayes and the noes.
- √ Retain a conflict of interest provision, prohibiting members of the City Council and other officers and employees of the City from voting or acting upon any matter, contract, sale or transaction with the City, or the Council, to which he or she may be a party.
- √ Provide for the City Council to have a legislative veto power with respect to decisions of boards or commissions 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. (Legislative veto authority with respect to contracts, DWP, Airports and Harbor Departments to be studied further.)
- √ The City Council's Legislative Veto power shall extend to decisions of the Commissions/Boards of the proprietary departments.
- √ Permit the Council to create a budget office.
- √ Require the City Council to prepare and issue "debt impact statements" prior to the incurring of any additional debt.
- √ Require that "debt impact statements" be prepared for City borrowing proposals that are submitted as ballot issues.

### Did you know?

The Charter was created in **1925** and has been "patched" over **400 times** in **97 different elections** over the course of **74 years!**

# Forum 1

## Allocation of Power and Governance

## City Attorney

### CITY ATTORNEY

- √ Continue the City Attorney's criminal prosecution function, unchanged.
- √ There should continue to be an elected (City-wide) City Attorney, whose office includes both criminal and civil branches.
- √ Retain current Charter provisions relating to the Ethics Commission's ability to initiate litigation and authority to retain outside legal counsel.
- √ Retain current Charter provisions (Section 42(10)) relating to the City Attorney's Office tenure system.
- √ Retain current Charter provisions (Section 42(1)) relating to the City Attorney's qualifications for office.
- √ Retain current Charter provisions (Section 42(1)) requiring the City Attorney to "devote his entire time to the duties of his office."
- √ Retain current Charter provisions (Section 42(3)) requiring the City Attorney to "give his advice or opinion in writing to any officer or board of the City, when requested so to do by such officer or board."
- √ Retain current Charter provisions (Section 42(4)) requiring the City Attorney to "approve, by endorsement in writing, the form of all official or other bonds required by this Charter, or by ordinance, before the same are submitted to the proper body, board or officer for final approval, and no such bond shall be approved without such approval as to form by the City Attorney."
- √ Retain current Charter provisions (Section 42(4)) requiring the City Attorney to "approve in writing the draft of all contracts before the same are entered into by or on behalf of the City."
- √ Retain current Charter provisions (Section 42(4)) requiring the City Attorney to "do and perform all such other things affecting or relating to his office as may be required of him by ordinance."
- √ Retain current Charter provisions (Section 42(4)) requiring the City Attorney to "keep in his office proper books of record and registry of all actions and proceedings in his charge in which the City or any officer or board is a party or is interested."
- √ Provide that commissions, employees and City officials be able to request an opinion from the City Attorney with respect to a possible conflict of interest, prior to acting on any such matter.

# Forum 1

## Allocation of Power and Governance

## City Attorney

### The Conduct of Civil Litigation and Settlement Authority

#### √ Monetary settlements

\* Mayor shall have the authority to accept or reject settlements below a dollar amount set by ordinance, or may delegate such authority to the City Attorney;

\* For settlements above the amount set by ordinance, but below another amount set by ordinance, a Claims Board shall have the authority to accept or reject such settlements, such board consisting of the Mayor, President of the Council and City Attorney, or their designees.

\* For settlements above the higher dollar amount set by ordinance, the City Council shall have the authority to accept or reject such settlements, subject to veto by the Mayor, and an override by a 2/3 vote. The Claims Board shall make a recommendation to the Council in all such instances.

#### √ Consent decrees, consent judgments and settlements not involving the payment of funds to a third party:

The City Council shall have the authority to accept or reject such settlements, subject to veto by the Mayor, and an override by a 2/3 vote.

### Authority concerning civil litigation

The City Attorney shall keep the Mayor and the City Council reasonably informed about significant developments in litigation and shall promptly comply with reasonable requests for information.

#### √ Legal representation, generally

The City Attorney shall conform his or her representation to the concept that the client is the municipal corporation created by the people of Los Angeles who have adopted the Charter and formed the municipal corporation, the City of Los Angeles, acting through the City's highest authorized officer(s), employee, commission or body making or overseeing the particular request for advice or representation.

#### √ Authority concerning civil litigation

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.

**Did you know?**  
The Charter is now **8 TIMES AS LONG** as it was when it was first passed!

# Forum 1

## Allocation of Power and Governance

## City Attorney

### √ Legal Representation and the Use of Outside Counsel

Provide that the Mayor and City Council may employ other attorneys to assist the City Attorney with his/her approval in writing first had and obtained.

### √ Authority concerning civil litigation

In lawsuits challenging the validity of City ordinances, or any other actions of the City Council, the City 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 in this Charter. With respect to decisions to be made by the client in these instances, the City Council may delegate this authority to the Mayor.

### √ Authority to initiate civil litigation

\* 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, subject to a 2/3 override by the City Council;

\* Regardless of who initiated the litigation, the authorized representative and settlement procedures shall be in accordance with the provisions of this Charter.

\* The City 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.

\* 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.



One  
CITY.  
One  
CHARTER.

JUNE 1999

# Forum 1

## Allocation of Power and Governance

## City Controller

### CITY CONTROLLER

- √ There should continue to be an elected Controller.
- √ The City Controller shall have the responsibility of monitoring the City's debt.
- √ The role of the Controller in the accounting/payment process:
  - The Controller should have the authority to delay requests for payments where s/he deems such request illegal, improper or unauthorized.
  - If the Controller refuses to make a payment or fund transfer on the above cited grounds, the City Council may override the Controller's decision by majority vote, subject to Mayoral veto and Council override.
  - The Controller will be responsible for setting accounting standards for the City, which will be binding on all departments.
  - The primary responsibility for the "accounting" function will be in the departments, with the Controller authorized to take over such function in a department if serious failings are found, until the department has corrected its practices.

√ The City Controller shall be authorized and required to conduct performance audits of all City departments and programs. The Mayor and City Council shall not be precluded from exercising their executive and oversight authority, respectively, in conducting management studies, cost benefit analyses, or any other reviews of the operation of City departments.

√ Not contain any specific requirements of expertise or credentials for a person seeking the Office of City Controller.

√ The Controller shall cause, at least once in every five years, an industrial, economic, and administrative survey to be made of the business and property of each of the Harbor Department, the Department of Water and Power and the Department of Airports by an independent qualified industrial engineer or organization specializing in such surveys. Each such survey shall be made, in consultation with the Mayor and City Council, to ascertain if the surveyed department is operating in the most efficient and economical manner. In each such survey the engineer or organization employed shall be selected by the Controller. The cost of each such survey shall be paid for from the funds of the surveyed Department. A copy of the report of each such survey shall be transmitted to the Mayor, City Council and Board of Commissioners of the surveyed department, and shall be made available to the public (Revision of current Charter Section 396).

# Forum 1

## Allocation of Power and Governance

## City Commissions

### CITY COMMISSIONS

- √ Provide that for all Commissions set forth in the Charter, Commissions are to be appointed by the Mayor, with confirmation by the City Council, but removed by the Mayor alone.
- √ Retain Commissions to manage the Department of Pensions and the City Employee Retirement System.
- √ Eliminate Commission management, but provide for Commission policy-setting and oversight powers, for the Airport, Harbor, and Department of Water and Power.
- √ Retain the Police Commission as the managing body for the Police Department.
- √ Retain the Ethics Commission.
- √ Provide that the Ethics Commission's "adjudicatory" decisions are not reviewable by the City Council.
- √ Retain quasi-judicial decision-making Commissions for Civil Service, Planning & Zoning, and Building and Safety.
- √ Provide for a Commission for the Departments of Animal Services, Fire, Library, and Recreation and Parks.
- √ Provide that the Commissions for the Departments of Animal Services, Fire, Library, and Recreation and Parks will serve as policy oversight bodies.
- √ Proposition 5, as it presently exists in the current Charter, should be repealed.
- √ Provide for the ability to establish "advisory" Commissions by ordinance.
- √ Provide that for all Commissioners established by ordinance as advisory to City Departments, the Mayor shall appoint all Commissioners, with Council confirmation, but subject to removal by the Mayor alone.
- √ Continue the provisions for giving the City Council 45 days in which to act in confirming appointments by the Mayor of Commissioners and department heads.
- √ Provide for the City Council to have a legislative veto power with respect to decisions of boards or commissions by a 2/3 vote. Such veto authority would not extend to personnel or adjudicative decisions, nor to contracts below a given dollar threshold, unless such contracts were for a period of three years or more. (Legislative veto authority with respect to DWP, Airports and Harbor Departments to be studied further.)

# Forum 1 Allocation of Power and Governance

# Elections and Recall

## ELECTIONS AND RECALL

- √ The number of signatures required to nominate a candidate for a City Council district seat should be reduced from 500 to 250, and the requirement of 500 for a City wide office (Mayor, City Attorney, City Controller) be continued.
- √ Continue the Charter provisions for initiative and referendum, but simplify by moving certain administrative language to the Administrative Code.



- √ Polling place provisions should be eliminated from the Charter, and established by ordinance.
- √ Allow the City Council to call mail-only elections and use other balloting procedures authorized by state law.
- √ Retain current Charter provisions with regard to campaign financing, with minor technical changes as recommended by the Ethics Commission.

- √ Provide that the number of signatures required in a recall petition be as follows:

For the City-wide positions of Mayor, City Attorney and City Controller: 25% of the voters who voted in the previous City-wide election;

For the position of Council member: 25% of the voters who voted in the previous election, in the district where the recall is sought.

- √ The circulation period for recall petitions should remain at 120 days.
- √ Provide that if an incumbent prepares a response to a "notice of intent to recall," in addition to publication, the incumbent shall be required to file his/her response with the City Clerk.
- √ Provide for an automatic forfeiture of office by an elected official who is convicted of a felony, enters a plea of guilty or no contest to a felony charge, or otherwise admits guilt to a felony charge.
- √ Provide for a five year ban on holding an appointed or elected City office for any elected official that is removed from office, whether due to automatic forfeiture or recall.
- √ Elected officials are expected to conform to the highest standards of conduct. Failure to meet these standards may, short of removal, lead to a resolution of censure approved by a two-thirds vote of the City Council.

## Forum 2 Delivery of City Services

### PROPRIETARY DEPARTMENTS

- √ Establish the following proprietary departments: Airports; Harbor; Water & Power.
- √ The Commissions or Boards of the proprietary departments shall be responsible for policy setting and policy oversight.
- √ The Commissions or Boards of the proprietary departments are not to be responsible for day to day management.
- √ General Managers will be responsible for day-to-day management of the proprietary departments.
- √ The Mayor shall appoint commissioners for the proprietary departments, with confirmation by the City Council.
- √ Commissioners of the proprietary departments shall be removable by the Mayor alone, at will.
- √ General Managers of the proprietary departments shall be appointed by the Mayor, subject to confirmation by their respective Commission/Board and by the City Council.

## Proprietary Departments

- √ General Managers of the proprietary departments may be removed by the Mayor with the approval of the respective Commission/Board; or, by a majority vote of the Commission/Board, and the approval of the Mayor.
- √ Action to remove a General Manager of a proprietary department that is initiated by the Mayor shall be acted upon by the Commission/Board within thirty (30) calendar days; any such removal action that is initiated by a Commission/Board shall be acted upon by the Mayor within thirty (30) calendar days. Failure to act on the part of either the Mayor or the Commission/Board within the time provided shall be deemed an assent to the action to remove.
- √ The Commission/Board for the Department of Airports shall consist of seven (7) members, one of whom must be a resident of the area surrounding LAX, and one of whom must be a resident of the area surrounding Van Nuys Airport.
- √ The Commission/Board for the Harbor Department shall consist of five (5) members, one of whom must be a resident of the harbor area.

#### **Did you know?**

None of the elected Commissioners are paid for their time and involvement in the charter reform process.