

## REPORT TO CITY COUNCIL

**DATE: AUGUST 14, 2024**

**TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

**BY: NATHAN HAMBURGER, CITY MANAGER**

**SUBJECT: DISCUSSION OF PROPOSED PLACEMENT OF A LOS ANGELES COUNTY CHARTER AMENDMENT ON THE NOVEMBER 2024 GENERAL ELECTION BALLOT**

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This item is being presented to seek the City Council's input on the proposed Los Angeles County Charter Amendment for the November 5, 2024, General Election at the request of Mayor Pro Tem Sylvester as the appointed representative to the Las Virgenes-Malibu Council of Governments (COG).

The Los Angeles County Board of Supervisors (Board) is considering a significant overhaul of its governance structure. The proposed amendments to the County Charter aim to expand the board from five to nine members, create a new countywide elected Executive Officer (CEO) position, establish an independent County Ethics Commission, require all items of business of the Board of Supervisors to be on the posted agenda at least 120 hours before a regular meeting, and several other amendments to address lobbying and various operational protocols. This initiative is spearheaded by Supervisors Lindsey Horvath and Janice Hahn and was approved, with one supervisor abstaining at the Board's meeting of July 9, 2024. The item was presented a second time at the Board of Supervisors' meeting on July 23, 2024, as the first reading of a proposed Ordinance and Resolution calling and consolidating the election, as presented by County Counsel. The proposal will be heard one additional time at the Board's meeting of August 9, 2024.

The proposed changes aim to address long-standing issues related to governance and representation in Los Angeles County, but they also raise questions about the process and implementation. Voters will ultimately decide the fate of this proposal in the upcoming election. The expansion of supervisors is proposed to occur following the 2030 United States Census and during elections starting in 2032. The County CEO would be anticipated to begin in 2028 and the establishment of an Ethics Commission and a Compliance Officer would be in place by 2026. One additional item that was discussed and unanimously supported at the most recent meeting was that a cost analysis of the proposed Charter Amendment would be provided. It is staff's understanding that this will be available in August 2024.

Supporters of the proposal argue that expanding the Board will improve representation and governance, as the County currently serves over 10 million residents with only five supervisors that has been in place since 1912 when the County's population was close

to 500,000. The addition of an elected CEO is intended to streamline and modernize County operations, bringing more accountability to the executive functions of the County government.

However, there are concerns about the proposal's lack of detailed planning and community engagement. Supervisor Holly Mitchell, who abstained from the initial vote and, subsequently, voted against the item at the most recent meeting, emphasized the need for data-driven decisions and thorough community input before making such sweeping changes. She highlighted that there is no clear justification for choosing nine as the new number of board members, nor an assessment of the fiscal impact of these changes.

Although the Board of Supervisors will hear this item at their meeting of August 9, it is anticipated that there will not be any further changes to the proposed Charter Amendment or if any are made, they will be minor in significance. The COG Board will consider supporting the item at its upcoming meeting and per previous City Council direction, the City's representative should not take a position on an item not already approved in the City's Legislative Platform. Feedback and direction from the City Council would be helpful to Mayor Pro Tem Sylvester, in her role as the COG Board representative, on how to approach the proposed COG Board item.

Staff is providing the Ordinance as presented to the Board of Supervisors for reference. Should the City Council desire to have a letter of support or opposition prepared and presented to the Board of Supervisors, following the second reading of the proposed Ordinance at the scheduled meeting of August 9, 2024, staff can do so based on the feedback and direction received by the City Council.

## **FISCAL IMPACT**

There is no fiscal impact anticipated to the City in the current fiscal year regarding this proposed Los Angeles County Charter Amendment. Any future impacts would be reviewed in the respective fiscal years.

## **RECOMMENDATION**

Staff respectfully recommends the City Council provide feedback and direction to staff and Mayor Pro Tem Sylvester as the appointed Las Virgenes-Malibu Council of Governments Board representative.

Attachment: Proposed Los Angeles County Ordinance for the Placement of a County Charter Amendment on the November 2024 General Election Ballot

**ORDINANCE NO. \_\_\_\_\_**

An ordinance calling a special election to be held on November 5, 2024, throughout the County of Los Angeles for the purpose of voting upon an amendment to the Charter of the County of Los Angeles and directing the consolidation of the election with the presidential general election to be held on the same day.

The Board of Supervisors of the County of Los Angeles ordains as follows:

**SECTION 1. Call of Election and Purpose.**

A special election is hereby called, proclaimed, and ordered to be held on November 5, 2024, for the purpose of voting upon a proposed amendment to the Charter of the County of Los Angeles.

**SECTION 2. Form of Measure.**

The exact form of the measure as it is to appear on the ballot and the complete text of the proposed Charter amendment is as follows:

<p><b><u>PROPOSED COUNTY CHARTER AMENDMENT.</u></b></p> <p>LOS ANGELES COUNTY GOVERNMENT STRUCTURE, ETHICS AND ACCOUNTABILITY CHARTER AMENDMENT. Shall the measure amending the Los Angeles County Charter to create an elected County Executive; create an independent Ethics Commission to increase restrictions on lobbying and investigate misconduct; establish a nonpartisan Legislative Analyst to review proposed County policies; increase the Board of Supervisors from five to nine elected members; require County departments to present annual budgets in public meetings; using existing funding sources with no additional taxes to implement, as detailed in the charter amendment ordinance, be adopted?</p>	YES	
	NO	

or administrative duties on Boards of Supervisors, such powers shall be exercised and duties performed in the County by the County Executive.

This Section shall become operative on December 4, 2028 or as soon as the County Executive assumes office.

**SECTION 4.** Article II, Section 4 is hereby amended to read as follows:

**Section 4.**

The County of Los Angeles shall have a Board of Supervisors consisting of five members, each of whom must be an elector of the district which ~~he~~they represents, must reside therein during ~~his~~their incumbency, must have been such an elector for at least ~~one year~~thirty days immediately preceding ~~his election~~electionthe filing of their nomination papers, and shall be elected by such district. Following the 2030 redistricting process, the County of Los Angeles shall have a Board of Supervisors consisting of nine members, each of whom must be an elector of the district which they represent, must reside therein during their incumbency, must have been such an elector for at least thirty days immediately preceding the filing of their nomination papers, and shall be elected by such district.~~Their terms of office shall be four years, and each shall hold until his successor is elected and qualified.~~ No person while a member of the Board of Supervisors shall receive any compensation, in addition to that provided for by this Section, for services rendered to any public or governmental entity. They shall each receive as compensation for their services a salary, payable monthly from the County Treasury, which shall be the same as that now or hereafter prescribed by law for a judge of the Superior Court in and for the County of Los Angeles, except

**SECTION 6.** Article II, Section 6 is hereby amended to read as follows:

**Section 6.**

At each general election at which the Governor is to be elected, and every four years thereafter, supervisors shall be elected from the First and Third Supervisorial districts, whose terms shall be four years, beginning at noon the first Monday in December following their election, and ending at noon on the first Monday in December, four years thereafter; provided that each shall hold office until ~~his~~their successor is elected and qualified.

At each general election at which the office of President appears on the ballot, and every four years thereafter, supervisors shall be elected from the Second, Fourth and Fifth districts, whose terms shall be four years, beginning at noon on the first Monday in December following their election, and ending at noon on the first Monday in December, four years thereafter; provided that each shall hold office until ~~his~~their successor is elected and qualified.

This Section shall remain in effect until December 2, 2030 and as of that date, is inoperative.

**Section 6.**

~~At each general election at which the Governor is to be elected, and every four years thereafter, supervisors shall be elected from the First and Third Supervisorial districts, whose terms shall be four years, beginning at noon the first Monday in December following their election, and ending at noon on the first Monday in December,~~

at the 2034 general election shall be four years, beginning at noon the first Monday in December following their election in 2034, and ending at noon on the first Monday in December, four years thereafter in 2028, provided that each shall hold office until a successor is elected and qualified.

At the 2036 general election, supervisors shall be elected from the five Supervisorial Districts that did not have elections in 2034. The term for the office of supervisors elected at the 2036 general election shall be four years, beginning at noon the first Monday in December following their election in 2036, and ending at noon on the first Monday in December, four years thereafter in 2040, provided that each shall hold office until a successor is elected and qualified.

Thereafter, the election of supervisors in the County shall be staggered, such that four supervisors will be elected at each general election at which the Governor is to be elected, and every four years thereafter, and five supervisors will be elected at each general election at which the office of President appears on the ballot, and every four years thereafter. The term of office shall be four years, beginning at noon the first Monday in December following their election, and ending at noon on the first Monday in December, four years thereafter, provided that each shall hold office until a successor is elected and qualified.

This Section shall become operative on December 3, 2030.

**SECTION 7.** Article II, Section 7 is hereby repealed in its entirety.

**Section 10.10.** The Board of Supervisors through its County Legislative Analyst shall receive nonpartisan legislative support and analysis on County policy issues.

**Section 10.12.** The Board of Supervisors may conduct public hearings pertaining to any matter concerning which the Board is empowered to act.

**Section 10.14.** The Board of Supervisors is authorized, and it shall be the duty of the Board:

A. To provide, by ordinance, the functions to be performed, the services to be provided, and the policies to be followed by County offices, departments and agencies.

B. Except as otherwise provided by law, to provide, by ordinance, for the compensation of elective and appointive officers and employees of the County.

C. To provide, by ordinance, for the number of assistants, deputies, clerks, attaches, and other persons to be employed from time to time in the several offices, departments and agencies of the County.

D. To provide, by ordinance, for the creation of County offices other than those required by the Constitution and laws of the State.

E. To provide, by ordinance, for the consolidation or separation of offices provided for in this Charter or by law.

F. To require, if deemed expedient, any County officer or employee, before or after entering upon the duties of their office or service, to give bond for the faithful performance thereof, in such penal sums as may be fixed by the Board.

**Section 10.20.** For the conduct of its functions, the Board of Supervisors may by Board order, establish rules of organization and procedure, and establish committees of its members or other appropriate assignments.

**Section 10.22.** The Board of Supervisors may request the County Executive to submit regular reports to the Board relating to the conduct of County business and programs, the quality of County services, and the productivity of County programs. The County Executive shall respond to such requests.

**Section 10.24.** The Board of Supervisors may authorize and regulate expenditures from funds which have been appropriated to the Board for its own operations. All such expenditures are subject to the audit procedures applicable to all County departments and operations.

**Section 10.26.** The Board of Supervisors may establish an office of the Clerk of the Board of Supervisors, appoint a Clerk, and specify the authority and duties of the Clerk and the Clerk's subordinates. Specific duties of the Clerk of the Board of Supervisors shall be prescribed by ordinance which shall not be subject to veto by the County Executive.

**Section 10.28.** The Board of Supervisors shall appoint a County Legislative Analyst to provide nonpartisan legislative support and analysis for the Board of Supervisors on County policy issues. The County Legislative Analyst may only be removed by a two-thirds majority vote of the Board of Supervisors. Specific duties of the Legislative Analyst shall be prescribed by ordinance which shall not be subject to veto by the County Executive.



rendered to any public or governmental entity. The County Executive shall devote all of their time during business hours to the faithful service of the public.

**Section 11.8.** The County Executive shall perform all powers and duties provided by State law and the County Code to the county chief administrative officer. The executive and administrative authority of the County is vested in the County Executive except for administrative oversight of the County Legislative Analyst and the Clerk of the Board of Supervisors, and the County Executive is responsible for the faithful execution and fair administration of all laws and ordinances relating to the County except insofar as such authority and responsibility is vested by law in other County officers.

**Section 11.10.** The County Executive shall supervise, direct and manage the conduct of all County officers and the operation of all departments and agencies of the County, including all districts for which the Board of Supervisors is the governing board to the extent permitted by State law, except the Board of Supervisors, Sheriff, District Attorney, Assessor, Clerk of the Board of Supervisors, County Legislative Analyst, and their departments. All officers, employees, departments and agencies of the County under the supervision of the County Executive will report exclusively to the County Executive and will be bound by their directives and pronouncements.

**Section 11.12.** Except as otherwise provided by local, State or federal law, the County Executive may prescribe, for all County officers, departments, and agencies, including all districts for which the Board of Supervisors is the governing board to the extent permitted by State law, except the Board of Supervisors, Sheriff, District

**Section 11.22.** The County Executive may formally delegate any of the powers vested in them by this Charter to officers whose appointment is subject to confirmation by the Board of Supervisors, except that the County Executive may not delegate the power to appoint or remove nor the power to veto or approve ordinances or resolutions adopted by the Board of Supervisors.

**Section 11.24.** The County Executive shall develop and submit the County annual budget to the Board of Supervisors for approval or amendment by that body, which shall transmit back any amendments to the budget to the County Executive, in accordance with State law. The County Executive shall also have the power to veto amendments made by the Board of Supervisors to the budget, except that the Board of Supervisors has seven days (excluding Saturdays, Sundays and holidays) from such veto to restore an amendment by two-third vote of its members, within the time for adopting the County budget specified in State law.

**Section 11.26.** The County Executive shall appoint a Director of Budget and Management, subject to confirmation by the Board of Supervisors. It shall be the duty of the Director of Budget and Management, under the direction of the County Executive, to advise and provide recommendations to the County Executive on the fiscal condition, financial status, and future needs of the County, to prepare the County's annual budget and administer the budget upon adoption, to promote productivity, economic development, and efficiency in the conduct of County government, and to coordinate and perform additional administrative functions as directed by the County Executive.

Tempore, the most senior Supervisor in years of service shall become the Acting County Executive.

**Section 11.34.** A vacancy exists in the Office of County Executive upon the death, removal or resignation of the County Executive or when the County Executive is continuously disabled from performing the duties of the office for a period of 180 days or more, and the Board of Supervisors, by Board order approved by a unanimous vote of its members, finds that it is probable that this disability will substantially impair the County Executive's ability to perform their duties over the balance of the term. When there is such a vacancy in the Office of County Executive, the Chair of the Board shall become the Acting County Executive with the full powers of the County Executive provided in this Charter until an elected successor qualifies, or until a County Executive is appointed or the Chair of the Board shall become County Executive as hereinafter provided, whichever first occurs.

When a vacancy occurs in the Office of County Executive, the vacancy shall be filled by election if the Board of Supervisors adopts an ordinance calling a special election for such purpose on or before the thirtieth day after the vacancy occurs. In such case, a successor shall be elected to fill the vacancy for the unexpired term. In the event that the Board of Supervisors fails to call such an election, the vacancy shall be filled by appointment by the Governor made not earlier than the thirty-first day nor later than the ninetieth day after the vacancy occurs. In the event the Governor fails to appoint a successor within such period, the Chair of the Board or the Supervisor who is

Review Commission, so that such implementation costs are funded with existing County funding sources and result in no additional costs to, or taxes imposed on taxpayers, with any implementation costs to be offset by cost savings, as determined through the annual County budgeting process.

**Section 11.40.** The County Executive shall have such additional powers and duties as may be prescribed by law or ordinance.

**SECTION 11.** Effective December 4, 2028, or as soon as the County Executive assumes office, Article III-C (beginning with Section 11.50) is added to the Charter of the County of Los Angeles to read as follows:

ARTICLE III-C

ORDINANCES, RESOLUTIONS AND BOARD ORDERS

**Section 11.50.** The enactment of an ordinance, or adoption of a resolution or Board order may be proposed by any member of the Board of Supervisors.

**Section 11.52.** An ordinance adopted by the Board of Supervisors is subject to the approval or veto by the County Executive except when such approval or veto is expressly made inapplicable by a provision of this Charter.

**Section 11.54.** A resolution adopted by the Board of Supervisors is subject to the approval or veto by the County Executive except when such approval or veto is expressly made inapplicable by a provision of this Charter.

**Section 11.56.** A Board order may be adopted by the Board of Supervisors. Board orders do not require approval, nor are they subject to veto by the County Executive, except as otherwise provided in this Charter.

ordinance or resolution. In such case, the County Executive shall return the ordinance or resolution to the Clerk of the Board of Supervisors with their written objections to the appropriation items therein which the County Executive vetoed or reduced.

**Section 11.64.** When the County Executive has vetoed an ordinance or resolution or appropriation item or has reduced an appropriation item, the Board of Supervisors may reconsider the same. If, after such reconsideration, two-thirds of its members vote in favor of the passage thereof, within thirty days after it is returned to the Clerk of the Board of Supervisors, the ordinance, resolution, or appropriation item shall become effective, notwithstanding the prior veto or the reduction of the appropriation item. If by law a larger than two-thirds vote by the Board of Supervisors is required for the adoption of a particular ordinance or resolution, such larger vote shall also be required to overcome the veto or appropriation item reduction by the County Executive. When an ordinance, resolution or appropriation item becomes effective pursuant to this Section, the Clerk of the Board of Supervisors shall make note thereof on the official copy of the ordinance or resolution.

**Section 11.65.** Except as otherwise provided or required by law or in this Charter, the contracting authority of the County shall be exercised by the Board of Supervisors by Board order with the concurrence of the County Executive. The Board of Supervisors may delegate contracting authority to the County Executive as necessary to carry out the functions of the County Executive's office.

**Section 11.66.** By 2026, all items of business to be transacted or discussed at a regular meeting of the Board of Supervisors shall be on the posted agenda at least

limited to, all lobbying activities such as registration, activity, contributions and expenditures, to be updated in real time, or as close to real time as practicable.

B. The Board of Supervisors, and the County Executive upon establishment of the office of County Executive, shall provide reasonable funding and staffing for the Commission.

**Section 11.70.** Office of Ethics Compliance.

By 2026, there shall be an Office of Ethics Compliance established to support the Los Angeles County Ethics Commission and to accomplish the Commission's duties and objectives. The Office of Ethics Compliance shall be led by an Ethics Compliance Officer, who shall perform duties as provided in this Charter and by ordinance in the County Code.

**Section 11.72.** The Board of Supervisors shall by ordinance prohibit former County officials, including a member of the Board of Supervisors, the Sheriff, the Assessor, the District Attorney, the County Executive and any County employee or member of a County board or commission required to file a statement of economic interests pursuant to the Political Reform Act of 1974, as amended, from engaging in direct communication with any County agency, for the purpose of attempting to influence any action or decision on any matter pending before that County agency on behalf of any person or entity, other than a government agency, for a minimum of two years after leaving County service.

**Section 11.74.** Governance Reform Task Force.

meeting agenda and vote on the recommendations by no later than 90 days after receipt.

**SECTION 13.** Article IV, Section 12 is hereby amended to read as follows:

**Section 12.**

The elective County officers other than members of the Board of Supervisors and the County Executive (starting in 2028) shall be: Sheriff, District Attorney and Assessor.

~~No person shall be elected and qualified for the office of Sheriff, District Attorney or Assessor if such a person has been elected or served in such office for three consecutive terms, commencing with a term of office which begins in December, 2002. The limitation on terms shall not apply to any unexpired term to which a person is elected or appointed if the remainder of the terms is less than one-half of the full term of office.~~

**SECTION 14.** Article IV, Section 14 is hereby amended to read as follows:

**Section 14.**

The appointive County officers shall be:

Auditor

Board of Education, Members of

Board of Law Library Trustees, Members of

Civil Service Commission, Members of

Clerk of the Board of Supervisors

Coroner

County Clerk

Director of Public Social Services

Director of Adoptions

Director of Personnel

Such other officers as may hereafter be provided by law shall also be appointive.

The treasurer shall be ex officio Tax Collector and License Collector.

The Coroner shall be a physician who is a certified pathologist.

**SECTION 15.** Article IV, Section 16 is hereby amended to read as follows:

**Section 16.**

Except as otherwise expressly provided in this Charter, WWhenever a vacancy occurs in an elective County office other than a member of the Board of Supervisors, the Board shall fill such vacancy, and the appointee shall hold office until the election and qualification of ~~his~~their successor. In such case, there shall be elected at the next general election an officer to fill such vacancy for the unexpired term, unless such term expires on the first Monday in December succeeding said election.

**SECTION 16.** Article IV, Section 17 is hereby added to the Charter of the County of Los Angeles to read as follows:

**Section 17.**

A. The Board of Supervisors shall have the authority to suspend from office, an elective County officer, including a member of the Board of Supervisors, with or without pay, after the elective County Officer has been criminally charged with a felony related to a violation of official duties. Suspension may be made by the Board only after the elective County officer has been:



the concurrence of the County Executive. If the County Executive does not concur, disposition shall be by two-thirds majority vote of the Board of Supervisors.

**SECTION 18.** Article VI, Section 25-1/3 is hereby added to the Charter of the County of Los Angeles to read as follows:

**Section 25-1/3.**

Notwithstanding any provision to the contrary in Sections 22, 22-1/4, 22-1/2, 22-3/4, 23, 24, 24-1/3, 24-2/3, 27 or any other provision of this Charter, the head of each department, except the Sheriff, District Attorney, Assessor, County Legislative Analyst and Clerk of the Board, shall report to and be under the general supervision and direction of the County Executive pursuant to Article III-B of this Charter.

**SECTION 19.** Article VI, Section 25-2/3 is hereby added to the Charter of the County of Los Angeles to read as follows:

Rules. The Director of Personnel shall, under the direction of the ~~Board of Supervisors~~County Executive, perform such other duties as may be prescribed by said ~~Board~~ pursuant to the provisions of Section 22<sup>3</sup>/<sub>4</sub> hereof. The Director of Personnel shall appoint all assistants, deputies, and other persons in the department.the County Executive.

This Section shall become operative on December 4, 2028 or as soon as the County Executive assumes office.

**SECTION 21.** Article IX, Section 33 is hereby amended to read as follows:

**Section 33.**

The Civil Service of the County is hereby divided into the unclassified and the classified service.

The unclassified service shall comprise:

All officers elected by the people.

Members of all commissions, committees and boards created by this Charter, statute or ordinance.

All heads of County agencies and departments. In the office of the District Attorney: The Chief and one other deputy, Bureau Chiefs, Assistant Bureau Chiefs, Administrative Deputy-District Attorney, Chief Field Deputy, three Special Assistants, one secretary, and three detectives; and special counsel and special detectives for temporary employment.

In the office of the Sheriff: The Undersheriff, or Chief Deputy, one Executive Assistant, one Executive Secretary, three Field Deputies, three Assistant

diminishing the salary of an elective office upon taking office of a new officer who was not the holder of the office during the immediately preceding term. Whenever the Board of Supervisors fills a vacancy pursuant to Section 16 of this Charter, the compensation of the office may be increased or diminished by an ordinance adopted prior to the appointment of the new officer.

**SECTION 24. Legal Effect of Inoperative Provisions.**

In the event that the amendment to the Charter of the County of Los Angeles contained in this measure is rendered inoperative because of the actions of any court, legislative or other body, or for any other reason, the provisions of the County Charter in effect on November 5, 2024, will remain in full force and effect.

**SECTION 25. Legal Effect of Invalid Provisions.**

If any section, subsection, subdivision, paragraph, sentence, clause, phrase, or word of this proposition is for any reason held to be invalid or unenforceable, such invalidity or unenforceability will not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, phrases, or words of the Los Angeles County Charter. The voters of the County declare that they would have independently adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase, or word of this measure irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, phrases, or words are declared invalid or unenforceable.

**SECTION 26. Consolidation.**

The Executive Officer of the Board of Supervisors is ordered to file a copy of this ordinance with the Los Angeles County Registrar-Recorder/County Clerk at least eighty-eight days prior to the day of the election.

[CHARTAMENDART1ECCC]