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REPORT NO. R 1 4 - 0 4 1 3

REPORT RE:

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**DRAFT ORDINANCE ADDING A NEW SECTION 4.24 TO ARTICLE 6 OF
CHAPTER 1 OF DIVISION 4 OF THE LOS ANGELES ADMINISTRATIVE CODE TO
INCREASE THE MAXIMUM ALLOWABLE NUMBER OF EXEMPT CITY POSITIONS
BY 50; TO REQUIRE COUNCIL APPROVAL OF PERSONS WHO DO NOT MEET
SPECIFIED REQUIREMENTS; AND TO PROVIDE FOR TERMINATION OF
VACATED EXEMPT POSITIONS UNLESS REAUTHORIZED BY COUNCIL**

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

Honorable Members:

This Office has prepared and hereby transmits for your consideration the enclosed draft ordinance, approved as to form and legality. This draft ordinance amends Los Angeles City Administrative Code Article 6 Chapter 1 Division 4 by adding a new Section 4.24 to increase the allowance of exempt positions for persons providing management, professional, scientific or expert services by a net total of 50 (from 150 to 200); to require Council approval for the appointment of candidates to these positions who do not meet the educational, experience, and other professional requirements specified by the Mayor for an exempt position pursuant to Charter Section 1001(b)(1); and to provide for the termination of such exempt positions when vacated, unless reauthorized by Council.

Background and Summary of Ordinance Provisions

Charter Section 1001(b)(4) states that "Council may, by ordinance adopted by two-thirds vote, increase the maximum number of exempt positions as provided in Subsection (b) to no more than one percent (1%) of the regular authorized positions in the City workforce, provided that if the maximum number of exempt positions is

increased pursuant to this subsection, the number of positions created by Subsections (a)(4), (5) and (c) of this section shall be counted towards the maximum allowable exemptions..." The total number of employees in the City workforce as of July 1, 2014, was 448,254. One percent of that amount would be 448 total possible exempt positions. The total number of exempt positions current authorized by Charter Section 1001(b) is 150 and the total number of exempt positions currently authorized by other subdivisions of Los Angeles City Charter Section 1001 is 115.

The draft ordinance would amend Article 6, Chapter 1 of Division 4 of the Los Angeles Administrative Code to add Section 4.24 to:

- (1) increase the number of Citywide exempt positions pursuant to Charter Section 1001(b) from the current limit of 150 persons to add an additional 50 (for a total of 200 persons), as allowed by Charter Section 1001(b)(4);
- (2) require Council approval for the appointment of candidates to exempt positions authorized under Los Angeles Administrative Code Section 4.24 when the candidate does not meet the education, experience, and other professional requirements recommended by the Office of the Mayor pursuant to Charter Section 1001(b)(1); and
- (3) provide for the termination of exempt positions when vacated, unless reauthorized by Council.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Personnel Department with a request that all comments, if any, be presented directly to the Council or its Committees when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Vivienne Swanigan at (213) 978-7156. She 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:VS:pj
Transmittal