



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 22 - 0319
SEP 19 2022

REPORT RE:

**DRAFT BALLOT RESOLUTION RELATED TO A CERTIFIED REFERENDUM
PETITION AGAINST ORDINANCE NO. 187566 REGARDING A MINIMUM WAGE
FOR EMPLOYEES WORKING AT CERTAIN HEALTHCARE FACILITIES**

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

Council File No. 22-1100-S4

Honorable Members:

The City Clerk has presented the City Council with a certified referendum petition against Ordinance No. 187566, an ordinance adopted by City Council in response to an initiative petition and relating to a minimum wage for employees working at certain healthcare facilities. Under the City Charter, the presentation of a certified referendum petition requires the City Council to submit the ordinance to the voters for their approval or disapproval. This report summarizes the background of the referendum petition and the City Council's options for holding an election on the ordinance. Accompanying the report is a draft ballot resolution to facilitate City Council action on the referendum petition.

Background

On May 4, 2022, a group of proponents submitted an initiative petition to the City Clerk in support of an ordinance establishing a \$25 per hour minimum wage for employees working at certain healthcare facilities.¹ The City Clerk examined the

¹ We summarized the primary provisions of the ordinance in our report dated June 13, 2022 (R22-0215) available on Council File No. 22-1100-S4.

initiative petition, determined that it contained a sufficient number of voter signatures, and certified the initiative to the City Council. The Charter required the City Council to either adopt the initiative ordinance directly or submit it to the voters at the November 2022 election. On June 29, 2022, the City Council exercised its option to adopt the initiative ordinance directly. The Mayor subsequently signed the initiative ordinance on July 7, 2022, and the City Clerk published it on July 13, 2022.

Immediately after its publication, opponents of the ordinance began circulating a referendum petition against the ordinance. Under the Charter, opponents had 30 days after publication to collect a sufficient number of voter signatures to suspend the ordinance until it is approved by voters at a referendum election. Opponents of the ordinance filed their signed referendum petitions with the City Clerk on August 10, 2022.

On August 29, 2022, the City Clerk completed its preliminary review of the referendum petition and accepted it for processing. The City Clerk thereafter examined the voter signatures contained on the petition using the random sampling method authorized in the City Election Code. The City Clerk has completed that examination and has determined that the referendum petition contains a sufficient number of valid voter signatures to qualify for presentation to the City Council. The City Clerk certified the petition as sufficient on September 14, 2022, and presented the certified petition to the City Council on September 19, 2022.

Council Options

The Charter provides that when presented with a certified referendum petition against an initiative ordinance such as Ordinance No. 187566, the City Council must hold a referendary vote on the ordinance. (Charter §§ 452, 462.) The option of repealing Ordinance No. 187566 is not available because it is an initiative ordinance. Whereas repeal is an option for regular ordinances challenged by referendum, the Charter requires a referendary vote when a referendum qualifies against an initiative ordinance. (Charter § 452.) The requirement of a referendary vote is consistent with the general rule that initiative ordinances can be repealed only by a subsequent vote of the electors. (See Charter § 464; Cal. Const., Art. II, § 10.)

To hold a referendary vote on Ordinance No. 187566 as provided in the Charter, the City Council must take one of the following actions:

1. Submit the ordinance to a vote of the electors of the City at a special election held no earlier than 110 days but no later than 140 days after the City Council acts; or
2. Submit the ordinance to a vote of the electors of the City at either the next City election or the next Statewide election occurring more than 110 days

from the date of certification of the referendum petition (*i.e.*, the City's Primary Nominating Election held on March 5, 2024).

The City Council must take one of these actions within 20 days after the presentation of a valid certified petition. (Charter § 462.) For this referendum petition, that deadline is October 5, 2022. Ordinance No. 187566 will remain suspended until the referendary election is held. (Charter Section 461(c).)

We have attached a ballot resolution for the City Council to adopt if it wishes to submit Ordinance No. 187566 to the voters at the City's Primary Nominating Election to be held on March 5, 2024 (Option 2 above). If the City Council wishes to hold a special stand-alone election on the ordinance instead (Option 1 above), we will transmit the appropriate documents for City Council approval once the election date has been identified.

If you have any questions regarding this matter, please contact Assistant City Attorney Harit Trivedi or Deputy City Attorney Dania Minassian at (213) 978-7100. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:HT:cl
Transmittal