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CITY ATTORNEY

REPORT NO. **R 1 6 - 0 3 5 6**

NOV 1 6 2016

REPORT RE:

**DRAFT ORDINANCE AMENDING ARTICLES 5 AND 5.5 OF CHAPTER 5,
DIVISION 23 OF THE LOS ANGELES ADMINISTRATIVE CODE TO UPDATE
PROCEDURES FOR ELECTION OF EMPLOYEE AND RETIRED MEMBERS
OF THE BOARD OF FIRE AND POLICE PENSION COMMISSIONERS,
AND TO MAKE TECHNICAL AND OTHER CHANGES**

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. 04-2115

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance would amend Articles 5 and 5.5 of Chapter 5, Division 23 of the Los Angeles Administrative Code (LAAC) to update the election procedures used to elect employee and retired members of the Board of Fire and Police Pension Commissioners. The draft ordinance would also make related technical changes.

Background and Summary of Ordinance Provisions

The draft ordinance was prepared at the direction of the Board of Fire and Police Pension Commissioners.

The Board of Fire and Police Pension Commissioners (Board) is composed of nine commissioners. Of the nine commissioners, four are elected and five are appointed by the Mayor. The four elected commissioners include one employee member and one retired member from the Police Department, and one employee member and one retired member from the Fire Department. Elected retired members

were first elected to the Board starting in May 2000. Each regularly elected employee and retired commissioner shall serve a five-year term starting at the beginning of the fiscal year immediately following an election.

Los Angeles Fire and Police Pensions (LAFPP) provides for the election of employee and retired Board members in accordance with the City Charter, LAAC, and Board rules. The LAAC for employee member elections was originally codified in 1972, with some LAAC sections updated in 1995 and 2000. The retired member elections language was originally codified in 2000, with some minor updates in 2004. Any changes to the LAAC require City Council approval.

Changes contained in the draft ordinance include cleaning up and standardizing language and formatting so that the employee and retired member election processes provide for consistent election procedures. Because the articles providing election procedures for employee members and the retired members were developed at different times, the current formatting, language, phrasing, and terminology are not always consistent. This lack of uniformity results in City staff, LAFPP members, stakeholders, and the public having to interpret and follow two sets of requirements for election processes to ensure compliance and conformity.

The draft ordinance also formalizes the City Clerk's role in administering LAFPP elections and incorporates all best practices followed by LAFPP staff. These procedural updates will improve and simplify procedures, as well as instill greater confidence among staff and stakeholders that the election process is fair, consistent, and reliable.

Council Rule 38 Referral

A copy of the draft ordinance was sent to LAFPP and the City Clerk, pursuant to Council Rule 38, and their comments have been incorporated.

If you have any questions regarding this matter, please contact Deputy City Attorney Joshua M. Geller at (213) 978-6800. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON
Chief Assistant City Attorney

DM:JMG:jc
Transmittal