



OFFICE OF THE CITY ATTORNEY

ROCKARD J. DELGADILLO
CITY ATTORNEY

REPORT NO. R 0 8 - 0 4 2 1
NOV 0 4 2008

REPORT RE:

**TRANSMITTAL OF A BALLOT RESOLUTION AND BALLOT TITLE
RESOLUTION REGARDING A PROPOSED MEASURE TO AMEND
THE CHARTER TO EXPAND THE PERFORMANCE AUDIT AUTHORITY
OF THE CONTROLLER, COUNCIL AND MAYOR**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, CA 90012-4801

Council File No. 08-2167

Honorable Members:

Pursuant to your instructions of October 29, 2008, we have prepared and present the ordinance and resolutions necessary to place a ballot measure on the March 3, 2009 ballot to amend the Los Angeles City Charter to expand the authority of the Controller, Council and Mayor to conduct performance audits of certain City programs administered by elected City officials.

The ballot measure will amend the Charter Section 261(k) and provide for an operative date of July 1, 2009. The amendment will authorize the Controller to conduct performance reviews of programs administered by another elected City office. The amendment also will authorize the Council and Mayor to conduct performance audits of programs administered by the Controller. Lastly, the amendment defines the types of programs that are subject to performance audits to include: (1) activities, projects, functions, or entities with established goals and objectives that are funded by City resources, or through state or federal grants; and either (2) activities, projects, functions or entities that are established by ordinance; or (3) activities, functions, or entities that

formerly were housed in a City department or multiple City departments that are transferred to an elected City office.

If you have any questions, please contact Chief Assistant City Attorney David Michaelson at (213) 978-7178. Either he or another member of this office will be available when you consider this matter to answer any questions you may have.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By 
DAVID MICHAELSON
Chief Assistant City Attorney

DM:VLF:lee
Transmittal

ORDINANCE NO. _____

An ordinance calling a Special Election to be held on Tuesday, March 3, 2009 for the purpose of submitting to the qualified voters of the City of Los Angeles a certain Charter amendment and consolidating this Special Election with the City's Primary Nominating Election or a Statewide Special Election to be held on the same date.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A Special Election is hereby called to be held in the City of Los Angeles on March 3, 2009, for the purpose of submitting to the qualified voters of the City a certain Charter Amendment ordered submitted by the Council of the City of Los Angeles.

Sec. 2. The ballot title and question to be used at the Special Election for the measure to be submitted to the qualified voters of the City of Los Angeles shall be:

**PERFORMANCE AUDIT AUTHORITY. CHARTER
MEASURE ____.**

Shall the Charter be amended to expand the authority of the City Controller to conduct performance audits of programs administered by other elected City officials and to expand the authority of the City Council and Mayor to conduct performance audits of programs administered by the City Controller?

Sec. 3. The measure shall be designated on the ballot or ballot pages by a letter or number determined by the City Council in accordance with applicable City and state laws. Upon the designation by the proper officials of the letter or number to be assigned to the measure, that letter or number is hereby adopted and shall be the designation for the ballot title.

Sec. 4. To vote on the measure, the voter shall mark the ballot next to the word "Yes" or the word "No." A "Yes" vote shall be counted in favor of adoption of the measure and a "No" vote shall be counted against adoption of the measure.

Sec. 5. The Special Election hereby called shall be, and hereby is ordered to be, consolidated with the City's Primary Nominating Election to be held in the City of Los Angeles on Tuesday, March 3, 2009. In the event that the City's Primary Nominating Election is consolidated with a Statewide Special Election, this City ballot measure Special Election shall be included in that consolidation as part of the City's Primary Nominating Election.

Sec. 6. The voting polls on election day shall open at 7:00 a.m., March 3, 2009, and shall remain open until 8:00 p.m. of the same day when the voting polls shall be closed, except as provided in City Election Code Section 857 (or California Elections Code Section 14401 if the election is consolidated with a Statewide Special Election).

Sec. 7. The election precincts, polling places, and officers of election for the Special Election shall be the same as those provided in the City of Los Angeles for the Primary Nominating Election, and the elections shall be held in all respects as if there were only one election. Furthermore, for the precincts, polling places, and officers of election, reference is hereby made to the list that will be prepared and approved by the City Clerk and filed in the City Clerk's Office not later than February 2, 2009, and that list is incorporated into and made part of this ordinance. In the event that this City ballot measure Special Election is consolidated with a Statewide Special Election, the election precincts, polling places, and officers of election shall be the same as those provided in the City of Los Angeles for the Statewide Special Election, and the elections shall be held in all respects as if there were only one election; furthermore, for the precincts, polling places, and officers of election, reference is hereby made to the Order of the Registrar-Recorder of the County of Los Angeles to be adopted for the Statewide Special Election and that Order is incorporated into and made part of this ordinance.

Sec. 8. In all other particulars, the Special Election shall be held and conducted as provided by law for the conduct of the Primary Nominating Election in the City of Los Angeles. In the event that this City ballot measure Special Election is consolidated with a Statewide Special Election, then in all other particulars the election shall be held and conducted as provided by law for the conduct of the Statewide Special Election in the City of Los Angeles, and the Board of Supervisors of the County of Los Angeles shall have authority to canvass the returns of the election, and the City Council of the City of Los Angeles upon receipt of the certified results of the canvass of election returns shall declare the results thereof.

Sec. 9. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

KAREN E. KALFAYAN, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

Date 11/4/08

File No. 08-2167

RESOLUTION

WHEREAS, the Council of the City of Los Angeles has adopted a resolution to place a Charter amendment before the qualified voters of the City of Los Angeles at the March 3, 2009 Special Election to be consolidated with the City's Primary Nominating Election or a Statewide Special Election to be held on the same date; and

WHEREAS, the City Election Code requires the City Attorney to prepare and present a ballot title and question consisting of an impartial statement of the measure; and

WHEREAS, the City Attorney has presented the following ballot title and question for the proposed measure:

PERFORMANCE AUDIT AUTHORITY. CHARTER AMENDMENT ____.

Shall the Charter be amended to expand the authority of the City Controller to conduct performance audits of programs administered by other elected City officials and to expand the authority of the City Council and Mayor to conduct performance audits of the City Controller?

NOW, THEREFORE, BE IT RESOLVED that the ballot title and question presented by the City Attorney be adopted by the City Council.

I hereby certify that the foregoing Resolution was adopted by the Council of the City of Los Angeles at its meeting held on _____.

KAREN E. KALFAYAN, City Clerk

By _____
Deputy

C.F. No. 08-2167

RESOLUTION

Resolution providing that a ballot measure be submitted to the qualified voters of the City of Los Angeles.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LOS ANGELES AS FOLLOWS:

Section A. The following amendments to the Charter of the City of Los Angeles are hereby proposed to be submitted to the qualified voters of the City of Los Angeles at a Special Election to be called and consolidated with the City's Primary Nominating Election or a Statewide Special Election to be held on March 3, 2009:

CHARTER AMENDMENT _____

Section 1. Subsection (k) of Section 261 of the Charter of the City of Los Angeles is amended to read:

(k) In compliance with generally accepted government auditing standards, conduct performance audits of City departments, including suggesting plans for the improvement and management of the revenues and expenditures of the City, and may conduct performance audits of programs administered by one or more departments or Programs, as defined herein, administered by an elected City office. For purposes of this subsection, Program is defined as follows:

(1) Activities, projects, functions, or entities with established goals and objectives that are funded by City resources, or receive state or federal grant funds; and either

(2) Activities, projects, functions or entities that are established by ordinance; or

(3) Activities, functions, or entities that formerly were housed in one or more departments or appointed offices that are transferred to an elected City office.

The Council and Mayor may conduct performance audits of Programs administered by the Controller as defined herein. Nothing in this subsection shall preclude the Mayor or Council from conducting management studies or other reviews of appointed offices or department operations.

Sec. 2. The operative date of this Charter amendment shall be July 1, 2009.

Sec. B. The City Clerk is hereby authorized and directed to publish a notice containing the proposed ballot measure, specifying the date of March 3, 2009 as the date the measure is to be voted upon by the qualified voters of the City of Los Angeles. The notice shall be published once in a newspaper of general circulation in the City of Los Angeles, and in each edition thereof during that day of publication. The City Clerk is authorized and directed to prepare and keep in the City Clerk's office a sufficient supply of copies of the proposed ballot measure and to distribute the proposed ballot measure to any and all persons requesting a copy. Further, the City Clerk is authorized and directed to mail copies of the proposed ballot measure to each of the qualified voters of the City of Los Angeles.

Sec. C. The City Clerk is hereby authorized and directed to cause a notice to be published once in a newspaper of general circulation that copies of voter information pamphlets containing the proposed ballot measure may be obtained upon request in the City Clerk's office.

Sec. D. The City Clerk shall file a duly certified copy of this Resolution forthwith with the Board of Supervisors and with the Registrar-Recorder of the County of Los Angeles.

I hereby certify that the foregoing Resolution was adopted by the Council of the City of Los Angeles at its meeting held on _____.

KAREN E. KALFAYAN, City Clerk

By _____ Deputy

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By  _____
DAVID MICHAELSON
Chief Assistant City Attorney

Date 11/04/08

C.F. No. 08-2167