

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: May 30, 2024

TO: Honorable Members of the City Council

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No. 23-1027
Assignment No. 24-05-0368

Summary of Charter Reform Recommendations

On May 20, 2024, the Ad Hoc Committee on City Governance Reform considered reports from the Department of Water and Power, Harbor, Airports, City Administrative Officer, Personnel, City Attorney, City Clerk, City Planning, Recreation and Parks, Public Works, and Neighborhood Empowerment relative to Charter reform recommendations (Council File 23-1027). Our Office was instructed to summarize the committee's recommendations into two categories: 1) Charter sections that may be placed on the November 2024 ballot and 2) Charter sections that should be considered by the Charter Reform Commission for further development.

Pursuant to the committee's instruction, we are transmitting the following attachments to be included on the Council File:

- Attachment A - Proposed Charter Amendments for November 2024.
- Attachment B - Charter Reform Commission Referrals.

ATTACHMENT A

Proposed Charter Amendments for November 2024

Department	Description	Notes
Habor		
1	Provide an exception for agreements pertaining to Foreign Trade Zones (FTZs) to Charter Section 373.	City Attorney reports that this issue may be effectuated by ordinance.
1a	REQUEST City Attorney to draft an ordinance to provide an exception for agreements pertaining to FTZs to Charter Section 373.	
LAWA		
2	Amend Charter Section 604 to allow the Board to designate an alternate title for the general manager, including but not limited to Chief Executive Officer or Executive Director.	
3	Amend Charter Section 606 to add contracts to be consistent with leases and other agreements.	City Attorney reports that they will consult with LAWA to determine if an ordinance is appropriate.
4	Amend Section 609(g)(3) to make the language clear that other forms of electronic signatures are allowed.	
5	Amend Section 632(a) and (b) to make clear that BOAC can implement rules, regulations, and fees, including ground transportation on airport property.	
6	Add new Section 637 that would allow use of "Los Angeles World Airports" as an authorized name in official documents.	
7	Amend Section 1001(c) to increase the exemptions for POLA and LAWA from ten (total) to 30 – fifteen for each department. DWP currently has fifteen.	Consider discussion with the City's labor partners.
8	Amend Section 1013 to provide the Department Personnel Officer of proprietary departments authority to authorize Temporary Appointments in the manner that the Civil Service Commission is now authorized. Also, amend to allow for Temporary Appointments up to a period of two years, or allow for an extension of up to one additional year at the end of the first year. Currently the Charter limit is one year, but that is at times inadequate for the Personnel Department to create a new civil service list for the position and departments risk losing valuable staff.	Consider discussion with the City's labor partners.
CAO		
9	Amend Charter Sections 201, 290-293, and throughout the Charter to change "Office of Administration and Research Services" to "Office of the City Administrative Officer."	
10	Amend Charter Section 291 to change "Director" to "CAO, as the Chief Financial Officer of the City."	

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Proposed Charter Amendments for November 2024

Department	Description	Notes
10a	INSTRUCT CAO to draft language that ensures that the change in Recommendation #10 does not take away from the role, duties and responsibilities of the City Controller.	
11	Amend Charter Section 292 to add "including performance audits" to the list of responsibilities and duties of the CAO.	
11a	INSTRUCT CAO draft language that ensures that the change in Recommendation #11 does not take away from the role, duties and responsibilities of the City Controller.	
12	Amend Charter Section 511 to clarify that departments in control of their own funds cannot set their own pay grade determinations without CAO Employee Relations Division's review.	
13	Amend Charter Section 342 (a) through (c) to provide for the interdepartmental transfer limit to be adjusted annually through an administrative action, consistent with the language of section 343 pertaining to the intra-departmental transfer limit adjustments.	
14	Amend Charter Section 371 (a) to add "best value" as a method for determining competitive bidding procurements in addition to lowest, most responsive and responsible bidder and allow bid preferences for local, small, and veteran businesses.	CAO to consult with Chief Procurement Officer to clarify potential ballot language.
14a	INSTRUCT CAO, in consultation with City Attorney and other relevant City departments, to draft ballot measure language regarding city business preference programs for consideration by Committee and Council.	
15	Revise Charter Section 371 (d) to remove the requirement that procurement opportunities be published in a newspaper in favor of the City's procurement solicitation platform.	
15a	REQUEST City Attorney to ensure that procurement opportunities are also accessible to the public via the internet without having to provide personal information.	
16	Add new language to clarify that pursuant to applicable state and federal laws, a board member, officer, agent, or employee of the City is prohibited from entering, participating, or making contracts, in their official capacity, in which they have a financial interest.	City Attorney reports that this language already exists under LAMC 10.2 (b) (3).

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Proposed Charter Amendments for November 2024

Department	Description	Notes
17	Amend Charter Section 1001 (d) (3) to any position requiring the services of one individual for not more than half time (<i>1,040 hours</i>) <i>in a service year</i> and paying a salary not to exceed three-fourths of the monthly rate established by the salary fixing authority of the department, division or office for entering level clerical positions;	Consider discussion with the City's labor partners.
18	Amend Charter Section 1022 (Use of Independent Contractors) to remove references of "board of commissioners."	
19	Modify Charter Section 1700 subsection (b) of the Tier 6 membership to allow all public safety members (Police and Fire) who are currently enrolled in the Los Angeles City Employees Retirement System (LACERS) into the Los Angeles Fire and Police Pension System (LAFPP) Tier 6. A ballot measure calling for the voluntary transfer of LACERS members into LAFPP Tier 6 would provide that all elected members become LAFPP Tier 6 members retroactively to the date of an individual employee's employment, thereby providing all commensurate benefits, including but not limited to access to the Deferred Retirement Option Plan (DROP) and LAFPP Retiree Health Subsidy.	The City Attorney reports that this issue will require additional instructions from the Council to draft the necessary ballot language.
Personnel		
20	Amend Charter Section 1004 to change method of posting notices to change the Civil Service Rules from daily newspaper to the Personnel Department's website and social media.	
21	Amend Charter Section 1006 to update the percentage of military service credit from 5% and qualifying military service time to current standards (CF 14-0250 and 14-0250-S1).	
22	Amend Charter Section 1007 to remove the requirement that the Personnel Department GM gives the exam bulletin notices.	
23	Amend Charter Section 1010 to change all references to the certification request of "appointing authority" and "department" to the plural references of "appointing authority(ies)" and "department(s)."	
24	Amend Charter Section 1013 to increase the length of emergency appointments from 1 year to until an eligible list is established, but no longer than 2 years.	Consider discussion with the City's labor partners.
25	Amend Charter section 233 to extend the time reassignment to another department from 120 to 365 days.	Consider discussion with the City's labor partners.

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Proposed Charter Amendments for November 2024

Department	Description	Notes
City Attorney		
26	Amend Section 204 - Terms of Office - the first sentence of Section 204 (g) should be deleted, it refers to the City's transition from odd-year to even-year election cycles.	City Attorney reports that this issue is covered under the Independent Redistricting ballot language.
27	Amend Subsections (b) and (c) of Section 205 to delete references to elections prior to the year 2020.	City Attorney reports that this issue is covered under the Independent Redistricting ballot language.
28	Conforming amendments would need to be made to Section 206 if the changes recommended for Section 205 are accepted. Specifically, Section 206 should be amended to specify that the 2015-2020 term of office for members of Council and the 2017-2022 term of office for Mayor, City Attorney, Controller, and members of Council count as one term for purposes of term limits.	City Attorney reports that this issue is covered under the Independent Redistricting ballot language.
29	Amend Charter Section 212 to allow members of the Council to serve on joint powers authorities when the Council is the appointing or confirming authority.	
29a	REQUEST City Attorney to clarify that an appointed Councilmember cannot accept a payment or stipend.	
30	Amend Charter Section 231(i) to clarify that proprietary departments, like other departments, shall be subject to direction of the Mayor whenever local emergency, as defined by ordinance, has been declared.	
31	Amend Section 244 to make clear that when 8 or more members of the Council vote against a proposal, appointment, or recommendation requiring approval or disapproval, that vote shall constitute disapproval of the proposed action without further action being required.	
32	Charter Section 261(e) should be amended to explicitly confirm and codify the outcome of past litigation holding that the Controller has the authority to conduct a financial audit of a City contractor and any other entity that receives or manages City funds. The section should also be clarified to confirm that all work of the City's Controller is to be conducted in accordance with generally accepted government auditing standards.	
33	Charter Section 320 should be amended to more clearly state that existing policy mandates that the budget only appropriates funding for otherwise authorized expenditures and that the budget, in and of itself, does not permit expenditures that otherwise require Council action or approval.	

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Department	Description	Notes
34	Subsection (a) of Charter Section 401 should be deleted in its entirety (in that it governs elections that occurred prior to the year 2020).	
35	Amend Charter Section 451 to provide clear and definite signature gathering timeframes and deadlines and to conform to state law regarding the date for determining the signature requirement (i.e., utilize the date of filing of the notice of circulation rather than the date of filing of the final petition).	
36	Amend Charter Section 452 to provide additional time for City offices and affected departments to prepare analyses before Council's deadline to act on the initiative.	
37	Amend Charter Section 462 to provide additional time for City offices and affected departments to prepare analyses before Council's deadline to act on the referendum. This section should also be amended to expressly allow a proponent to withdraw a referendum petition.	
38	Amend Charter Section 502 (b) and (c) to provide express removal authority for commissioners appointed by the Council President and the City Council (similar to the removal authority the Mayor has under Charter Section 502 (d))	
39	Amend Charter Section 683 to provide authority to select a temporary ratepayer advocate similar to how Charter Section 508 allows for the appointment of a temporary chief administrative officer of a department.	
40	Amend Charter Section 1108 to provide authority to select a temporary general manager for each of the pension systems similar to how Charter Section 508 allows for the appointment of a temporary chief administrative officer of a department.	
41	Amend Charter Section 1164 to confirm and clarify that retiree re-employment must comply with the provisions of the Internal Revenue Code.	
42	Amend Section 104 (g) to make clear that departments are not prohibited from engaging in revenue generating commercial activities such as selling merchandise to raise funds that support department operations or purposes (e.g., sales of shirts and posters at the Greek Theatre).	
43	Amend Charter Section 104 (i) to include gender identity/expression as a protected class.	

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Department	Description	Notes
44	Sections 201 and 290 through 293 should be amended to formally change the name of the Director of the Office of Administrative and Research Services and Office of Administrative and Research Services to the City Administrative Officer and Office of the City Administrative Officer, respectively, in order to bring the Charter in line with the City's current practice.	
45	Section 598 could be added to the Charter to state explicitly that El Pueblo de Los Angeles and the Los Angeles Zoo are now and have been dedicated park property, even after being removed from the control of the Board of Recreation and Park Commissioners. The new section could further state that the department(s) designated by ordinance with control over El Pueblo de Los Angeles and the Los Angeles Zoo, respectively, have the same powers and duties over their property as the Board of Recreation and Park Commissioners.	
Planning		
46	Charter Section 561 be amended to state that "all rules and regulations shall be available for inspection consistent with the Public Records Act, " or that this sentence be removed altogether given that the Public Records Act remains in effect.	
RAP		
47	Amend Charter Section 594 (c)(2) to include Los Angeles Unified School District as an agency that RAP can lease to, with the same requirements we have of the County, State, or U.S.	
Public Works		
48	Amend Charter Section 1001 to increase the number of automatic position exemptions for Assistant General Manager level positions from the current two (2) per department to either a higher number in the range of five (5), or set the number on a sliding scale based upon the number of employees. The Board also proposes to increase grant funded position exemptions up to the term of each grant rather than two (2) years.	Consider discussion with the City's labor partners.
49	Amend Charter Section 1010 (a) to increase certification deadline from 60 days to 90 days or eliminate deadline, to allow departments to be able to backfill as needed. Increase candidate pool from at least 5 eligibles to up to 10 eligibles. If the 5+1 and 3 whole scores rule does not produce a suitable candidate selection, allow Departments to pursue additional candidates above and beyond 5+1 and 3 whole scores without having to close out the certification.	

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Proposed Charter Amendments for November 2024

Department	Description	Notes
50	Amend Charter Section 1005 to make some exams continuous and/or on demand when vacancy has occurred. Eliminate exams where proof of experience can be verified i.e work experience (years), certificates, licenses or classes completed. Conduct performance-based testing (as opposed to written exams) for classifications that perform field services. Create an incentive/pathway for exempt staff including Council staff to enter the civil service pool (above and beyond entry-level positions), and be based on years of experience and/or area of expertise or equivalent level of experience.	
51	Instruct the Board and Bureaus of Public Works, in consultation with Personnel, CAO and City Attorney, to draft ballot measure language for changes to Charter Sections 1001, 1010, and 1005 listed in Recommendations 48-50.	Issues require further specificity.

ATTACHMENT B

Charter Reform Commission Referrals

Department	Description	Notes
DWP		
CC1	Amend Charter Section 245 if the number of Council meetings is changed in the Charter.	Issue held on desk.
CC2	LADWP requests that the future charter commission provide our agency with an opportunity to include specific recommendations for expanding the Charter Section 679(c) definitions of allowable appropriations, transfers or expenditures from the Water Revenue Fund and Power Revenue Fund to include environmental, innovation and/or pilot projects.	
CC3	Amend Charter Section 1001(c) – Exempt Management Positions - to increase LADWP's current 15 Charter authorized exempt management positions to a total of 90.	
CC4	Amend Charter Section 1164(b) to extend the current 120-day retired employee contracts to 240 days, as the Personnel Department has recommended in their Charter reform letter.	
Harbor		
CC5	Provide clarification within Charter Section 652 that CUPs may be granted by Board of Harbor Commissioners .	
CC6	Reform Charter Section 1022.	
CC7	Amend Charter Section 245 if the number of Council meetings is changed in the Charter.	Issue held on desk.
CC8	Amend Charter Section 503b which requires a commission to meet at least twice monthly.	
CC9	Allow a Commissioner stipends (to be paid by the Port).	Amended to consider stipends for Commissioners citywide.
LAWA		
CC10	Amend Charter Section 245 if the number of Council meetings is changed in the Charter.	Issue held on desk.
CC11	Amend Charter Section 607(a) to allow the Board of Airport Commissioners with the authority to award leases not to exceed 66 years, which would enable significant commercial development of non-aviation properties, and to be consistent with the Harbor.	
CC12	Amend CharterSection 632(c) to add the additional authorities for the Board of Airport Commissioners to modernize and improve the efficiency of procurements.	
CC13	Amend Charter Section 1001(d)(3) to add managerial positions. This authority is currently limited to clerical employees but would be effectively used for other professional positions.	
CAO		
CC14	Amend Charter Section 312 to allow the Mayor to submit a 2 year budget to Council biennially, on or before April 20th, or prior to the start of the fiscal year.	
CC15	Add new language to the Charter to codify key financial policies in the Charter.	

ATTACHMENT B

Charter Reform Commission Referrals

Department	Description	Notes
CC16	Amend Charter Section 1005 (Examinations) to add language stating that an applicant will be reviewed for their knowledge and skills.	
CC17	Amend Charter Section 1009 (Promotion) to clarify that promotions will be based on relevant service experience rather than length of service.	
CC18	Amend Charter Section 1010 (a) to allow the Personnel Department to certify eligible candidates with the five with the highest whole scores instead of three.	
Personnel		
CC19	Amend Charter Section 1001 (a-d) to expand exemptions from civil service to include more positions that are not suitable for examinations, are on a per-project basis, and facilitate hiring based on equity hiring pipelines.	
CC20	Amend Charter Section 1001 (e) for civil service employees moving to exempt positions, limit accrual of seniority credit to those who have passed probation.	
CC21	Amend Charter Section 1009 to update this section as a whole to change the concept of promotional exams, which doesn't support lateral movement in the City without starting over at entry level positions.	
CC22	Amend Charter Section 1011 to extend the probation period to 12 months for all civilian positions.	
CC23	Amend Charter Section 1015 to streamline layoff process by combining layoff and displacement seniority to become continuous time in the City since original regular appointment.	
CC24	Amend Charter Section 1164(b) to extend retirees employment services from 120 to 240 days.	
CC25	Add a section that provides for suspension of the civil service sections in whole or in part when the City declares a state of emergency.	
CC26	Move the civil service sections from Article X Employment Provisions in the Charter to the Civil Service Rules.	

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Charter Reform Commission Referrals

Department	Description	Notes
City Attorney		
CC27	Charter Section 211 could benefit from clarification relating to the options for filling a temporary vacancy in an elected office arising as a result of a suspension.	
CC28	Charter Section 217 should be amended to add the City Attorney to the list of City officials who may issue subpoenas and administer oaths in connection with investigations, particularly since the City Attorney already has subpoena powers under state law.	Amended to clarify if consistent with State law.
	Amend Charter Section 409 to provide a process for filling temporary vacancies, including how to address an appointee's eligibility relating to term limits. The section also could benefit from clarity on the options for filling a permanent vacancy in an elected office (e.g. the maximum length of an appointment).	
CC29	De-gender the text of the City Charter.	
CC30		
City Clerk		
CC31	Clarify the role of the City Clerk in Charter Sections 207(e) and 208(b).	
CC32	Amend Charter Section 211 to clarify whether the suspension of an elected officer is paid or unpaid.	
Planning		
CC33	Remove Charter Section 104(e) which restricts the floor area ratio to 13:1.	
CC34	Amend Charter Section 245 if the number of Council meetings is changed in the Charter.	Issue held on desk.
CC35	Amend Charter Section 552 regarding Area Planning Commissions.	
	Amend Charter Section 555, Subsection (d), to address instances of no action by the City Council, pertaining to City-initiated General Plan Amendments such as Community Plan updates, or General Plan element updates.	
CC36		
RAP		
	Review and potentially amend Charter Section 593, which states RAP shall be appropriated the equivalent to 0.0325% of the assessed value of all property as assessed for City taxes annually.	
CC37		
	Amend Charter Section 1001 (and possibly other parts of the Charter) to add language allowing part time employees with negotiated benefits to work more than a work schedule of half-time (1040 hours) or more in any service year, but less than full-time.	
CC38		
Public Works		
	Amend Charter Section 371(b) to allow for alternative delivery methods and modernize the City's capital project programs.	
CC39		

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Charter Reform Commission Referrals

Department	Description	Notes
CC40	Amend Charter Section 373 and associated LAAC provisions to delegate authority to General Managers for certain categories, such as procurement of specialized equipment and highly technical services, subject to threshold limits and reporting requirements.	
CC41	Adding a Small Business Preference to the Charter, with language that places restrictions on its use just as Local is restricted to State, County, or City.	Board of Public Works, with the assistance of the City Attorney, to clarify language and investigate whether an ordinance is an appropriate option.
DONE		
CC42	Amend Charter Section 900 to clarify and strengthen the language around the purpose of empowerment. Emphasize inclusivity, community engagement, and the promotion of local democracy.	
CC43	Amend Charter Section 901 to enhance the role and resources of the Department to better support neighborhood councils. This includes increased staffing, streamlined processes, and improved coordination with other city departments to facilitate smoother implementation of neighborhood empowerment initiatives.	Amended proposed language.
CC44	Amend Charter Section 903 to define the qualifications and expectations for the General Manager. Encourage the appointment of individuals with a strong background in community development, leadership, a demonstrated commitment to community empowerment, and a comprehensive understanding of the infrastructure and workings of the Neighborhood Council system. Consider mechanisms to involve community stakeholders in the selection process, such as seeking input from Neighborhood Councils, to enhance community representation and confidence.	
CC45	Amend Charter Section 909 to enhance the involvement of Neighborhood Councils in the annual city budgeting process.	
CC46	Amend Charter Section 910 to strengthen the role of Neighborhood Councils in monitoring city services. Establish mechanisms for regular feedback, reporting, and collaboration with relevant city departments to address service gaps and improve responsiveness.	
CC47	Amend Charter Section 911 to explore the feasibility of establishing an independent budgeting process for the Department of Neighborhood Empowerment, as is currently being discussed for the Ethics Department.	Note and File.
CC48	Amend Charter Section 1001 (a) to exempt, full-time positions within the Department of Neighborhood Empowerment as categorically exempt from Charter Section 1000 - Civil Service provisions.	