

MOTION

The responsibilities and legal authority of the office of the City Controller are defined by Sections 260 through 266 of the City Charter. Pursuant to the Charter, the Controller is an elected officer of the City, but the Controller is not a part of the Executive Branch nor the Legislative Branch of the City. The Controller has no authority to make, alter or ignore the policy of the City of Los Angeles as determined by the Legislative and Executive Branches, specifically the City Council and the Mayor.

Last October, the Council voted to temporarily suspend Councilmember Mark Ridley-Thomas. Immediately following that vote, the Controller made the unilateral decision "to suspend Ridley-Thomas's salary and benefits effective October 21, 2021," purportedly pursuant to Section 218 of the Charter. According to press reports, a spokesperson for the Controller said at the time that the City Charter allows that office to stop salary payments when a Councilmember is not "devoting his time to duties related to his office."

Last week, Councilmember Ridley-Thomas filed a lawsuit against the city to reverse the Controller's decision.

The Council never discussed or debated whether Ridley-Thomas' salary and benefits should, or legally could, be suspended. That decision was made solely by the Controller. In light of the litigation, the Council must have the opportunity to evaluate whether the Controller acted with legal authority in this regard.

Moreover, if a future Controller, as an independently elected City official, has the ability to decide to suspend the pay of a Councilmember whom the Controller subjectively claims is not "devoting his time to duties related to his office," the potential for abuse is obvious. Further, arguably the Controller would also have the same authority with regard to any other City employee whom the Controller decides is not fulfilling the employee's duties, opening the possibility of significant policy meddling by the Controller's office if the Controller seeks to pursue a political agenda.

If a Controller can decide to discontinue pay based on a subjective opinion that a public employee is not devoting their time to their duties, there is a real risk that a future Controller might stop paying public employees who do not hew to the Controller's view of what their "duty" should be.

I THEREFORE MOVE that the Council request that the City Attorney report within 30 days on (i) whether the Controller has the legal authority to make a unilateral decision to suspend pay and/or benefits of any City employee, and if so, under what circumstances, and (ii) what options the Council has if a Controller makes such a decision with which the Council disagrees.

I FURTHER MOVE that, if there is any ambiguity in the Charter about the Controller's appropriate role in this regard, that the City Attorney report back with proposed amendments to the Charter necessary to correct such ambiguity.

Presented by: Paul Kerkorian
PAUL KREKORIAN
Councilmember, 2nd District

Seconded by: Ji Cedillo

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