



# Memorandum

**TO:** RULES AND OPEN GOVERNMENT COMMITTEE      **FROM:** Councilmember Sergio Jimenez

**SUBJECT:** BALLOT MEASURE TO AMEND THE CITY CHARTER      **DATE:** June 23, 2020

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**APPROVED:** *Sergio Jimenez*      **DATE:** June 23, 2020

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## RECOMMENDATION

I submit this memo in support of a ballot measure for the November 2020 election cycle to amend the city charter with much needed structural reforms that will allow for increased voter participation, greater transparency and accountability through campaign finance reforms and clearer alignment of mayor authority and responsibilities. The following are my recommendations:

A. The following package of reforms as the proposed ballot measure:

### **Inclusion, Accountability, and Better Government Reforms**

#### **1. Campaign Finance & Conflict of Interest Reforms**

- A. Adopt and apply to the Mayor and City Council the provisions laid out in California Government Code Section 84308 that governs members to the VTA and other regional boards, members, requiring recusal where a matter involves a person or entity that has made a contribution in the prior 12 months, and prohibiting such contributions for three months following a decision on that matter.
- B. Mayor, Councilmembers, and Senior City management may not receive gifts of any value from any registered lobbyist, City contractor, nor any direct beneficiary of a City contract.
- C. Lobbyists and City contractors shall not serve on City boards or commissions within two years of any work involving the City. This provision will apply prospectively from the date of passage to any City board or commission.
- D. Prohibit individuals who are registered City lobbyists from making campaign contributions to the Mayor and City Councilmembers.

#### **2. Accountable Mayor**

- A. Section 300 of the City Charter is amended to define the government form as “Mayor-Council.”

- B. The Mayor shall have the authority to appoint, direct and dismiss the City Manager.
- C. The City Manager shall continue to appoint, direct and dismiss department heads, with a majority of Council approval required for appointment.
- D. The Mayor shall have the power to direct (amending Charter Section 411):
  - 1. The City Manager;
  - 2. all Department heads (a power also shared with the City Manager);
  - 3. any member of the Mayoral office staff; but,
  - 4. not any other city employee, nor any other Council appointee (City Attorney, City Auditor or Independent Police Auditor).
- E. Both the Mayor and the City Manager have the authority to dismiss department heads.
  - 1. If a department head is dismissed by the Mayor or City Manager, the Mayor or City Manager will promptly notify the Council, and the dismissal will be agendized at the next Council meeting at least 72 hours following such notification. If a 2/3s supermajority of the Council votes to overturn that dismissal, the department head will be reinstated.
  - 2. The changes in the Charter giving the Mayor the authority to dismiss the City Manager and department heads shall not take effect until July 1, 2023.
- F. The Office of the City Clerk shall become a department appointed by the City Manager, directed and subject to dismissal by the Mayor and City Manager.
- G. Consistent with the current provisions in the Charter, the Mayor shall have the authority to propose, and the Mayor and Council shall, through a vote of the majority, have the authority to appoint, direct, and dismiss:
  - 1. The City Attorney;
  - 2. The City Auditor; and,
  - 3. The Independent Police Auditor.
- H. Executive staff for the City Manager, such as Deputy City Manager, Assistant City Manager(s), Chief of Staff and other positions directly supporting the City Manager shall continue to be appointed, directed and dismissed by the City Manager.
- I. Nothing in these reforms alters Charter Section 502(g), in which the Mayor shall continue to have the authority to direct the Public Information Office of the City, which is distinct from regular communications staff and functions that are associated with the mayoral office.
- J. Nothing in these reforms alters Charter Section 400, in which the determination of all matters of policy is vested with the Council.

### **3. Inclusive Government**

- A. Amend the City Charter in the manner of the March, 2015 Measure 1 in the City of Los Angeles and move the next mayoral election to the November 2024 general election, and extend the term of the current mayor to December 31, 2024.

### **4. Blue Ribbon Commission on Better Government**

- A. A Commission shall be established to study the effectiveness of these reforms, and to report on the effectiveness or need for modifications to these changes by March of 2022, to enable further revision of the Charter—if necessary—in that year or a subsequent year, to enable a more accountable, inclusive City Government. Such changes the Commission shall consider shall include, among others, provisions consistent with “strong mayor/strong council” structures found in other major U.S.

cities in which the executive responsibility of the city resides in the Mayor, and the Council has legislative authority.

- B. Direct City Clerk to place an item on the June 30th City Council meeting agenda for consideration of a potential November 2020 ballot measure, to amend the Charter to enhance Inclusion, Accountability, and Better Government Reforms at City Hall and with the community.
  
- C. Direct City Clerk to establish an additional meeting date(s) in the final week of July and/or first week of August, if necessary, for public discussion and input of this measure.

## **DISCUSSION**

Reform in its truest sense means to re-imagine, and that's exactly what these reforms do. They re-imagine local government and take us down a path of continued improvement. Improving our governmental structures is of vital importance, and it is an effort that should be part of continued discussions surrounding the future of our city. Along with Vice Mayor Jones and other colleagues, I have seen fit to move our conversation of reforms from the theoretical to the real—reforms that have the capacity to change our city for the better.

I have always been a strong supporter of inclusive democracy and bringing additional transparency to campaign financing, which strengthens trust with our community. Additionally, moving the mayoral election to the presidential cycle is an important goal to achieving higher voter turnout that is truly representative of the diversity of our city. This change specifically stands with past monumental decisions our city has taken on, such as moving from at-large elections to district-wide elections. These weighty decisions have proven to make our slice of democracy more inclusive and offered our citizens broader, more diverse representation. It is my opinion that this decision will do the same.

In evaluating the merits of these reforms, I am convinced that, even with the limited additional authority provided to the mayor and extension of his term, there are adequate checks on that authority, and the good far outweighs any concerns I have. For this reason, I join Vice Mayor Jones in putting forward these recommendations.