

CITY OF LOS ANGELES CHARTER AMENDMENT II

TITLE:

CITY ADMINISTRATION AND OPERATIONS.

THE ISSUE:

Shall the City Charter be amended to: clarify that the El Pueblo Monument and the Zoo are park property; clarify that departments may sell merchandise to support City operations; include gender identity in non-discrimination rules applicable to employment by the City; clarify the Board of Airport Commissioners' authority to establish fees, rules, and regulations; and make other changes to City administration and operations?

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 administration and operations.

THE PROPOSAL:

The measure would make changes and clarifications to the City Charter regarding City administration and operations, including to:

- Clarify that the El Pueblo Monument and the Zoo are park property;
- Clarify that departments may sell food and merchandise to support City operations;
- Include gender identity in non-discrimination rules related to employment by the City;
- Clarify the Board of Airport Commissioners' authority to establish fees, rules, and regulations regarding ground transportation at airports;
- Allow electronic signatures on certain City documents;
- Allow the City to lease sites in public parks to the Los Angeles Unified School District for uses that are consistent with public park purposes; and
- Change the title of "Director of the Office of Administrative and Research Services" to the "City Administrative Officer."

A YES VOTE MEANS:

You want the City Charter to be amended to make the changes described above related to City administration and operations.

A NO VOTE MEANS:

You do not want the City Charter to be amended to make the changes described above related to City administration and operations.

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II CITY ADMINISTRATION AND OPERATIONS. CHARTER AMENDMENT II.

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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 administration and operations. 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 Administration and operations, including the following:

- Clarify explicitly that departments are able to engage in revenue generating concession activities, such as selling merchandise or food, to raise funds that support department operations;
- Include gender identity and gender expression in the Charter section regarding non-discrimination in City employment;
- Change the name of the "Director of the Office of Administrative and Research Services" and the "Office of Administrative and Research Services" to the "City Administrative Officer" and "Office of the City Administrative Officer" in various Charter sections to be consistent with current practice. This change does not otherwise modify the affected Charter sections;
- Clarify that each City office and department, including the Departments of Library and Recreation and Parks, has the authority to expend funds appropriated for its support during the ensuing fiscal year in accordance with the rules provided by the Charter, ordinances, and other applicable law;
- Clarify that an inspection of the rules and regulations of the Office of Zoning Administration shall be available in accordance with the California Public Records Act;
- Allow the Department of Recreation and Parks to lease sites to the Los Angeles Unified School District for the construction and maintenance of public buildings consistent with public park purposes;

- Clarify explicitly that El Pueblo Historical Monument and the Los Angeles Zoo remain dedicated park property even after being removed from the control of the Board of Recreation and Park Commissioners;
- Allow the use of an alternate title for a general manager of the Harbor Department, the Department of Airports, and the Department of Water and Power;
- Clarify that electronic signatures may be used in connection with revenue bonds issued by the Harbor Department, the Department of Airports, and the Department of Water and Power;
- Clarify the Board of Airport Commissioners' ability to establish fees, rules, and regulations for the use of and access to airport property by commercial and private owners for aeronautical and ground transportation purposes;
- Allow the use of the term "Los Angeles World Airports" as an official name of the Department of Airports;
- Provide flexibility regarding the official responsible for providing notice of civil service examinations to allow for posting on the Personnel Department's website and social media; and
- Clarify that civil service certifications may be utilized concurrently by multiple departments.

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

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

This measure amends several sections of the City Charter to formalize various City administrative and operational practices. The measure confirms that the El Pueblo Monument and Zoo are park property, allows departments to sell merchandise to support operations, includes gender identity in employment non-discrimination rules, specifies the Airport Commission's authority to set fees and regulations, and resets the Charter-specified name of the City Administrative Officer from the Office of Administrative and Research Services. These changes aim to formalize current practices without granting new powers to any department. This measure does not require the appropriation of funds to implement the changes, however, departments selling merchandise or setting fees and regulations may require additional resources to support the generation and collection of revenues. At this time, there is insufficient information to determine a cost to any of the impacted departments nor revenue amounts that may be generated from formalizing existing practices.

ARGUMENT IN FAVOR OF CHARTER AMENDMENT II

CHARTER AMENDMENT II updates the City Charter to make City services more efficient, transparent and accountable.

Over the last year, the City Council's Ad Hoc Committee on City Governance Reform asked the management of all City departments to submit suggestions on how the City Charter could be brought up to date to improve provision of services.

Many of their suggestions were technical fixes to Charter language that are included in this amendment. Others will make tangible improvements in public services.

Among other things, CHARTER AMENDMENT II will:

- Allow joint use agreements between the Los Angeles Unified School District and the Department of Recreation and Parks, making more recreational space available for children in underserved neighborhoods.
- Let the Board of Airport Commissioners charge fees to regulate and manage ground transportation and other commercial services at our airports.
- Benefit taxpayers by allowing the City to engage in food and merchandise concessions at City facilities.
- Allow more efficiency with use of digital technology such as electronic signatures.
- Require that all zoning rules and regulations be made available for public inspection in accordance with the California Public Records Act.

CHARTER AMENDMENT II means:

- More park space for children
- Better ground transportation to and from the airport
- An easier way to fill out City forms and applications remotely
- More food and drink options at City functions and facilities

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

These are changes that City departments asked for so that they can serve you better. These are changes you can make now by voting to amend the City Charter. No one has submitted an argument against this measure because it's hard to argue against any of the above!

VOTE YES ON CHARTER AMENDMENT II !

PERSONS SIGNING ARGUMENTS IN FAVOR OF CHARTER AMENDMENT II

PAUL KREKORIAN
Councilmember, District 2
City of Los Angeles

NO ARGUMENT AGAINST THIS MEASURE WAS SUBMITTED.

DRAFT

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REBUTTAL ARGUMENT IN FAVOR OF CHARTER AMENDMENT II

CHARTER AMENDMENT II makes changes to the City Charter that will enable City departments and agencies to improve their services to YOU, the public. Many of these changes are technical in nature, but they are long overdue. LITERALLY no one submitted any arguments against this Amendment because these changes simply improve City services.

CHARTER AMENDMENT II means adding more recreational space for children in neighborhoods that don't have enough parks.

CHARTER AMENDMENT II means improving our airports by collecting revenues from corporate operators there, so you can receive better services.

CHARTER AMENDMENT II provides for more food, drink and merchandise options that the public can enjoy at City facilities and events.

CHARTER AMENDMENT II makes government more efficient through digital technology so you can fill out many City forms and applications without driving, parking and waiting in line at City offices.

Make City government more efficient. VOTE YES ON CHARTER AMENDMENT II !

PERSONS SIGNING REBUTTAL ARGUMENT IN FAVOR OF CHARTER AMENDMENT II

PAUL KREKORIAN
Councilmember, District 2
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 II

Section 1. Subsection (g) of Section 104 of the Charter of the City of Los Angeles is amended to read as follows:

(g) **Business Enterprises.** The City shall not engage in any purely commercial or industrial enterprise, except upon a majority vote of the voters of the City voting on the question, unless the enterprise was engaged in by the City at the time the Charter becomes effective, or unless engaging in the enterprise is elsewhere specifically authorized in the Charter. Nothing in this subsection shall prohibit the City from engaging directly in retail concessions of food and merchandise, when those concessions are consistent with and support City operations and purposes.

Sec. 2. Subsection (i) of Section 104 of the Charter of the City of Los Angeles is amended to read as follows:

(i) **Non-discrimination.** In the employment of persons in the service of the City, there shall be no discrimination in selection or compensation on account of race, religion, national origin, ancestry, sex, gender identity, gender expression, sexual orientation, age, disability, or marital status.

Sec. 3. Section 201 of the Charter of the City of Los Angeles is amended to read as follows:

The City Offices shall be:

Office of the Mayor
Office of the City Council
Office of the City Attorney
Office of the Controller
~~Office of Administrative and Research Services~~ Office of the City Administrative Officer
Office of the City Clerk
Office of Finance

Sec. 4. The first sentence of Section 210 of the Charter of the City of Los Angeles is amended to read as follows:

The City Controller, City Attorney, Treasurer, City Clerk and ~~Director of the Office of Administrative and Research Services~~ City Administrative Officer shall each designate an assistant or deputy, who shall become the acting incumbent in case of any vacancy in the office.

Sec. 5. Section 233 of the Charter of the City of Los Angeles is amended to read as follows:

The Mayor may make temporary transfers of employees, not to exceed 120 days in any calendar year, from one appointed office or department to another, except the Proprietary Departments, to relieve temporary shortages in personnel, or to meet temporary demands for additional employees caused by temporary or seasonal requirements in any office or department. The Mayor shall notify the City Clerk at the time the transfer of employees is made, and the City Clerk shall notify the President of the Council, the ~~Director of the Office of Administrative and Research Services~~ City Administrative Officer and the Board of Civil Service Commissioners of the transfer. The compensation of employees so transferred shall be a charge upon the office or department to which the employees are transferred for the period of the transfer. In the event of objection in writing to the temporary transfer by any of the appointing authorities involved, the Mayor shall determine whether or not the transfer shall be made.

Sec. 6. The heading preceding Section 290 of the Charter of the City of Los Angeles is amended to replace the term "Office of Administrative Research Services" with the term "Office of the City Administrative Officer."

Sec. 7. Section 290 of the Charter of the City of Los Angeles is amended to read as follows:

~~The Director of the Office of Administrative and Research Services~~ City Administrative Officer shall be appointed and removed as provided in Section 508. The ~~Director~~ City Administrative Officer shall have administrative and executive ability as demonstrated by five years experience at the executive or administrative level within ten years immediately preceding appointment to the position of ~~Director~~ City Administrative Officer. The ~~Director~~ City Administrative Officer may appoint and remove as many assistants as may be authorized by the Charter and ordinance.

Sec. 8. The first sentence of Section 291 of the Charter of the City of Los Angeles is amended to read as follows:

The ~~Director~~ City Administrative Officer shall have the power and duty to:

Sec. 9. Subsection (h) of Section 291 of the Charter of the City of Los Angeles is amended to read as follows:

(h) subject to the approval of the Mayor, prescribe rules and standards governing the matters under the jurisdiction of the ~~Office of Administrative and Research Services~~ Office of the City Administrative Officer with which all officers and departments of the City must comply;

Sec. 10. The last sentence of Section 291 of the Charter of the City of Los Angeles is amended to read as follows:

Except as provided in Section 292, the powers and duties of the ~~Director of the Office of Administrative and Research Services~~ City Administrative Officer set forth in this section shall not apply to the Proprietary Departments.

Sec. 11. Section 292 of the Charter of the City of Los Angeles is amended to read as follows:

The ~~Director of the Office of Administrative and Research Services~~ City Administrative Officer shall conduct research in administrative management for the improvement of the organization, policies and practices of all appointed offices, departments and other agencies of City government, including, without limitation, the Proprietary Departments, for the purpose of evaluating programs and developing performance measures concerning the duties of the various positions, the methods and the standards of efficiency. The ~~Director of the Office of Administrative and Research Services~~ City Administrative Officer shall recommend to the Mayor, Council and the respective departments and agencies those changes that will promote economy and efficiency in the conduct of City government.

Sec. 12. Section 293 of the Charter of the City of Los Angeles is amended to read as follows:

Notwithstanding Section 213, additional responsibilities related to management-employee relations or other responsibilities that are not the responsibility of other departments, offices and commissions may be assigned to the ~~Office of Administrative and Research Services~~ Office of the City Administrative Officer by ordinance. Responsibilities of other departments, offices and commissions may be transferred to the ~~Office of Administrative and Research Services~~ Office of the City Administrative Officer only pursuant to Section 514.

Sec. 13. Subsection (a) of Section 311 of the Charter of the City of Los Angeles is amended to read as follows:

(a) At the time the Mayor prescribes, but not later than January 1 of each year, each board or officer at the head of any department or office, or other City governmental activity, other than those departments having control of their own funds, shall submit to the Mayor, with copies to the Council and the ~~Director of the Office of Administrative and Research Services~~ City Administrative Officer, on forms and in the manner prescribed by the Mayor, a detailed estimate of the money required for the next fiscal year for the proper operation of their departments and offices. These estimates shall contain uniform budget classifications and shall clearly set forth the functions performed and the items and services required for such performance. Summaries, schedules and supporting data shall be attached to the estimates. Any department head or officer requesting an increase over the prior year's appropriation shall indicate which classifications need the increase and rank the order of immediate need for each classification. After consultation with an officer or head of a department, the Mayor may refer the estimate back with instructions to prepare a revised estimate on the basis of a maximum sum for the department, office or activity, that maximum sum to be fixed by the Mayor, or with further qualification as the Mayor shall determine. The officer or head of department shall present the revised estimate to the Mayor, with a duplicate to the Council and to the ~~Director of the Office of Administrative and Research Services~~ City Administrative Officer, at a date fixed by the Mayor.

Sec. 14. Subsection (c) of Section 311 of the Charter of the City of Los Angeles is amended to read as follows:

(c) On or before March 1 of each year the Controller shall submit to the Mayor, with a duplicate to the Council and to the ~~Director of the Office of Administrative and Research Services~~ City Administrative Officer, a detailed statement of the money that the Controller estimates will be required for the interest and sinking funds and for all outstanding bonded indebtedness and other lawful obligations of the City or of special districts and an estimate of the revenue to be derived from fines, licenses and other sources.

Sec. 15. Section 320 of the Charter of the City of Los Angeles is amended to read as follows:

Each office and department provided for in the general City budget, and the Departments of Library and Recreation and Parks to the extent that they are assisted by appropriations from the General Fund, shall have authority to expend, in the manner provided by ~~other provisions of the Charter, ordinance, and other applicable law~~, the funds appropriated for its support during the ensuing fiscal year, but only in accordance with a program of planned expenditures which shall be prepared, filed and modified from time to time, as provided by law. No department, bureau, or office of the City government shall make expenditures or incur liabilities in excess of the amount appropriated therefor.

Sec. 16. Subsection (a) of Section 342 of the Charter of the City of Los Angeles is amended to read as follows:

(a) for transfers not in excess of an amount established by ordinance, on the approval of the Mayor, provided that the Mayor shall give notice of such transfer at the time it is made to the City Clerk who shall notify the President of the Council, the Controller and the ~~Director of the Office of Administrative and Research Services~~ City Administrative Officer of the transfer;

Sec. 17. Subsection (d) of Section 343 of the Charter of the City of Los Angeles is amended to read as follows:

(d) **Notice.** At the time any transfer of funds pursuant to this section is made, the authority approving the transfer shall give notice to the City Clerk, who shall notify the President of the Council, the Controller and the ~~Director of the Office of Administrative and Research Services~~ City Administrative Officer of the transfer.

Sec. 18. Subsection (d) of Section 508 of the Charter of the City of Los Angeles is amended to read as follows:

(d) **Annual Review.** The Mayor shall evaluate each chief administrative officer annually. The Mayor shall set or adjust the amount of compensation for the chief administrative officer within the guidelines established by Council, after recommendations concerning those guidelines have been made to the Council by the ~~Director of the Office of Administrative and Research Services~~ City Administrative Officer.

Sec. 19. Subsection (f) of Section 508 of the Charter of the City of Los Angeles is amended to read as follows:

(f) **Chief Administrative Officers Appointed by a Commission.** Any chief administrative officer or executive director that is appointed by a Commission pursuant to ordinance shall be annually reviewed by the appointing commission. That commission shall set or adjust the compensation for the chief administrative officer or executive director within the salary guidelines established by Council, after recommendations concerning those guidelines have been made to the Council by the ~~Director of the Office of Administrative and Research Services~~ City Administrative Officer. The commission shall forward a copy of the evaluation and salary determination to the Mayor and Council for information.

Sec. 20. The third paragraph of Section 561 of the Charter of the City of Los Angeles is amended to read as follows:

The Chief Zoning Administrator may adopt rules necessary to carry out the requirements prescribed by ordinance and which are not in conflict or inconsistent with those ordinances. All rules and regulations shall be available for inspection in accordance with the requirements of the California Public Records Act in the Office of Zoning Administration.

Sec. 21. Subdivision (2) of Subsection (b) of Section 571 of the Charter of the City of Los Angeles is amended to read as follows:

(2) evaluate the Chief of Police annually, set or adjust the compensation for the Chief of Police within the salary guidelines established by Council after recommendations concerning those guidelines have been made to the Council by the ~~Director of the Office of Administrative and Research Services~~ City Administrative Officer; and forward a copy of the evaluation and salary determination to the Mayor and Council for information;

Sec. 22. Subsection (c) of Section 594 of the Charter of the City of Los Angeles is amended to read as follows:

(c) **Restrictions on Transfer of Dedicated Parks.** All lands heretofore or hereafter set apart or dedicated as a public park shall forever remain for the use of the public inviolate; but the board may authorize use of the lands for any park purpose, and for:

(1) Easements or rights-of-way for any work, improvement or structure necessary and convenient for giving service to the City or its inhabitants in connection with any public utility owned by the City. Under similar circumstances, similar permission may be given to any private public utility holding a franchise, and limited to the life of the franchise. These easements or rights-of-way shall be subject to regulation by ordinance.

(2) Leases to the County of Los Angeles, ~~or the Los Angeles Unified School District,~~ the State of California, or the United States for a periods not to exceed 50 years, of a sites in any public park for the erection and maintenance of public buildings consistent with public park purposes.

(3) Taking and disposal of molding sand, or other natural resources

under terms as the board may prescribe and in a manner as to work no substantial impairment of public use and enjoyment of the premises.

(4) Opening, establishment and maintenance of streets or other public ways in and through the park lands controlled by the board.

Sec. 23. A new Section 598 is added to the Charter of the City of Los Angeles to read as follows:

Sec. 598. El Pueblo de Los Angeles Historical Monument and the Los Angeles Zoo.

(a) All real property that was controlled and operated previously by the Department of Recreation and Parks, that was dedicated as a public park, and that was set aside for use as a zoo, shall forever remain for the use of the public inviolate. Such property may be operated, managed, maintained, and controlled by a department other than the Department of Recreation and Parks, as may be designated by ordinance, and such department shall have the same powers and duties over such property as the Board of Recreation and Park Commissioners has over Department of Recreation and Parks' property.

(b) All real property that was controlled and operated previously by the Department of Recreation and Parks, that was dedicated as a public park, and that comprises the El Pueblo de Los Angeles Historical Monument, shall forever remain for the use of the public inviolate. Such property may be operated, managed, maintained, and controlled by a department other than the Department of Recreation and Parks, as may be designated by ordinance, and such department shall have the same powers and duties over such property as the Board of Recreation and Park Commissioners has over Department of Recreation and Parks' property.

Sec. 24. Subsection (b) of Section 604 of the Charter of the City of Los Angeles is amended to read as follows:

(b) **Annual Review.** The board of each Proprietary Department shall evaluate its general manager at least annually and shall set or adjust the compensation of the general manager within guidelines established by Council, after recommendations concerning those guidelines have been made to the Council by the ~~Director of the Office of Administrative and Research Services~~ City Administrative Officer. The board shall forward a copy of its performance evaluation and salary determination to the Mayor and Council.

Sec. 25. A new Subsection (d) is added to Section 604 of the Charter of the City of Los Angeles to read as follows:

(d) **Alternate Title.** The board of each Proprietary Department may designate an alternate title for the general manager, including but not limited to chief executive officer or executive director.

Sec. 26. Subsection (d) of Section 609 of the Charter of the City of Los Angeles is amended to read as follows:

(d) **Competitive Bidding or Private Sale.** Revenue Bonds shall be sold pursuant to a competitive bidding process; however, Revenue Bonds may be sold by private sale or in

any other manner acceptable to the department and the Council as authorized by a Procedural Ordinance, subject to the following conditions:

(1) The board of a department has authorized the sale of Revenue Bonds pursuant to private sale after written recommendation of the chief financial officer of the department stating the reasons why a private sale will benefit the department.

(2) Council, after receiving a report of the ~~Director of the Office of Administrative and Research Services~~ City Administrative Officer, has approved the private sale.

(3) Council has been provided an opportunity, as set forth in a Procedural Ordinance, to disapprove the selection by a department of the underwriting firm(s) for the private sale of Revenue Bonds.

Sec. 27. Subdivision (3) of Subsection (g) of Section 609 of the Charter of the City of Los Angeles, regarding revenue bonds issued by the City's Proprietary Departments, is amended to read as follows:

(3) *Validity of Revenue Bonds.* The validity of Revenue Bonds reciting that they have been issued pursuant to this section shall not be affected by any provision or limitation contained in any other section of the Charter. Any required signatures to the Revenue Bonds issued pursuant to this section may be by facsimile, ~~or by autograph,~~ or by electronic signature. Charter Sections 146, 146.1, 229, 229.1 and 239 existing on June 1, 1996 shall remain in full force and effect after the adoption of this section until the Council has adopted the Procedural Ordinance(s) provided for in this section.

Sec. 28. Subsections (a) and (b) of Section 632 of the Charter of the City of Los Angeles, regarding the powers and duties of the Board of Airport Commissioners, is amended to read as follows:

The board shall have the power and duty to:

(a) **Rates and Charges.** Fix and collect rates and charges for the use of the Airport Assets and any other service provided by the department, including the establishment of fees for the use of and access to airport property by commercial and private operators for aeronautical and ground transportation purposes.

(b) **Rules and Regulations.** Subject to the powers of the United States respecting commerce, make and enforce all necessary rules and regulations governing the use and control of City owned or controlled airports located inside and outside of the City and the use of airways and waterways proximate to these airports incident to aerial navigation. Regulations adopted by the board shall be approved by ordinance that shall prescribe the penalties for the violation of these rules and regulations. These rules and regulations may include, but are not limited to, the following subjects:

(1) the ascent, landing, mooring, movement, maintenance, operation or use of all apparatus for aerial navigation and flight, or convenient or necessary in connection with those operations; and

(2) the design, construction, maintenance, use, condition and operation of any utility, machine, building, structure or improvement on any airport, and control of excavation, obstructions and traffic on or in the airports; and

(3) the management and regulation of ground transportation on airport property, including access by commercial transportation service providers.

(c) **Development of the Airports.** Purchase, lease, acquire, condemn, design, erect, maintain, improve, repair and operate all property, improvements, utilities, equipment, supplies or facilities as it may deem necessary or convenient for Departmental Purposes. The power of condemnation shall only be exercised with approval of the Council.

Sec. 29. A new Section 637 is added to the Charter of the City of Los Angeles to read as follows:

Sec. 637. Department Name.

The Department of Airports also may be referred to and known as the Los Angeles World Airports.

Sec. 30. Subdivision (14) of Subsection (a) of Section 1001 of the Charter of the City of Los Angeles, regarding exempt positions, is amended to read as follows:

(14) All Assistant Directors in the Office of Administrative and Research Services Office of the City Administrative Officer.

Sec. 31. Section 1007 of the Charter of the City of Los Angeles, regarding examination bulletins, is amended to read as follows:

Notice of time, place and general scope of every examination shall be given by the ~~general manager of the Personnel Department~~ as provided in the civil service rules.

Sec. 32. A new Subsection (f) is added to Section 1010 of the Charter of the City of Los Angeles, regarding civil service certifications, to read as follows:

(f) Nothing in this section shall be construed to prohibit any certification from being used concurrently by multiple departments.

Sec. 33. 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.