COUNTY OF LOS ANGELES
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DAWYN R. HARRISON
Acting County Counsel

July 20, 2022

Agenda No. 12
07/12/22

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: The Los Angeles County Charter Amendment Ordinance; Resolution Consolidating Election; and Summary Regarding Process and Timeline for the Placement of a County Charter Amendment on the November 2022 General Election Ballot

Dear Supervisors:

On July 12, 2022, your Board directed our office to prepare the necessary documents, including an ordinance, for a special election to vote on an amendment to the County of Los Angeles ("County") Charter on November 8, 2022, to be held on the same date as the November 8, 2022 General Election. Enclosed are those documents, along with a summary of the process and timeline associated with placing the County Charter amendment on the November 8, 2022, General Election ballot, as described below.

Enclosed as Exhibit A is the ordinance for your consideration, which also includes your Board's proposed County Charter amendment ("Ordinance") that grants your Board authority in the County Charter to remove a Sheriff from office for cause, by a four-fifths vote, as specified therein. The Ordinance requires two readings and a majority vote of your Board for placement on the ballot. Enclosed as Exhibit B is the resolution calling for and giving notice of a special election and consolidating the special election with the general election on November 8, 2022 ("Resolution"). The Resolution requires a majority vote of your Board after the second reading and adoption of the Ordinance.

The County Charter amendment contained in the Ordinance, if approved by a majority of the voters (50% + 1), will add section 13.5 to Article IV of the County Charter. Section 13.5 of the proposed County Charter amendment grants your Board the authority to remove an elected Sheriff from office for cause, by a

four-fifths vote, after a Sheriff has been served with a written statement of the alleged grounds for removal, and provided a reasonable opportunity to be heard regarding an explanation or defense. The County Charter amendment generally defines "cause" as; (i) violation of law related to their duties; (ii) flagrant or repeated neglect of their duties; (iii) misappropriation of funds; (iv) willful falsification of documents; or (v) obstructing an investigation. The County Charter amendment would also allow your Board to provide procedures to conduct a proceeding to remove a Sheriff. Finally, the justification for removal in the County Charter amendment is not intended to affect the independent and constitutionally and statutorily designated investigative function of a Sheriff.

Process and Timeline for Placing the County Charter Amendment on the Ballot

To place this County Charter amendment measure on the November 8, 2022 ballot, the Board must approve both the Ordinance and the Resolution.

The timeline to place a measure amending the County Charter on the ballot is as follows:

EVENT	**DATE**
Regularly scheduled Board meeting to introduce Ordinance (first reading)	July 26, 2022 Election Day minus 105 days ("E-105")
Last day to publish summary of Ordinance prior to adoption	July 28, 2022 E-103
Regularly scheduled Board meeting to adopt Ordinance (second reading) and Resolution[1]	August 2, 2022 E-98
Last day for Executive Officer to deliver adopted Ordinance and Resolution calling and consolidating special election to Registrar-Recorder/County Clerk ("Registrar")	August 12, 2022 E-88

[1] In the event the Ordinance is not introduced at the regularly scheduled Board meeting on July 26, 2022, then August 2, 2022 would be the last regularly scheduled Board meeting to introduce the Ordinance (first reading), August 4, 2022 would be the last day to publish a summary of the Ordinance prior to adoption, August 9, 2022 would be the last regularly scheduled Board meeting to adopt the Ordinance (second reading) and Resolution, and August 24, 2022 would be the last day to publish the Ordinance adopted in a daily newspaper of general circulation in the County.

EVENT	**DATE**
Last day to amend or remove measure from ballot Also, last day to publish the Ordinance adopted in a daily newspaper of general circulation in the County	August 17, 2022 E-83
Last day for County Counsel to submit impartial analysis on measure to Registrar; Also, last day to submit arguments in favor or against measure to Registrar[2]	August 19, 2022 E-81
Public examination period of all ballot materials	August 20, 2022 – August 29, 2022 E-80 to E-71
Last day to submit rebuttal arguments to Registrar	August 29, 2022 E-71
Mailing of vote by mail ballots to military and overseas voters	September 9, 2022 – September 24, 2022 E-60 to E-45
Mailing of sample ballots to voters	September 29, 2022 – October 18, 2022 E-40 to E-21
Registrar must begin mailing vote by mail ballots to voters	October 10, 2022 E-29
Election Day	November 8, 2022 *Voting period starts on October 29, 2022 (E-11)

[2] The Board of Supervisors, or any member or members of the Board, may file a written argument for or against the measure. (Elec. Code § 9162). If more than one argument is submitted, RR/CC shall select one for printing and distribution to voters. (Elec. Code § 9166).

The Ordinance and Resolution will take immediate effect upon their approval by a majority vote of your Board.

Very truly yours,

DAWYN R. HARRISON
Acting County Counsel

By
DANIELLE VAPPIE
Senior Deputy County Counsel

APPROVED AND RELEASED:

DAWYN R. HARRISON
Acting County Counsel

DV:eg

Enclosures

EXHIBIT A

ANALYSIS

This ordinance calls for a special election to be held on November 8, 2022, for the purpose of voting upon an amendment to the Charter of the County of Los Angeles ("County") granting the Board of Supervisors authority to remove an elected Sheriff for cause, by a four-fifths vote, after notice and an opportunity to be heard. The justification for removal in the proposed County Charter amendment shall not affect the independent and constitutionally and statutorily designated investigative functions of a Sheriff. The ordinance also states that the Board of Supervisors may provide for procedures by which a removal proceeding pursuant to this section shall be conducted.

The ordinance also directs the consolidation of the special election with the Statewide general election to be held on the same day.

DAWYN R. HARRISON
Acting County Counsel

By:

DANIELLE VAPPIE
Senior Deputy County Counsel
Board Liaison Division

DV:eg

Requested: 7/12/2022
Revised: 7/22/2022

ORDINANCE NO._____

An ordinance calling a special election to be held on November 8, 2022, 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 Statewide 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 8, 2022, 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:

PROPOSED COUNTY CHARTER AMENDMENT. CHARTER AMENDMENT – PROVIDING AUTHORITY TO REMOVE AN ELECTED SHERIFF FOR CAUSE. Shall the measure amending the County of Los Angeles Charter to grant the Board of Supervisors authority to remove an elected Sheriff from office for cause, including violation of law related to a Sheriff's duties, flagrant or repeated neglect of duties, misappropriation of funds, willful falsification of documents, or obstructing an investigation, by a four-fifths vote of the Board of Supervisors, after written notice and an opportunity to be heard, be adopted?	YES NO

MEASURE_____

This measure (XXXXX) will become effective only if submitted to the voters at the election held on November 8, 2022, and only after approval by a majority of the qualified voters voting in the election on the issue.

The Charter amendment will take effect as provided for in sections 23713 and 23714 of the Government Code.

Section 13.5 of Article IV of the Charter of Los Angeles County is added to read as follows:

Section 13.5

A. The Board of Supervisors may remove a Sheriff from office for cause, by a four-fifths vote, after a Sheriff has been:

(1) Served with a written statement of alleged grounds for removal; and

(2) Provided a reasonable opportunity to be heard regarding any explanation or defense.

B. For the purposes of this Section, "cause" means:

(1) Violation of any law related to the performance of a Sheriff's duties;

(2) Flagrant or repeated neglect of a Sheriff's duties as defined by law;

(3) Misappropriation of public funds or property as defined in California law;

(4) Willful falsification of a relevant official statement or document; or

(5) Obstruction, as defined in federal, State, or local law applicable to a Sheriff, of any investigation into the conduct of a Sheriff and/or the Los Angeles Sheriff's Department by any government agency, office, or commission with jurisdiction to conduct such an investigation.

C. The Board of Supervisors may provide for procedures by which a removal proceeding pursuant to this Section shall be conducted.

D. This Section shall not be applied to interfere with the independent and constitutionally and statutorily designated investigative function of a Sheriff.

SECTION 3 Legal Effect of Inoperative Provisions.

In the event that the amendment to the County of Los Angeles ("County") Charter 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 8, 2022, will remain in full force and effect.

SECTION 4 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 section 13.5 of Article IV of the 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 Proposition irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences,

clauses, phrases, or words of section 13.5 of Article IV is declared invalid or unenforceable.

SECTION 5 Consolidation.

The special election will be consolidated with the Statewide general election to be held on Tuesday, November 8, 2022. The measure will be placed on the same ballot as that provided for the general election. The precincts, polling places or vote centers, and precinct board members will be the same as provided for the Statewide general election.

SECTION 6 Proclamation.

Pursuant to section 12001 of the Elections Code, the Board of Supervisors of the County hereby PROCLAIMS that a special Countywide election will be held on Tuesday, November 8, 2022, to vote upon the Charter amendment described in Section 2 of this ordinance.

SECTION 7 Effective Date.

Pursuant to section 9141 of the Elections Code and section 25123 of the Government Code, this ordinance will take effect upon the adoption thereof.

SECTION 8 Authority.

This ordinance is adopted pursuant to sections 23720, 23730, and 23731 of the Government Code, and sections 9141, 10402, 10403, and 12001 of the Elections Code.

SECTION 9 Publication.

This ordinance must be published once before the expiration of fifteen (15) days after its passage in a daily newspaper of general circulation, printed, published, and circulated in the County pursuant to section 25124 of the Government Code.

The Executive Officer of the Board of Supervisors is ordered to file a copy of this ordinance with the County Registrar-Recorder at least 88 days prior to the day of the election.

[CHARTERSEC135AZCC]

EXHIBIT B

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES CALLING FOR AND GIVING NOTICE OF A SPECIAL ELECTION TO AMEND THE CHARTER OF THE COUNTY OF LOS ANGELES TO GRANT THE BOARD OF SUPERVISORS THE AUTHORITY TO REMOVE A SHERIFF FROM OFFICE FOR CAUSE, BY A FOUR-FIFTHS VOTE OF THE BOARD, AFTER WRITTEN NOTICE AND AN OPPORTUNITY TO BE HEARD, AND CONSOLIDATING THE SPECIAL ELECTION WITH OTHER ELECTIONS TO BE HELD WITHIN THE COUNTY ON NOVEMBER 8, 2022

WHEREAS, the Sheriff leads one of the largest law-enforcement agencies in the United States with an approximate budget of $3.5 billion dollars, approximately 17,000 employees, and responsibilities including operating the nation's largest jail system and the Los Angeles Regional Crime Laboratory, and patrolling approximately 2,500 of the County of Los Angeles' ("County") 4,000 square miles, in more than 40 cities and 120 unincorporated areas;

WHEREAS, the County Board of Supervisors ("Board") is responsible for guiding and setting County policy and supervising the official conduct of County officers and employees, ensuring that they discharge their duties faithfully;

WHEREAS, due to the tremendous reach and power of the Sheriff's office and the lack of accountability and resistance to oversight by the current and previous Sheriffs in the past decades, specifically a former Sheriff who was imprisoned for lying to federal investigators and for obstruction, the Board has implemented a series of accountability measures over the years to reform the Los Angeles Sheriff's Department ("LASD");

WHEREAS, when the systems seeking to ensure accountability and transparency are not adhered to, it creates a lack of trust by the public that negatively impacts the County and the LASD, and the safety of County residents may not be protected and promoted in an effective manner.

WHEREAS, pursuant to California State Constitution, Article XI, Section 4, paragraph (c), the County Charter may provide for the terms and removal of any elected or appointed County officer;

WHEREAS, the County Charter does not currently provide for the terms and removal of any elected or appointed County officer, including a Sheriff;

WHEREAS, the Board deems it necessary and essential to submit to qualified voters in the County the question of a proposed County Charter amendment to grant the Board authority to remove an elected Sheriff from office, for cause, with a four-fifths vote, after written notice and an opportunity to be heard, at a special election to be held on November 8, 2022, and to consolidate such election with other elections to be held on that date;

WHEREAS, the justification for removal will not affect the independent and constitutionally and statutorily designated investigative functions of a Sheriff;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles, as follows:

1. **Call of the Election and Purpose.** A special election shall be held and the same is hereby called and ordered to be held in the County on the 8th day of November 2022, for the purpose of submitting to the voters of the County by ordinance the question of whether the County Charter shall be amended to grant the Board of Supervisors the authority to remove an elected Sheriff from office for cause, by a four-fifths vote of the Board, after written notice and an opportunity to be heard, as provided in the attached ordinance, Attachment A (hereinafter "Ordinance").

2. **Ballot Measure.** The measure to amend the County Charter by Ordinance shall appear on the ballot substantially as follows:

   CHARTER AMENDMENT – PROVIDING AUTHORITY TO REMOVE AN ELECTED SHERIFF FOR CAUSE. Shall the measure amending the County of Los Angeles Charter to grant the Board of Supervisors authority to remove an elected Sheriff from office for cause, including a violation of law related to a Sheriff's duties, flagrant or repeated neglect of duties, misappropriation of funds, willful falsification of documents, or obstructing an investigation, by a four-fifths vote of the Board of Supervisors, after written notice and an opportunity to be heard, be adopted?

   YES____ NO____

3. **Ordinance.** The attached Ordinance calling for the election to amend the County Charter is incorporated herein by reference.

4. **Proclamation.** Pursuant to section 12001 of the Elections Code, the Board hereby PROCLAIMS that a special Countywide election shall be held on Tuesday, November 8, 2022, to vote upon the Charter Amendment described in the Ordinance.

5. **Consolidation.** The special election called by this resolution shall be consolidated with the other elections conducted by the Registrar-Recorder/County Clerk to be held in the County on November 8, 2022, and the ordinance amending the County Charter shall be placed on the same ballot as that provided for the general election. The precincts, polling places and vote centers, precinct board members, and facilities shall be the same as provided for the Statewide general election.

6. **Election Procedure.** All qualified voters residing in the County shall be permitted to vote in the election and in all particulars not recited in this resolution, the elections shall be held as nearly as practicable in conformity with the Elections Code of the State of California. The votes cast for and against the measure shall be separately counted and if the measure receives a majority of the votes cast by the qualified electors voting on the measure, the measure amending the County Charter shall be effective pursuant to sections 23713 and 23714 of the Government Code. Should another proposed measure with conflicting provisions appear on the same ballot, and each proposed measure receives a majority of votes, the proposed measure with the highest number of affirmative votes shall prevail, in conformity with section 9123 of the Elections Code.

7. **Sample Ballot.** The Registrar-Recorder/County Clerk is instructed to print the entire proposed Ordinance in the sample ballot.

8. **Authority.** This resolution is adopted pursuant to sections 10403 and 12001 of the Elections Code and section 25201 of the Government Code. The Executive Officer-Clerk of the Board of Supervisors is ordered to file a copy of this resolution with the Registrar-Recorder/County Clerk at least eighty-eight (88) days prior to the day of the election. The Registrar-Recorder/County Clerk is authorized, instructed, and directed to prepare any documents and take any additional actions that may be necessary in order to properly and lawfully conduct the election.

9. **California Environmental Quality Act.** Based upon all of the facts before it on this matter, the Board of Supervisors finds that the submission of the measure to the voters is not subject to, or is exempt from, the California Environmental Quality Act (CEQA). Submission of the ballot measure is an activity that is excluded from the definition of a project by section 21065 of the Public Resources Code and section 15378(b) of the State CEQA Guidelines because it is an organizational or administrative activity of government which will not result in direct or indirect physical changes to the environment.

The foregoing resolution was on the _2nd___ day of August 2022, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.

CELIA ZAVALA, Executive Officer-Clerk
of the Board of Supervisors of the
County of Los Angeles

By: _____

APPROVED AS TO FORM:

DAWYN R. HARRISON
Acting County Counsel

By:_____
DANIELLE VAPPIE
Senior Deputy County Counsel
Board Liaison Division

Attachment A

ATTACHMENT A

ANALYSIS

This ordinance calls for a special election to be held on November 8, 2022, for the purpose of voting upon an amendment to the Charter of the County of Los Angeles ("County") granting the Board of Supervisors authority to remove an elected Sheriff for cause, by a four-fifths vote, after notice and an opportunity to be heard. The justification for removal in the proposed County Charter amendment shall not affect the independent and constitutionally and statutorily designated investigative functions of a Sheriff. The ordinance also states that the Board of Supervisors may provide for procedures by which a removal proceeding pursuant to this section shall be conducted.

The ordinance also directs the consolidation of the special election with the Statewide general election to be held on the same day.

DAWYN R. HARRISON
Acting County Counsel

By:

DANIELLE VAPPIE
Senior Deputy County Counsel
Board Liaison Division

DV:eg

Requested: 7/12/2022
Revised: 7/22/2022

ORDINANCE NO._____

An ordinance calling a special election to be held on November 8, 2022, 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 Statewide 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 8, 2022, 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:

PROPOSED COUNTY CHARTER AMENDMENT. CHARTER AMENDMENT – PROVIDING AUTHORITY TO REMOVE AN ELECTED SHERIFF FOR CAUSE. Shall the measure amending the County of Los Angeles Charter to grant the Board of Supervisors authority to remove an elected Sheriff from office for cause, including violation of law related to a Sheriff's duties, flagrant or repeated neglect of duties, misappropriation of funds, willful falsification of documents, or obstructing an investigation, by a four-fifths vote of the Board of Supervisors, after written notice and an opportunity to be heard, be adopted?	YES NO

MEASURE_____

This measure (XXXXX) will become effective only if submitted to the voters at the election held on November 8, 2022, and only after approval by a majority of the qualified voters voting in the election on the issue.

The Charter amendment will take effect as provided for in sections 23713 and 23714 of the Government Code.

Section 13.5 of Article IV of the Charter of Los Angeles County is added to read as follows:

Section 13.5

A. The Board of Supervisors may remove a Sheriff from office for cause, by a four-fifths vote, after a Sheriff has been:

(1) Served with a written statement of alleged grounds for removal; and

(2) Provided a reasonable opportunity to be heard regarding any explanation or defense.

B. For the purposes of this Section, "cause" means:

(1) Violation of any law related to the performance of a Sheriff's duties;

(2) Flagrant or repeated neglect of a Sheriff's duties as defined by law;

(3) Misappropriation of public funds or property as defined in California law;

(4) Willful falsification of a relevant official statement or document; or

(5) Obstruction, as defined in federal, State, or local law applicable to a Sheriff, of any investigation into the conduct of a Sheriff and/or the Los Angeles Sheriff's Department by any government agency, office, or commission with jurisdiction to conduct such an investigation.

C. The Board of Supervisors may provide for procedures by which a removal proceeding pursuant to this Section shall be conducted.

D. This Section shall not be applied to interfere with the independent and constitutionally and statutorily designated investigative function of a Sheriff.

SECTION 3 Legal Effect of Inoperative Provisions.

In the event that the amendment to the County of Los Angeles ("County") Charter 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 8, 2022, will remain in full force and effect.

SECTION 4 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 section 13.5 of Article IV of the 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 Proposition irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences,

clauses, phrases, or words of section 13.5 of Article IV is declared invalid or unenforceable.

SECTION 5 Consolidation.

The special election will be consolidated with the Statewide general election to be held on Tuesday, November 8, 2022. The measure will be placed on the same ballot as that provided for the general election. The precincts, polling places or vote centers, and precinct board members will be the same as provided for the Statewide general election.

SECTION 6 Proclamation.

Pursuant to section 12001 of the Elections Code, the Board of Supervisors of the County hereby PROCLAIMS that a special Countywide election will be held on Tuesday, November 8, 2022, to vote upon the Charter amendment described in Section 2 of this ordinance.

SECTION 7 Effective Date.

Pursuant to section 9141 of the Elections Code and section 25123 of the Government Code, this ordinance will take effect upon the adoption thereof.

SECTION 8 Authority.

This ordinance is adopted pursuant to sections 23720, 23730, and 23731 of the Government Code, and sections 9141, 10402, 10403, and 12001 of the Elections Code.

SECTION 9 Publication.

This ordinance must be published once before the expiration of fifteen (15) days after its passage in a daily newspaper of general circulation, printed, published, and circulated in the County pursuant to section 25124 of the Government Code.

The Executive Officer of the Board of Supervisors is ordered to file a copy of this ordinance with the County Registrar-Recorder at least 88 days prior to the day of the election.

[CHARTERSEC135AZCC]