

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 8, 2011 Special Election to be consolidated with the City's Primary Nominating 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:

DEPARTMENT OF WATER AND POWER; SUBMISSION OF PRELIMINARY BUDGET TO THE CITY COUNCIL FOR INFORMATIONAL PURPOSES; PROCEDURES FOR MAKING SURPLUS TRANSFERS FROM THE POWER REVENUE FUND TO THE CITY RESERVE FUND. CHARTER AMENDMENT _____.

Shall the Charter be amended to (a) require the Department of Water and Power for informational purposes to submit to the City Council by March 31 each year a preliminary budget for the ensuing fiscal year (July 1 through June 30), to be updated by May 31 with new information, and (b) establish procedures for making surplus transfers from the Power Revenue Fund to the City Reserve Fund?

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 _____.

JUNE LAGMAY, City Clerk

By _____
Deputy

C.F. No. 08-1967, et al.

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 held on March 8, 2011:

CHARTER AMENDMENT _____

Section 1. Section 684 is added to the Charter of the City of Los Angeles to read:

Sec. 684. Submission of Budget to the City Council for Informational Purposes.

The Board of Water and Power Commissioners shall submit a preliminary budget for the upcoming fiscal year to the City Council for informational purposes by no later than March 31 of each year and shall by May 31 of that year update the preliminary budget based on additional information received after March 31, including without limitation, additional information about revenue and expense projections. This Section shall be operative on July 1, 2011.

Sec. 2. Charter § 344 shall be amended to read::

Sec. 344. Transfer of Surplus to Reserve Fund.

(a) At the close of each fiscal year, the Controller and Treasurer shall transfer all surplus money remaining in each fund over and above the amount of outstanding demands and liabilities payable out of the fund to the Reserve Fund, except surplus money in the several bond funds, interest and sinking funds, trust funds, pension and retirement funds, Harbor Revenue Fund, Library Fund, Recreation and Parks Fund, Power Revenue Fund, Water Revenue Fund, Airport Revenue Fund and other funds as provided by the Charter or ordinance. The Council may, by ordinance, direct that surplus money in the Harbor Revenue Fund, the Power Revenue Fund or the Water Revenue Fund be transferred to the Reserve Fund with the consent of the board in charge of the fund, but not

otherwise. Surplus money may be transferred from the Airport Revenue Fund only as provided in Section 635.

(b) The Council may, by ordinance, direct that a transfer be made to the Reserve Fund from surplus money in the Water Revenue Fund or Power Revenue Fund with the consent of the Board of Water and Power Commissioners (the "Board"), as provided in this section.

(1) For purposes of this section, surplus in the Water Revenue Fund or Power Revenue Fund shall be defined as the amount remaining in the Water Revenue Fund or Power Revenue Fund, less outstanding demands and liabilities payable out of the fund, at the end of the fiscal year prior to the fiscal year in which the transfer is to be made, as shown by audited financial statements.

(2) Through the process provided in this section, the Board may withhold its consent to make the transfer in whole or in part if, despite the existence of a surplus as defined herein, it finds that making the transfer would have a material negative impact on the Department's financial condition in the year in which the transfer is to be made.

(3) By no later than November 30 of each year, the Board shall be presented with audited financial statements for the prior fiscal year. Based upon the audited financial statements for the prior fiscal year and budget status information for the current fiscal year, the Board shall, by December 31 of each year notify the Council and Mayor that the Board has (i) approved that the transfer be made in full, (ii) approved that the transfer be made in part, or (iii) decided that the transfer not be made in whole or in part. In the event that no approval of the transfer in full has been made by the date of notification, the Board shall provide the City Council and Mayor with (i) a detailed explanation of the basis therefor and all supporting financial information, and (ii) a preliminary assessment on the feasibility of making the transfer or the remaining portion of the transfer, as the case may be, by the end of the current fiscal year, which preliminary assessment shall be accompanied by a detailed explanation of its basis and all supporting financial information.

(4) In the event that the Board notifies the City that it will be unable to make the transfer in whole or in part because it will have a material negative impact on the Department's financial condition in the year in which the transfer is made, the City Administrative Officer shall verify the Department's findings and report to the

Mayor and City Council concurrently, by no later than February 28, with that office's findings and recommendations. The Board shall after receiving the report from the City Administrative Officer and consultation with the Council and Mayor, act to either amend or uphold the Board's preliminary findings.

(5) Any transfer made shall be consistent with any applicable contractual obligations.

Sec. B. The City Clerk is hereby authorized and directed to publish a notice containing the proposed ballot measure, specifying the date of March 8, 2011 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 _____.

JUNE LAGMAY, City Clerk

By _____
Deputy

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
HARIT U. TRIVEDI
Deputy City Attorney

Date 11/12/10

C.F. No. 08-1967, et al.

ORDINANCE NO. _____

An ordinance calling a Special Election to be held on Tuesday, March 8, 2011 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 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 8, 2011, 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:

**DEPARTMENT OF WATER AND POWER; SUBMISSION
OF PRELIMINARY BUDGET TO THE CITY COUNCIL FOR
INFORMATIONAL PURPOSES; PROCEDURES FOR
MAKING SURPLUS TRANSFERS FROM THE POWER
REVENUE FUND TO THE CITY RESERVE FUND.
CHARTER AMENDMENT _____.**

Shall the Charter be amended to (a) require the Department of Water and Power for informational purposes to submit to the City Council by March 31 each year a preliminary budget for the ensuing fiscal year (July 1 through June 30), to be updated by May 31 with new information, and (b) establish procedures for making surplus transfers from the Power Revenue Fund to the City Reserve Fund?

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 8, 2011.

Sec. 6. The voting polls on election day shall open at 7:00 a.m., March 8, 2011, 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.

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 8, 2011, and that list 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.

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 _____.

JUNE LAGMAY, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
HARIT U. TRIVEDI
Deputy City Attorney

Date 11/12/10

File No. 08-1967, et al.