

CITY OF LOS ANGELES CHARTER AMENDMENT HH

TITLE:

CITY GOVERNANCE, APPOINTMENTS, AND ELECTIONS.

THE ISSUE:

Shall the City Charter be amended to: require that commission appointees file financial disclosures before they can be confirmed; clarify the Controller's auditing authority regarding City contractors; expand the City Attorney's subpoena power; authorize temporary appointments to certain general manager positions; establish a process to evaluate the impacts of laws proposed by initiative or referendum petition; and make other changes and clarifications regarding City governance, appointments, and elections?

THE SITUATION:

The City Charter establishes the structure, responsibilities, functions, processes, and powers of the City government. The City is proposing various changes and clarifications to the City Charter regarding City governance, appointments, and elections.

THE PROPOSAL:

The measure would make changes and clarifications to the City Charter regarding City governance, appointments, and elections, including to:

- Require that Commission appointees file financial disclosures before they can be confirmed by the City Council;
- Clarify the Controller's audit authority over City contractors and subcontractors that are expending or receiving City funds;
- Expand the City Attorney's subpoena power;
- Authorize temporary appointments to certain general manager positions;
- Establish a process to evaluate the fiscal and other impacts of laws that are proposed by initiative or referendum petition; and
- Require that at least two members of the Board of Harbor Commissioners reside in the Harbor area.

A YES VOTE MEANS:

You want the City Charter to be amended to make the changes and clarifications described above regarding City governance, appointments, and elections.

A NO VOTE MEANS:

You do not want the City Charter to be amended to make the changes and clarifications described above regarding City governance, appointments, and elections.

THE FULL TEXT OF THIS MEASURE BEGINS ON PAGE 49.

HH CITY GOVERNANCE, APPOINTMENTS, AND ELECTIONS. CHARTER AMENDMENT HH.

Shall the City Charter be amended to: require that commission appointees file financial disclosures before they can be confirmed; clarify the Controller's auditing authority regarding City contractors; expand the City Attorney's subpoena power; authorize temporary appointments to certain general manager positions; establish a process to evaluate the impacts of laws proposed by initiative petition; and make other changes and clarifications regarding City governance, appointments, and elections?

IMPARTIAL SUMMARY BY SHARON M. TSO, CHIEF LEGISLATIVE ANALYST

The basic law of the government of the City of Los Angeles is found in the City Charter. The City Charter establishes the structure, responsibilities, functions, processes, and powers of the City government. The City is proposing various changes and clarifications to the City Charter regarding City governance, appointments, and elections. The City Charter can only be amended by a majority vote of the City's voters.

The measure would amend the City Charter to make various changes and clarifications regarding City governance, appointments, and elections, including the following:

- Allow a City Council member to serve on the board of a joint powers authority if they do not receive compensation for that service;
- Clarify City Council voting rules regarding disapproval of a proposed action;
- Clarify the City Controller's auditing authority to access the records and personnel of contractors and subcontractors that receive or manage City funds;
- Expand the City Attorney's subpoena power to include the authority to subpoena witnesses, administer oaths and affirmations, and require the production of records in the course of investigating violations of State or local law, but not include the power to investigate City offices, departments, officers, or employees;
- Delete obsolete language regarding City election dates;
- Clarify signature gathering timeframes and deadlines for initiative petitions;
- Provide a process and timeframe for City offices and departments to report on the impacts of an ordinance proposed by an initiative or referendum petition before City Council decides to adopt or repeal the ordinance, or submit it to the voters;
- Allow a proponent to withdraw a referendum petition;
- Require that a City board or commission appointee file financial disclosure statements with the Ethics Commission and submit the disclosures to the City Council before the appointee can be confirmed by the City Council;

- Require that two members of the Board of Harbor Commissioners reside within the Harbor area, one from the community of San Pedro and one from the community of Wilmington;
- Establish a method for appointing a temporary executive director of the Office of Public Accountability in case of a vacancy; and
- Establish a method for appointing a temporary general manager of a pension or retirement system in case of a vacancy.

This measure will become effective if approved by a majority of voters.

**FINANCIAL IMPACT STATEMENT
BY MATTHEW W. SZABO, CITY ADMINISTRATIVE OFFICER**

This measure would amend several sections of the City Charter related to City governance including appointments to commissions and other City positions. The measure would also establish a process to evaluate the impacts of laws proposed through initiative petitions, clarify the Controller's auditing authority regarding City contractors, and expand the City Attorney's subpoena power. This measure does not require the appropriation of funds to implement the changes, however, the clarification of roles, establishment of procedures, and the expansion of subpoena powers for the City Attorney may increase the workload of various City departments which may or may not be absorbed within existing resources. At this time, there is insufficient information to determine a cost to any of the impacted departments.

ARGUMENT IN FAVOR OF CHARTER AMENDMENT HH

CHARTER AMENDMENT HH gets rid of outdated language in the City Charter, closes ethical loopholes, and provides for some much-needed reforms to the City's governance.

- CHARTER AMENDMENT HH gives the City Attorney the power to subpoena witnesses and compel disclosure of evidence when investigating potential violations of law or other wrongdoing. The current charter language does not provide the City Attorney with these necessary tools to pursue justice on behalf of the people of Los Angeles.
- CHARTER AMENDMENT HH gives the City Controller the authority to access the financial records and personnel of all contractors and subcontractors who expend or receive City funds. City contracting should be transparent, and those who receive City funds must be accountable for how those funds are spent.
- CHARTER AMENDMENT HH prohibits the Council from approving any appointment to a city commission until the nominee's financial disclosure statements have been presented to the Ethics Commission, to the Council, and to the public. Conflicts of interest should be flagged before any appointment to a City commission is approved.
- CHARTER AMENDMENT HH gives the Council 30 days to review the possible financial or other impacts of voter initiatives before either enacting them or placing them on the ballot for voters to decide. Voters should know in advance what impact a proposed initiative will have, and what it will cost.
- CHARTER AMENDMENT HH will modify the composition of the Board of Harbor Commissioners to better represent the interests of communities most affected by the Port of Los Angeles operations. Our Port serves as an economic driver for the entire region, with specific impacts on the immediate surrounding communities. By requiring local representation on the Board, the measure will advance equity and fairness by elevating concerns and experiences of Harbor Area residents, businesses and workers.

VOTE YES ON CHARTER AMENDMENT HH!

Arguments printed on this page are the opinions of the authors and are not checked for accuracy by any City agency.

PERSONS SIGNING ARGUMENTS IN FAVOR OF CHARTER AMENDMENT HH

PAUL KREKORIAN
Councilmember, District 2
City of Los Angeles

TIM MCOSKER
Councilmember, District 15
City of Los Angeles

NO ARGUMENT AGAINST THIS MEASURE WAS SUBMITTED.

DRAFT

REBUTTAL ARGUMENT IN FAVOR OF CHARTER AMENDMENT HH

CHARTER AMENDMENT HH updates our City Charter and makes many needed reforms to the governance of our city.

CHARTER AMENDMENT HH gives the City Attorney power to subpoena witnesses and require the disclosure of evidence in civil cases.

CHARTER AMENDMENT HH provides for meaningful audits of firms being paid by the City and gives the City Controller access to their records.

CHARTER AMENDMENT HH ensures that the City Council can review the financial records of people appointed to serve on City commissions before they are confirmed, and gives time to review the cost of ballot initiatives before they are submitted to the voters.

CHARTER AMENDMENT HH requires the Board of Harbor Commissioners (which governs the Port of Los Angeles) to include members of the public who live in the Harbor communities directly impacted by the operations of the Port.

Vote for responsible, accountable, transparent governance.

Vote YES on CHARTER AMENDMENT HH!

PERSONS SIGNING REBUTTAL ARGUMENT IN FAVOR OF CHARTER AMENDMENT HH

PAUL KREKORIAN
Councilmember, District 2
City of Los Angeles

TIM MCOSKER
Councilmember, District 15
City of Los Angeles

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New provisions or language added to the Charter or to existing Charter sections are shown in underline type; words deleted from the Charter or from existing Charter sections are shown in ~~strikeout~~ type.

CHARTER AMENDMENT HH

Section 1. Section 212 of the Charter of the City of Los Angeles is amended to read as follows:

No member of the Council shall, during the term for which he or she has been elected, serve in any other office, if the position is appointed by or subject to confirmation by the Council. This section shall not apply to prohibit a member of the Council from serving on the board of a joint powers authority if the member receives no compensation for the service.

Sec. 2. Section 244 of the Charter of the City of Los Angeles is amended to read as follows:

Two-thirds of the members of the Council shall constitute a quorum for the transaction of business. Nothing in the Charter shall prevent a smaller number from transacting business by a majority vote of members present to the extent necessary to fill vacancies in the membership of the Council in the manner provided in Article IV, where no quorum can be assembled except by filling the vacancies. Except as otherwise provided in the Charter, action by the Council shall be taken by a majority vote of the entire membership of the Council; provided, however, that if a majority of the entire membership of the Council votes against a proposed action requiring approval or disapproval, that vote shall constitute Council's disapproval without requiring a separate vote to disapprove. Whenever in the Charter a certain proportion of the Council is required for the performance of any act, it shall mean that proportion of the entire membership of the Council.

Sec. 3. Subsection (e) of Section 261 of the Charter of the City of Los Angeles, regarding the powers and duties of the Controller, is amended to read as follows:

(e) in compliance with generally accepted government auditing standards, audit all departments and offices of the City, including proprietary departments, where any City funds are either received or expended; be entitled to obtain access to all ~~department~~ records and personnel, including from City contractors and subcontractors that are either expending or receiving City funds, in order to carry out this function; establish an auditing cycle to ensure that the performance, programs and activities of every department are audited on a regular basis, and promptly provide completed audit reports to the Mayor, Council, and City Attorney and make those reports available to the public;

Sec. 4. A new Subsection (f) is added to Section 271 of the Charter of the City of Los Angeles, regarding the powers and duties of the City Attorney, to read as follows:

(f) Notwithstanding any other provision of the Charter, in the course of investigating any violations of state or local law that the City Attorney has authority to enforce, the City Attorney shall have the power to subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence, require the production of any books, papers, records or

other items, and require responses to written interrogatories relevant to the investigation, except that the powers granted by this subsection shall not include the power to investigate City offices, departments, officers, or employees or to compel the production of documents or testimony from City offices, departments, officers, or employees. The Chief of Police, or other officer designated by ordinance, shall cause all such subpoenas or other written orders to be served. The Council shall prescribe by ordinance suitable penalties for disobedience of subpoenas, and the refusal of witnesses to testify, produce evidence, or respond to written interrogatories.

Sec. 5. Section 401 of the Charter of the City of Los Angeles is amended to read as follows:

~~(a) Until the year 2020, for City offices and elections of the Board of Education, primary nominating elections shall be held on the first Tuesday after the first Monday in March in every odd-numbered year, and general municipal elections shall be held on the third Tuesday in May in every odd-numbered year, except that no such elections will be held in the year 2019 in order to transition to new election dates as provided in subsection (b):~~

~~(b) Beginning in the year 2020, for For City offices and elections of the Board of Education, primary nominating elections shall be held on the first Tuesday after the first Monday in March in every even-numbered year, and general municipal elections shall be held on the first Tuesday after the first Monday in November of every even-numbered year. The Council may, by ordinance, specify different dates for the primary nominating and general municipal elections so that they may be held on the same dates as the statewide primary and general elections.~~

Sec. 6. Subsection (b) of Section 451 of the Charter of the City of Los Angeles, regarding initiative petitions, is amended to read as follows:

(b) All names signed to a petition must have been secured not more than 120 days prior to the date of filing. Any signature affixed outside of this time period shall not be counted in determining the sufficiency of the petition. To qualify for presentation to the Council, an initiative petition shall be signed by registered voters of the City in a number equal to 15% of the total number of votes cast for all candidates for the office of Mayor at the last general municipal election, or primary nominating election, at which a Mayor was elected prior to the date the City Clerk approves the petition for circulation ~~filing of the petition~~. In order to be accepted for filing with the City Clerk, the petition must on its face purport to have the requisite number of signatures appended to it.

Sec. 7. Subsection (b) of Section 452 of the Charter of the City of Los Angeles, regarding initiative petitions, is amended to read as follows:

(b) When an initiative petition requesting the adoption by the Council of a proposed ordinance is presented to the Council by the City Clerk, the Council must take one of the following actions within 20 days after the presentation, unless the petition is withdrawn by the proponents:

- (1) adopt the proposed ordinance, without alteration;
- ~~(2) call a special election to be held not earlier than 110 days nor more~~

than 140 days after Council action on the petition to submit the proposed ordinance, without alteration, to a vote of the electors of the City; or

~~(2)~~(3) determine to submit the proposed ordinance, without alteration, to a vote of the electors of the City at either a special election, the next regular City election, or the next Statewide election, to be held more than 110 days from the date of Council action on the petition ~~or the next Statewide election conducted by the County of Los Angeles to be held more than 110 days from the date of Council action on the petition;~~ or

(3) refer the proposed ordinance to a department or office for a report on its fiscal and other impacts on the City, provided however that the Council must take one of the actions described in Subdivisions (1) or (2) of this subsection within 30 days after referring the proposed ordinance for a report.

Sec. 8. Section 462 of the Charter of the City of Los Angeles, regarding referendum petitions, is amended to read as follows:

(a) The proponents of a referendum petition may withdraw the petition in accordance with the procedures of the City Election Code.

(b) When a referendary petition is presented to the City Council by the City Clerk, the Council must take one of the following actions within 20 days of the presentation, unless the petition is withdrawn by the proponents:

~~(1)~~(a) repeal the ordinance;

~~(b) call a special election to be held not earlier than 110 days nor more than 140 days after action by the Council on the petition to submit the ordinance to a referendary vote; or~~

~~(2)~~(c) determine to submit the ordinance to a vote of the qualified electors of the City for approval or rejection at either a special election, the next regular City election, or the next Statewide election, to be held more than 110 days from the date of certification of the petition ~~or the next Statewide election conducted by the County of Los Angeles to be held more than 110 days from the date of certification of the petition;~~ or

(3) refer the ordinance to a department or office for a report on its fiscal and other impacts on the City, provided however that the Council must take one of the actions described in Subdivisions (1) or (2) of this subsection within 30 days after referring the proposed ordinance for a report.

Sec. 9. A new Subsection (e) is added to Section 502 of the Charter of the City of Los Angeles, regarding appointment of commissioners, is amended to read as follows:

(e) **Financial Disclosures.** Council shall not approve an appointee before the appointee's financial disclosure statements have been filed with the Ethics Commission and submitted to the Council. Notwithstanding Subsections (a) and (b), an appointee shall be

deemed disapproved if the appointee's financial disclosure statements have not been filed with the Ethics Commission and submitted to the Council within 45 days after the submission of the appointment to the Council.

Sec. 10. Section 650 of the Charter of the City of Los Angeles is amended to read as follows:

The Board of Harbor Commissioners shall consist of five members appointed and removed as provided in Section 502. The board shall include at least one member who resides within San Pedro and one member who resides within Wilmington, the area surrounding the Harbor District, as that area is as those areas are defined by ordinance.

Sec. 11. Subsection (b) of Section 683 of the Charter of the City of Los Angeles, regarding the executive director of the Office of Public Accountability, is amended to read as follows:

(b) The OPA shall be headed by an Executive Director, who shall be exempt from civil service. The Executive Director shall be appointed by a citizens committee to a five-year term, subject in appointment to confirmation by the Council and Mayor. The Council shall by ordinance provide for the removal of the Executive Director in a procedure similar to that set forth in City Charter Section 575(e), and only for the reasons provided by ordinance. The Council by ordinance shall prescribe the composition and manner of selection of the citizens committee.

The citizens committee shall fill any vacancy in the position of the Executive Director by appointment, subject to confirmation by the Council and Mayor. The Mayor may appoint a temporary Executive Director to serve until the vacancy is filled, subject to confirmation by the Council, provided however that no temporary Executive Director shall serve for longer than six months without the approval of the citizens committee.

Sec. 12. A new Subsection (d) is added to Section 1108 of the Charter of the City of Los Angeles, regarding the general managers of pension and retirement systems, to read as follows:

(d) **Temporary Appointments.** If a vacancy arises in the position of general manager, until the vacancy is filled, the board may appoint a temporary general manager for six months, which period may be extended with the consent of the Mayor and Council for an additional six months.

Sec. 13. If any section, clause, sentence, phrase, or portion of this Charter amendment is held unconstitutional or invalid by any court or tribunal of competent jurisdiction, the remaining sections, clauses, sentences, phrases, or portions of this article shall remain in full force and effect, and to this end the provisions of this article are severable. In addition, the voters declare that they would have passed all sections, clauses, sentences, phrases, or portions of this Charter amendment without the section, clause, sentence, phrase or portion held unconstitutional or invalid.