Office of the Los Angeles City Attorney
Hydee Feldstein Soto

March 23, 2026

Honorable Members of the Charter Reform Commission:

One of the many important questions pending before you is whether the civil work of the Office of the City Attorney should be handled by someone elected by the people or appointed by the Mayor and City Council. This is not a matter of mere political preference, nor will it directly impact any portion of my time in office. This is a foundational question whether to preserve the people's fundamental right to select an independent arbiter of the law, ensuring that an elected City Attorney has the power and independence to serve as a vital safeguard on the functioning of government.

History of Past Efforts to Create an Appointed City Attorney

While there have been times when City policy makers considered whether to change the Los City Attorney to an appointed position, they have, almost without fail, made the ultimate decision to protect the independence of the City's legal advisor. In the few instances where they did choose to place a proposal for an appointed City Attorney on the ballot, the voters rejected the idea, soundly, which is why the civil legal advisor to the City has been an elected position for more than 175 years, dating back to the election of the first City Attorney on April 1, 1850.

In 1912, for example, the National Municipal League and the Los Angeles Charter Reform Committee convened a conference to undertake a comprehensive review of the City's Charter. Their primary goal was to reform the government and to professionalize the operations of City departments by implementing a civil service system for City officers and department managers. As part of the push for a robust civil service program, the draft language included a proposal to make the City Attorney an appointed civil servant along with other City officials. Despite many progressive provisions that were included in the overall reform package, the proposal was soundly defeated at the ballot box by, according to some news reports, a 2-1 margin.

In 1923, the voters elected a "Board of Freeholders" to review, reform, and rewrite the 1889 Charter. The board was the functional equivalent to your appointed Charter

Reform Commission and their goal was to modernize city government by tackling corruption, ensuring greater efficiency, and improving representation for a rapidly growing population. During the 1925 Charter debates, Mayor George E. Cryer and City Attorney Jess E. Stephens openly debated the organization of the City Attorney's Office. Mayor Cryer insisted that the City Attorney should be an appointee of the Mayor so that "harmony among the various departments and officers of the city might be achieved."

With the result of the 1912 election still in recent memory, the Board of Freeholders rejected the Mayor's proposal in their final draft language, which was placed on the ballot and approved by the voters. The work of the board resulted in the creation of the 1925 Charter, which, in addition to keeping the City Attorney as an elected office, brought about the creation of the 15-member City Council and the adoption of citizen commissions as the heads of Charter-created departments.

In 1951, the Commission on Reorganization of the City Government, more commonly known as the Little Hoover Commission, was established by Mayor Fletcher Bowron and the City Council to address structural issues of governance resulting from the rapid growth of the City during and after World War II. The commission's work was codified into a collection of policy recommendations for the City's leaders. One of the issues that the commission studied was how the City Attorney should be selected. Notably, the initial draft of the Little Hoover report, released in 1951, recommended that the City Attorney be appointed by the Mayor and confirmed by the City Council. The argument in support of this recommendation was that the Mayor, as the city's chief executive, needed an attorney who would not be independent or political and who was administratively aligned with the City's elected leadership to ensure efficient governance. There was intense public pushback to this proposal after the draft report was released. As a result, when the commission produced its final report in 1953, they ultimately recommended that the City Attorney remain an elected official. The change in recommendation was driven by the belief that the City Attorney must serve as an independent "check and balance" on both the Mayor and the City Council.

In 1969, the City created another Charter reform commission, which was headed by Dr. Henry Reining Jr., the Dean of the Center for International and Public Affairs at the University of Southern California. The "Reining Commission" sought to modernize the then-44-year-old Charter, which many officials felt had become "obsolete" and "cluttered" by the one-off amendments that had been adopted over the preceding years. The commission's proposed Charter overhaul would have strengthened the Mayor's power to manage city departments and given the Mayor the power to appoint and remove general managers. Like the reform efforts referenced above, this commission examined the role of the City Attorney. Initially, the commission chose to keep the City Attorney as an elected officer to balance what would have been the increased power of the Mayor. One year later, the commission decided to retain the then-current Mayor-City Council system, which prompted the members to propose having the City Attorney be appointed by the Mayor, subject to confirmation by the City Council. The Reining Commission's thinking was that the City Attorney could become a political obstacle to the goals of the City's

policy makers. When this proposal was put to the voters in 1971, it was rejected once again.

In June 1984, the City Council's Charter and Elections Committee took up the question of whether to make the Office appointed as well as whether to separate out the criminal function of the Office. In the preceding months, City Council members had been criticizing then-City Attorney Ira Reiner for "politicizing" the office and focusing on a personal agenda separate from the interests of the City. During a public meeting of the City Council, the City Attorney had openly criticized police officers who were serving in an intelligence and surveillance unit of the Los Angeles Police Department, which was accused of spying on more than 200 political, religious, labor, and civic organizations. City Attorney Reiner opposed the proposed Charter changes arguing that the City Attorney should be "beholden to no one with respect to either appointment or removal, except the electorate." The City Council eventually dropped the issue despite putting other reform measures on the ballot that year.

During the 1999 Charter reform process, multiple proposals to appoint the City Attorney, in some form or another, were considered. One of the leading proposals from that period mirrors that which is being considered by this Honorable Body today. Specifically, on June 10, 1998, a deputy mayor for Mayor Richard Riordan testified before the Appointed Charter Reform Commission to present the Mayor's proposal to split the City Attorney's Office in three by having: 1) an elected City Prosecutor; 2) an appointed General Counsel to be selected by the Mayor; and 3) and an appointed Legislative Counsel to be selected by the City Council. As stated during the deputy mayor's testimony, Mayor Riordan's "objectives" were: 1) "to provide City leadership with the tools they reasonably need to fulfill their duties and responsibilities;" and 2) "to retain an elected prosecutor accountable to the people." Of course, in phrasing the objectives in this way, the Mayor tacitly confirmed that an appointed city attorney is not "accountable to the people."

About one week later, Vice Chair of the Elected Charter Reform Commission Chester Widom introduced a recommendation to split the office in three by having: 1) an elected City Prosecutor; 2) an appointed General Counsel to be selected by the Mayor; and 3) and an appointed Legislative Counsel to be selected by the City Council. City Attorney James K. Hahn objected to the idea, reasserting the same argument made many times over the prior 100 years, that an elected City Attorney provides an independent voice directly "accountable to the people." Specific to the proposal of an appointed City Attorney, legislative counsel, and elected City Prosecutor, City Attorney Hahn argued that each office could work at cross purposes. Specifically, he wrote at the time:

> "Instead of efficiency, this [proposal] would create chaos. In instances where the lawyers for the Mayor and City Council disagree, the only possible arbiter would be a court of law. It is difficult to imagine how deciding disputes between the Mayor and the Council by having them sue each other would increase the efficiency and responsiveness of our city government. Furthermore, such a proposed system begs the question of

> who represents the city departments, the Mayor's attorney or the City Council's attorney.
>
> . . . One can imagine that the [appointed City Attorney] would get direction from the Mayor and other department heads to prepare, conceptually, programs that require legislation and enforcement mechanisms. The preparation of that program would be conducted between the [appointed City Attorney] and the authorized general manager or representative of the Mayor. That program would then be presented to the City Council who would work with the Legislative Counsel to prepare the appropriate legislation to implement the program. The positions of the [appointed City Attorney] and Legislative Counsel could differ on the law.
>
> There is no mechanism for resolving the potential conflict. Whether or not the differences are resolved, following the preparation of the language by the Legislative Counsel, the legislation could be adopted by the City Council. Once the legislative program is implemented, any enforcement of the provisions of the legislation would be the responsibility of the [elected City Prosecutor] through criminal prosecution. There is no mechanism for ensuring that the prosecutor will agree with either the [appointed City Attorney] or the Legislative Counsel over the meaning, application, interpretation and enforcement of the new law. It does not take an expert in law office management to understand that the disconnect between [appointed City Attorney], Legislative Counsel, and the Prosecuting City Attorney is not only likely, but it is built into the system. The division between these three offices and their various functions is, at best, too expensive and at its worst is ... counterproductive. Such a system would not lead to good public policy and would not serve the people of the City of Los Angeles well."

Finally, on June 28, 2011, a motion was approved by the City Council to instruct the Chief Legislative Analyst (CLA) to prepare a report which reviewed the various models for providing legal criminal and civil services to California cities and to the extent where relevant across the country. This motion was introduced by then-Councilmember Jan Perry, who asserted that then-City Attorney Carmen Trutanich had moved beyond providing legal advice on various planning-related issues to outright political advocacy.

On November 28, 2011, the CLA issued a report to the City Council reviewing "several" municipal legal services models. The CLA report was referred to the City Council's Budget and Finance Committee for consideration on November 29, 2011. A few months later, while the CLA report was pending, both then-Mayor Antonio Villaraigosa and former Council President Paul Krekorian voiced separate concerns about the City Attorney's role in governance, with the latter going so far as to propose a ballot measure that would have allowed the CLA to hire attorneys to perform the function of a legislative counsel. Nevertheless, no final action was ever taken on either the Perry or Krekorian motions and the Council Files expired on September 10, 2013 and February 10, 2015 respectively.

Concerns Expressed About this Office During the Current Charter Reform Process

Echoing the past, much of the debate in the present moment has been framed as an opportunity to depoliticize the office. I agree that elections can "politicize" a public office, but everything in local government is inherently political. The practical exercise of power by those in office is often only checked by the voters at the ballot box.

Consider the profound political implications of your vote: when a municipal attorney's livelihood depends on "serving at the pleasure" of the Mayor and City Council, there is an innate, human pressure to harmonize legal advice with the political goals of the appointing officials. Even if entirely lawful and ethical, there is no individual official who can stand for the "right" answer for the City as a whole. As City Attorney Hahn stated in his testimony before the 1999 Charter Reform Commission, an elected attorney is the "least politicized" option available in that the elected City Attorney is responsible to no one but the voters and is not subject to the changes in the political composition of Council or the Mayor. Keeping the Office of the City Attorney as a unified, elected office provides independence to the City Attorney and ensures that the person tasked with interpreting and enforcing the City's laws is directly accountable to the people those laws are meant to serve and regulate. It also ensures that each office and department receives the same advice regardless of whether it is something they want to hear.

The primary example given to date of how the office is politicized and why the office should be appointed, both in staff reports and during debate in Commission meetings, is the Venice Dell project. Specifically, a report from Commission staff to this Honorable Body in advance of your vote on the structure of this Office stated that, prior to taking office, I submitted a written public comment to the City Council asking the Councilmembers to consider the cost of the project and the fact that the development contract had been granted without appropriate competitive bidding. I was a private citizen and candidate for office when I wrote that comment and it has no bearing on how I carry out my legal and ethical obligations as City Attorney. More importantly, we should not conflate any particular project with the global issues of Charter reform.

In addition, the staff report stated that, upon my taking office, the City Attorney's Office issued an interpretation of Sec. 22.484(g) of the Los Angeles Administrative Code (LAAC) that "empowered" the Board of Transportation Commissioners (BOTC) to overrule the City Council. But this misstates what my office did as well as the law generally, and as it relates to this project. There is nothing in any opinion or report of this Office, in LAAC Section 22.484(g) or anywhere else in City law that restricted the City Council from vetoing the BOTC decision at the time it was made. As you know from your deliberations related to Charter Section 245, any member of the City Council could have, as a policy preference, introduced a motion to bring the action of the BOTC before the Council for consideration and veto. Similarly, the Mayor, as the Chief Executive Officer of the City per Charter Section 230, could have directed the BOTC to approve the project. Finally, the City Council could still amend LAAC Section 22.484(g), subject to the veto of the Mayor, to remove the BOTC's oversight and management of off-street parking lots, bringing policy decisions like the Venice Dell lease directly under the jurisdiction of

the City Council. These would all be lawful exercises of power granted to those officers under the Charter to obtain the result you seek in one specific project and do not require overturning more than 150 years of charter checks and balances.

With respect to the litigation pending against the City regarding the Venice Dell project (*LA Forward Institute, et al. v. City of Los Angeles, et al.*, Los Angeles Superior Court Case No. 24STCV17156 and 4 other affiliated overlapping actions), this Office has been defending the City in litigation with the support of an outside counsel firm working at our direction. In support of this effort, the City Council voted in January of this year to increase the amount of funding for the outside counsel firm working on the case by $650,000, for a total contract amount of $1,270,000. As you know, the City Council holds the power to direct our office and outside counsel on how to manage the Venice Dell litigation, including the power of settlement under Charter Section 273. To the extent that the City Council provides further direction, this Office of course will follow all lawful client instructions "subject to the City Attorney's duty to act in the best interests of the City and to conform to professional and ethical obligations." (Charter Section 272.)

Finally, it should be highlighted that the primary external source cited in the staff report to the Commission for the proposal to split this office into an appointed City Attorney, an appointed Legislative Counsel, and an elected City Prosecutor is the LA Forward Institute, which is the lead plaintiff suing the City in the very same Venice Dell litigation. (*See* Footnote 24 of the Staff Report dated January 14, 2026.). Organizations have a right to lobby for their preferred Charter proposals, but these parallel actions only amplify the point from above that this Commission should not conflate any particular project with the broader challenge of Charter reform.

Further, throughout the years, there have been many contentious matters where one officer or department in the City vehemently opposes a policy direction taken by another officer or department. Those intracity disputes are often settled by the City Attorney's Office based on strict interpretations of the law as to who has the Charter authority to make the ultimate policy decision. Sometimes this Office must advise that a proposed action is unlawful or a disfavored duty is nevertheless mandatory, often subjecting this Office to criticism.

For example, in his letter to this Commission, City Attorney Burt Pines wrote that during his administration in the 1970s, this Office issued an opinion to the Civil Service Commission concluding that the City could no longer disqualify applicants for police officer positions solely because they had engaged in private homosexual conduct. This opinion was issued over the vehement opposition of Police Chief Ed Davis. While there were no directly controlling cases, and no other municipal law office had reached such a conclusion, this Office determined that constitutional privacy principles were evolving in that direction and that this exclusionary policy could not be legally sustained.

Similarly, in his testimony to the 1999 Charter Reform Commission, City Attorney Hahn discussed a contentious dispute between the Mayor and City Attorney. Specifically, there was a question whether the representatives to the Elected Charter Reform

Commission would be elected by a plurality, or like other offices, would need to receive more than 50% of the vote or face a runoff. The Mayor vehemently argued for a plurality guaranteeing a single election for the volunteer candidates, which, as a policy matter, the City Attorney supported to spare the commission candidates the time and effort of a runoff. But City Attorney Hahn's legal position was that a 50%+1 vote was required under the Voting Rights Act to ensure proper representation. Some reports even indicated that the dispute might have contributed to Mayor Riordan's recommendation to make this Office an appointed one later in the same process.

The status of the City Attorney as an independently elected official has been key to my ability to do this job and to represent the City and its people as a whole rather than caving to political pressure. During the course of my time in office, I have been able to provide honest, accurate legal advice to the Mayor, City Council, Controller and departments – even when that advice is unwelcome - precisely because I am an independently elected officeholder with an ultimate duty to the public. I have been able to lawfully defend the City as a vigorous advocate – even when that defense is unpopular. As a prosecutor, I have independently administered criminal justice, balancing an individual's liberty interests, constitutional due process and public safety, without fear or favor, irrespective of what a particular councilmember may want. As an elected City Attorney, I also can advance and have prioritized the rights of the public and the people in civil prosecution and litigation with independence, fairness and consistency.

An appointed City Attorney, serving at the pleasure of the Mayor and City Council, faces enormous political pressure on all of these issues, behind closed doors, cloaked in privilege without an independent voice. This is why past policy makers – the public servants who sat in your very seat in the decades before you – realized that having an appointed attorney (or attorneys, plural, as is currently being proposed for many offices and commissions) removes power from the voters, erodes the checks and balances of our Charter and ultimately harms the City as a whole.

In the words of Former City Attorney Burt Pines, the proposal is not only "fundamentally undemocratic" but "will impose substantial and unnecessary costs on taxpayers". One or more appointed City Attorneys, each of whom fears the loss of their employment, results in:

1) the potential for the City to splinter as different officers receive conflicting advice from different counsel;
2) legal opinions that would be framed from the parochial and political perspective of the particular bodies and officials that request the opinion and control the appointment of the lawyer rendering the opinion;
3) the loss of the City Attorney to serve as arbiter between competing departments, particularly in jurisdictional conflicts, leaving those conflicts to inconsistent positions within the City (which increases liability to third parties) or generating intracity litigation wasting taxpayer dollars on both sides of the dispute and abdicating the City's sovereignty to the judiciary;

5) the ability of a plaintiff to divide and conquer by using conflicting opinions to harm the city's legal defense in litigation; and
6) increased overhead costs for the City legal representation.

As Professor Erwin Chemerinsky told this Honorable Body in its meeting September 6, 2025, the City is best served by not moving away from an elected City Attorney, because they are "essential" as a separate check "on government power." I agree, and I respectfully ask that you do too.

Sincerely,

Hydee Feldstein Soto

Hydee Feldstein Soto
Los Angeles City Attorney