



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Violet Varona-Lukens, Executive Officer-
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

At its meeting held July 11, 2000, the Board took the following action:

59

The following items were called up for consideration:

Agenda No. 74

Consideration of County Counsel's draft wording for ordinances which would place on the November 7, 2000 ballot the following measures, as requested by the Board at the meeting of July 5, 2000:

Expansion of the Board with various options for cost containment; and

Creation of a County Executive and a chart delineating the powers of the Board of Supervisors as well as those allocated to the County Executive.

Agenda No. 75-A

Recommendation as submitted by Supervisors Burke and Molina to instruct County Counsel to present a report to the Board at the July 11, 2000 meeting regarding a proposal for a Charter Commission that would study the structure of County government, including the division of power or separation of power between the legislative and executive branch of County government.

Agenda No. 75-B

Recommendation as submitted by Supervisor Burke to reiterate that the Office of County Executive would become effective only if the Board is increased to nine members, and if the Office of County Executive is filled, the role of the Board would then become one of oversight of County departments and agencies, policy matters and legislation, as it relates to various issues.

(Continued on Page 2)

The Board discussed the language drafted by County Counsel in response to Supervisor Knabe's motion of July 5, 2000, relating to the expansion of the Board from five to nine members, and considered but rejected the attached alternate versions of a Board expansion measure which have alternate cost containment language, identified as Board Memo Enclosure Nos. 1, 2 and 3 of County Counsel's memorandum to the Board dated July 7, 2000 titled, Charter Amendments - Board Expansion and County Executive. The Board accepted the version of the Board expansion measure as requested by Supervisor Knabe on July 5, 2000.

Bill Mabie, representing Senator Polanco's Office, Alan F. Clayton and Marshall Diaz addressed the Board.

After discussion, on motion of Supervisor Knabe, seconded by Supervisor Burke, duly carried by the following vote: Ayes: Supervisors Burke, Knabe and Molina; Noes: Supervisor Antonovich; Abstentions: Supervisor Yaroslavsky, the Board ordered placed on the agenda of July 18, 2000 for introduction the attached ordinance relating to Board expansion entitled, "An ordinance calling a special election to be held on November 7, 2000, throughout the County of Los Angeles for the purpose of voting upon an amendment to the Los Angeles County Charter and directing the consolidation of the election with the statewide general election to be held on the same day."

Mary Wawro, Senior Assistant County Counsel made a presentation relating to the creation of a Charter Commission to study the division or separation of power between the Board and the County Executive.

After discussion, on motion of Supervisor Yaroslavsky, seconded by Supervisor Knabe, unanimously carried, the following items were continued to Tuesday, November 14, 2000, pending the results of the November 7, 2000 statewide election:

- (1) Supervisor Yaroslavsky's version relating to the County Executive as indicated in County Counsel's letter to the Board dated July 7, 2000 titled, Charter Amendment for Creation of the Position of County Executive;
- (2) Enclosure No. 4 of County Counsel's memorandum to the Board dated July 7, 2000 titled, Charter Amendments - Board Expansion and County Executive; and
- (3) Supervisor Burke and Molina's attached joint motion, Agenda No.75-A relating to the creation of a Charter Commission.

(Continued on Page 3)

Syn. 59 (Continued)

In addition, at the request of Supervisor Burke and by common consent, Agenda No. 75-B was referred back to her office.

02071100-59

Attachments

Copies distributed:

- Each Supervisor
- Chief Administrative Officer
- County Counsel
- Director of Personnel



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

LLOYD W. PELLMAN
County Counsel

July 7, 2000

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

**Re: Charter Amendment for Expansion of the Board of
Supervisors – Item 74 of Agenda of July 11, 2000**

Dear Supervisors:

This is to transmit a draft ordinance for the Board's consideration. This ordinance addresses expansion of the Board with a provision for cost containment.

Very truly yours,


LLOYD W. PELLMAN
County Counsel


Enclosure

c: Violet Varona-Lukens, Executive Officer
David Janssen, Chief Administrative Officer
Connie McCormack, Registrar Recorder

001356

ANALYSIS

This ordinance would call a special election to be held on November 7, 2000, for the purpose of voting upon an amendment to the Los Angeles County Charter which would increase the membership of the Board of Supervisors from five to nine, effective the first Monday in December 2002. The proposed charter amendment provides cost containment of expenditures for the Board and its staff. The ordinance also directs the consolidation of the election with the statewide general election to be held the same day.


LLOYD W. PELLMAN
County Counsel

ORDINANCE NO. _____

An ordinance calling a special election to be held on November 7, 2000, throughout the County of Los Angeles for the purpose of voting upon an amendment to the Los Angeles County Charter 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 7, 2000, for the purpose of voting upon a proposed amendment to the Charter of the County of Los Angeles.

SECTION 2. Resolution Establishing Form of Proposition. The exact form of the Proposition as it is to appear on the ballot and the complete text of the proposed Charter amendment is as follows:

PROPOSED COUNTY CHARTER AMENDMENT NO. _____	YES	
INCREASE IN NUMBER OF COUNTY SUPERVISORS. Shall the Board of Supervisors be increased from five to nine members as detailed in the ordinance adopting the proposed charter amendment.	NO	

PROPOSITION _____

In order to provide for the division of Los Angeles County into nine supervisorial districts and to provide for the designation and election of persons to serve as supervisors representing such districts, Sections 4, 5, and 6, 7 of the Charter of the County of Los Angeles shall be amended.

The amendments shall become operative at noon on the first Monday in December 2002, provided that the boundaries of the nine supervisorial districts shall have been established in accordance with the provisions of California Elections Code Division 21, Chapter 6, Sections 21500-21506, and shall have been precleared in accordance with the terms and conditions set forth in the Stipulation and Order Designating Los Angeles County for Coverage under Section 3(c) of the Voting Rights Act, 42 U.S.C. 1973a (c), dated April 25, 1991, in the case of Garza v. County of Los Angeles.

First: Section 4 of the Charter of the County of Los Angeles is amended to read:

Section 4. The County of Los Angeles shall have a Board of Supervisors consisting of ~~five~~ nine members, each of whom must be an elector of the district which he represents, must reside therein during his incumbency, must have been such an elector for at least ~~one year~~ thirty days immediately preceding ~~his election, the~~ filing of the candidate's 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 that retirement~~ benefits shall be those now and hereafter provided by law for

officers and employees of the County of Los Angeles. They shall devote all their time during business hours to the faithful service of the public.

~~Notwithstanding any other provisions of this Charter, this amendment shall be operative as to incumbent members of said Board during their respective terms. If any provision of this amendment is held inoperative as to incumbent members during their current terms, then no change made by this amendment shall be operative as to incumbent members during their current terms; but in all other respects, this amendment shall be operative to the extent legally possible.~~

Second: Section 5 of the Charter of the County of Los Angeles is amended to read:

Section 5. The County of Los Angeles is hereby divided into five nine supervisorial districts, the boundaries of which shall be ~~and remain as they are now or until otherwise changed~~ established as provided in this Charter.

Third: Section 6 of the Charter of the County of Los Angeles is amended to read:

Section 6. At each the general election ~~at which the governor is to be elected,~~ held in November 2002, and every four years thereafter, supervisors shall be elected from the First, ~~and Third, Sixth, Seventh, Eighth and Ninth~~ Supervisorial 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 successor is elected and qualified.

At each the general election ~~at which the office of President appears on the ballot,~~ held in 2004 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 successor is elected
and qualified.

Fourth: In the event that the amendments to the Los Angeles
County Charter contained in this Proposition do not become operative on
the first Monday in December 2002, because they have not been
precleared or 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 6, 2000, shall remain in full force and effect.

Fifth: If any provision of this measure, or its application to any
person or circumstance, is held invalid, the remainder of this measure, to
the extent it can be given effect, or the application of such provision to
persons or circumstances other than those as to which it is held invalid,
shall not be affected thereby, and to this extent the provisions of this
measure are severable.

Sixth: Subsection 2.1 is added to Section 10 of the Charter of the County of Los Angeles to read:

The budget adopted by the Board in Fiscal Year 2003– 2004 for its staffing and operations including the staffing and operations of the Executive Office of the Board and any other agency which provides ancillary support services for the operation of the Board shall become a benchmark. In each subsequent fiscal year, the amount budgeted for such staffing and operations shall not exceed nor be less than the benchmark, subject to an increase limited to the cost of living.

SECTION 3. Consolidation. The special election shall be consolidated with the statewide general election to be held on Tuesday, November 7, 2000. The Proposition shall be placed upon the same ballot as that provided for the general election. The precincts, polling places and precinct board members shall be the same as provided for the statewide general election.

SECTION 4. Proclamation. Pursuant to Section 12001 of the Elections Code, the Board of Supervisors of the County of Los Angeles hereby PROCLAIMS that a special County-wide election shall be held on

Tuesday, November 7, 2000, to vote upon the Charter Amendment described in Section 2 of this Ordinance.

SECTION 5. Effective Date. Pursuant to Section 9141 of the Elections Code and Section 25123 of the Government Code, this Ordinance shall take effect upon the adoption thereof.

SECTION 6. Authority. This Ordinance is adopted pursuant to Sections 23730 and 23731, of the Government Code, and Sections 12001 and 9141 of the Elections Code.

SECTION 7. Publication. This Ordinance shall 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 of Los Angeles pursuant to Government Code Section 25124.

The Executive Officer-Clerk of the Board of Supervisors is ordered to file a copy of this Ordinance with the Registrar-Recorder at least eighty-eight (88) days prior to the day of the election.

The Executive Officer-Clerk of the Board of Supervisors is ordered to file a copy of this Ordinance with the Registrar-Recorder at least eighty-eight (88) days prior to the day of the election.



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
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LLOYD W. PELLMAN
County Counsel

July 7, 2000

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

**Re: Charter Amendment for Creation of the Position of County
Executive – Item 74, Agenda of July 11, 2000**

Dear Supervisors:

This transmits Enclosure 1 for the Board's consideration, a draft ordinance placing on the November ballot a measure to establish the Office of County Executive. The ordinance includes cost controls, stands alone and is not linked or "doubled-joined" to any other Charter amendment.

Enclosure 2 is a summary of the provisions of the ballot measure.

Enclosure 3 is a more detailed chart delineating the powers of the Board of Supervisors and the County Executive under the proposed measure in comparison with the powers and duties of the Board under the existing Charter.

Very truly yours,

LLOYD W. PELLMAN
County Counsel

LWP:ea

Enclosures

c: Violet Varona-Lukens, Executive Officer
David E. Janssen, Chief Administrative Officer
Connie McCormack, Registrar Recorder

001368

SYN# 59 OF JUL 11 2000

ANALYSIS

This ordinance would call a special election to be held on November 7, 2000, for the purpose of voting upon an amendment to the Los Angeles County Charter which would create the elective office of County Executive.

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

LLOYD W. PELLMAN
County Counsel

By
MARY F. WAWRO
Senior Assistant County Counsel

MFW:ea

ORDINANCE NO.

An ordinance calling a special election to be held on November 7, 2000, throughout the County of Los Angeles for the purpose of voting upon an amendment to the Los Angeles County Charter 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 7, 2000, for the purpose of voting upon a proposed amendment to the Charter of the County of Los Angeles.

SECTION 2. Resolution Establishing Form of Proposition. The exact form of the Proposition as it is to appear on the ballot and the complete text of the proposed amendment is as follows:

<u>PROPOSED COUNTY CHARTER AMENDMENT NO.</u>		
ESTABLISHMENT OF COUNTY EXECUTIVE. To establish the County Executive, elected countywide, the Charter is amended to <u>separate</u> legislative and executive powers of the Board of Supervisors. The Executive will replace the appointed Administrative Officer, reorganize and appoint other managerial positions, prepare the budget and veto ordinances. The Board will continue as legislative body to confirm appointments, adopt ordinances and override vetoes. The Executive's office shall not increase County costs. --	YES	
	NO	

PROPOSITION _____

First: Section 2 of Article I of the Charter of the County of Los Angeles is amended to read as follows:

Section 2. ~~The powers mentioned in the preceding section can be exercised only by a Board of Supervisors, or by agents and officers acting under their authority or by authority of law or of this Charter.~~ The County is organized on the principle of separation of powers, the legislative and quasi-judicial powers of the County being conferred upon the Board of Supervisors and the executive and administrative powers of the County being conferred upon the other elective officers of the County. Whenever laws of the state, heretofore or hereafter enacted, delegate executive or administrative powers or impose executive or administrative duties on boards of supervisors, such powers shall be exercised and duties performed in the County by the County Executive.

Second: Article III (beginning with Section 10) of the Charter of the County of Los Angeles is repealed.

Third: Article III-A (beginning with Section 10.2), Article III-B (beginning with Section 11.2) and Article III-C (beginning with Section 11.50) are added to the Charter of the County of Los Angeles to read:

ARTICLE III-A

GENERAL POWERS OF THE BOARD OF SUPERVISORS

Section 10.2. The legislative and quasi-judicial power of the County is vested in the Board of Supervisors.

Section 10.4. The Board of Supervisors may enact ordinances, resolutions and Board orders as provided in Article III-C of this Charter. Action by the Board of Supervisors shall be by ordinance or resolution, except where the Board is authorized by this charter to act on specific matters by Board order.

Section 10.5. The Board of Supervisors may, by order, remove from office any person it has exclusive authority to appoint.

Section 10.6. The Board of Supervisors may initiate amendments to the County Charter and put questions to referendum as provided by law. Resolutions and ordinances adopted pursuant to this section are not subject to veto or approval by the County Executive.

Section 10.10. The Board of Supervisors through its Legislative Auditor may conduct investigations or inquiries into the conduct, integrity, efficiency or effectiveness of any County officer, employee or department.

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, attachés, 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 his office or service, to give bond for the faithful performance thereof, in such penal sums as may be fixed by the Board.

Section 10.16. The Board of Supervisors shall, by resolution, appropriate and authorize the expenditure of any and all funds of the County, including funds made available from state, federal or private sources. Budget adjustments shall be made by resolution. No officer, employee, department or agency of the County shall make any expenditure of County funds that has not been authorized by appropriation of the Board of Supervisors or otherwise authorized by law.

Section 10.18. The Board of Supervisors shall, by resolution, not subject to approval or veto by the County Executive, set the property tax rate. All powers of the County to levy taxes, fees, excises, or like exactions are vested in the Board of Supervisors, acting by ordinance or resolution.

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, by Board order, establish an office of the Clerk of the Board of Supervisors, appoint a Clerk, and specify the authority and duties of the Clerk and his subordinates.

Section 10.28. The Board of Supervisors shall appoint the Legislative Auditor to conduct regular financial audits and special investigations as directed by the Board of Supervisors. Specific duties of the Legislative Auditor shall be prescribed by ordinance which shall not be subject to veto by the County Executive.

Section 10.30. It is the firm intent of these amendments that the number of professional staff people assigned to the office of each Supervisor be substantially reduced as the executive authority is transferred from the Board of Supervisors to the

County Executive.

Accordingly, within 180 days of the day that the first County Executive assumes office, the Board of Supervisors shall, by ordinance, enact a plan and budget adjustment by which the professional staff of each Supervisor shall be reduced. Such ordinance shall be enacted by a two-thirds affirmative vote of the Supervisors and shall not be subject to veto by the County Executive. Any subsequent increase in the number of employees assigned to the office of a Supervisor shall be by ordinance enacted by a two-thirds affirmative vote of the Supervisors. Such ordinance shall not be subject to veto by the County Executive.

ARTICLE III-B

COUNTY EXECUTIVE

Section 11.2. At a special election to be called by the Board of Supervisors to be held in 2001, a County Executive shall be elected, whose term shall begin at noon on the first Monday in December after his election and shall end at noon on the first Monday in December three years thereafter. The County Executive shall thereafter be elected at the general election to be held in 2004 and every four years thereafter. The County Executive shall hold office until a successor is elected and qualifies.

Section 11.4. The Board of Supervisors may, by ordinance, alter the formal title of the Office of County Executive.

Section 11.6. A person elected to the Office of County Executive must have been an elector of the County for at least thirty (30) days immediately preceding the filing of his nomination papers and must reside in the County during his incumbency.

Section 11.8. The County Executive shall receive as compensation for his services an annual salary payable monthly from the County Treasury, and shall have the retirement benefits now or hereafter provided by law for officers and employees of the County. The annual salary of the County Executive shall be set by the Board of Supervisors. The compensation of the County Executive shall be at least \$1.00 more than the compensation of any other County elective officer. Section 52 shall apply to the compensation of the County Executive, provided that the County Executive shall at all times receive at least \$1.00 more than the compensation of any other elective County officer. A County Executive may not receive any compensation, in addition to that provided by this section, for services rendered to any public or governmental entity.

The County Executive shall devote all of his time during business hours to the faithful service of the public.

Section 11.10. The executive and administrative authority of the County is vested in the County Executive 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 11.12. The County Executive shall supervise, direct and manage the conduct of all County officers and the operation of all departments of the County except the Board of Supervisors, Sheriff, District Attorney, Assessor, Clerk of the Board of Supervisors, Legislative Auditor 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 his directives and pronouncements.

Section 11.14. Except as otherwise provided by local, state or federal law, the County Executive may prescribe, for all County officers, departments, and agencies except the Board of Supervisors, Sheriff, District Attorney, Assessor, Clerk of the Board of Supervisors, Legislative Auditor, and their departments, administrative priorities, procedures and practices necessary to efficiently and economically carry out the law and the functions of the County officer, employee, department or agency concerned.

Section 11.16. The County Executive shall have the power to approve or veto an ordinance or resolution passed by the Board of Supervisors and to veto or reduce an appropriation item in an ordinance or resolution or in the annual budget or budget adjustment adopted by the Board of Supervisors except as otherwise expressly provided in this charter.

Section 11.18. The County Executive or his designee shall be the sole representative of the public employer and shall have the duty to negotiate as such representative as required by federal or state law or County ordinance.

Section 11.20. The County Executive shall appoint the head of each County department except elective offices, the Legislative Auditor, and the Clerk of the Board of Supervisors. The County Executive shall appoint the members of all boards, commissions and committees which have been or are hereafter established by the Board of Supervisors.

Appointments by the County Executive, except to positions within the department of the County Executive, shall not be effective until confirmed by the Board of Supervisors.

Section 11.22. The County Executive may remove any person whom he is authorized to appoint after stating his reasons in writing, except that removal of any

person appointed by the Board of Supervisors prior to the effective date of this amendment shall be subject to confirmation by the Board of Supervisors.

The Board of Supervisors, by a two-thirds vote of all of its members, may remove, for cause, any person appointed by the County Executive whose appointment is subject to confirmation by the Board. This removal may be made by the Board only after stating in writing the reasons therefor and allowing the person to be removed an opportunity to be publicly heard in his own defense.

Section 11.24. The County Executive may formally delegate any of the powers vested in him by this Charter to officers whose appointment is subject to confirmation by the Board of Supervisors, except that he 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 11.26. The combined budgets of the County Executive, the Board of Supervisors, the Clerk of the Board of Supervisors, the Department of Finance and the Legislative Auditor shall not be larger than the combined budgets of the Department of the Chief Administrative Officer, the Auditor-Controller, the Board of Supervisors and the Executive Office of the Board of Supervisors for fiscal year 2000-2001 and as adjusted annually for inflation and changes in population.

Section 11.28. The Director of Finance shall, under the direction of the County Executive, perform budget review and recommendation processes.

Section 11.28A The incumbent Chief Administrative Officer shall be the Director of Finance effective upon the date the County Executive takes office. This Section 11.28A shall be deleted from the Charter upon the enactment of an ordinance setting forth the powers and duties of the Director of Finance.

Section 11.30. The County Executive shall, from time to time, but not less often than once each year, make in person a report to the Board of Supervisors concerning the state of the County and recommend to the Board of Supervisors, for its consideration, such measures as the County Executive believes to be necessary and expedient.

Section 11.32. The County Executive shall submit a proposed budget to the Board of Supervisors within the time required by law.

Section 11.34. If the Board of Supervisors determines by a two-thirds vote that the County Executive is temporarily disabled, the Chairman of the Board of Supervisors shall become the Acting County Executive for the period of such temporary disability or until a vacancy in the office of County Executive is declared. A temporary disability is terminated when the County Executive files a declaration with the Board of Supervisors

stating that his temporary disability has ended. Such declaration shall be based upon the sworn written testimony of three competent physicians licensed to practice medicine in the State of California that the County Executive's temporary disability has ended and that the County Executive is physically and mentally competent and able to carry out the duties of Office. For the purposes of this action, the Acting County Executive shall have the full powers of the County Executive except he shall not have the power to remove any person. If the Chairman of the Board of Supervisors is disabled or there is no Chairman, the Chairman Pro Tempore shall become the Acting County Executive. If the Chairman Pro Tempore is disabled or there is no Chairman Pro Tempore, the most senior Supervisor in years of service shall become the Acting County Executive.

Section 11.36. 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 his duties for a period of 180 days or more, and the Board of Supervisors, by Board order approved by a unanimous vote of the members thereof, finds that it is probable that his disability will substantially impair his ability to perform his duties over the balance of his term. When there is such a vacancy in the Office of County Executive, the Chairman of the Board of Supervisors shall become the Acting County Executive with the full powers of the County Executive

provided in the Charter until an elected successor qualifies, or until a County Executive is appointed or the Chairman of the Board of Supervisors 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 Chairman of the Board of Supervisors or the Supervisor who is the Acting County Executive pursuant to Section 11.34 shall become the County Executive.

Whenever a County Executive is appointed or the Chairman of the Board of Supervisors becomes County Executive because the Governor failed to appoint a County Executive as herein provided, the appointee shall hold office until the election and qualification of his successor. In such case, a successor shall be elected at the

next general election, to fill the vacancy for the unexpired term, unless such term expires on the first Monday of December succeeding said election.

Section 11.38. The County Executive shall have such additional powers and duties as may be prescribed by law or ordinance.

ARTICLE III-C

ORDINANCES, RESOLUTIONS AND BOARD ORDERS

Section 11.50. The enactment of an ordinance, 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.

Section 11.58. After an ordinance or resolution has been adopted by the Board of Supervisors, it shall be presented to the County Executive by the Clerk of the Board of Supervisors.

Section 11.60. Within five (5) business days after he is presented an ordinance or resolution which the Board of Supervisors has designated an urgency measure and within twelve (12) business days in all other cases, the County Executive shall either approve the ordinance or resolution by signing it and returning it to the Clerk of the Board of Supervisors or he shall disapprove and veto the ordinance or resolution and return the ordinance or resolution to the Clerk of the Board of Supervisors with the County Executive's written objections thereto. The failure of the County Executive to return an ordinance or resolution to the Clerk of the Board of Supervisors within the time limits herein specified shall constitute his approval thereof and the ordinance or resolution shall take effect without the signature of the County Executive, the Clerk of the Board of Supervisors making note of such fact on the official copy of the ordinance or resolution.

When the County Executive has been out of the County for a period of ten (10) business days, the power of the County Executive to veto an ordinance or resolution shall devolve on the Chairman of the Board of Supervisors. When the County Executive

is out of the County, the Chairman of the Board of Supervisors may immediately approve or veto an urgency ordinance or resolution necessary to protect the public health and safety.

Section 11.62. The County Executive may veto or reduce one or more appropriation items in an ordinance or resolution and approve the remainder of such ordinance or resolution. In such case, the County Executive shall return the ordinance or resolution to the Clerk of the Board of Supervisors with his 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 all members of the Board of Supervisors vote in favor of the passage thereof, within 30 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. The Board of Supervisors may delegate contracting authority to the County Executive as necessary to carry out the functions of his office.

Fourth: Section 12 of Article IV of the Charter of the County of Los Angeles is amended to read:

Section 12. The elective County officers other than the County Executive and members of the Board of Supervisors shall be: Sheriff, District Attorney and Assessor.

Fifth: Section 16 of Article IV of the Charter of the County of Los Angeles is amended to read:

Section 16. Except as otherwise expressly provided in this Charter, Whenever a vacancy occurs in an elective 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 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.

Sixth: Section 21 of Article VI of the Charter of the County of Los Angeles is amended to read as follows:

Section 21. The County Counsel shall represent and advise the County Executive, the Board of Supervisors and all County, ~~township~~ and school district officers, in all matters and questions of law pertaining to their duties, and shall have exclusive charge and control of all civil actions and proceedings in which the County, or any officer thereof, is concerned or is a party. He shall also act as attorney for the Public Administrator in the matter of all estates in which such office is executor, administrator with the will annexed, or administrator, and the County Counsel shall, in every such matter, collect the attorney's fees allowed therein by law and pay the same into the County Treasury. The County Executive or the Board of Supervisors may authorize the County Counsel to file suits or proceedings in the name of the County. Disposition of such suits or proceedings shall be by majority vote of the Board of Supervisors with 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.

Seventh: Section 31 of Article IX of the Charter of the County of Los Angeles is amended to read as follows:

Section 31. Civil Service Commission.

The Civil Service Commission shall consist of five members appointed by the ~~Board of Supervisors.~~ County Executive, subject to confirmation by the Board of Supervisors. Each member of the Commission shall be appointed for a four-year term and shall serve until a successor is appointed and qualified. ~~The term of a Commissioner appointed prior to November 7, 1978, shall expire four years after appointment or on November 7, 1978, whichever is later.~~ Any vacancy on the Commission shall be filled by the ~~Board of Supervisors for a full four year term beginning on the date of appointment.~~ County Executive, subject to confirmation by the Board of Supervisors, for the unexpired term. No member shall hold any other salaried County office, nor shall have been, within the year next preceding appointment, an active executive officer in any political organization. Each member shall be an elector of the County. The County Executive, with the consent of the Board of Supervisors by a two-thirds vote of all the members, may remove a member of the Commission during his or her term of office, but only upon stating in writing the reasons for such removal and allowing such member an opportunity to be publicly heard in his or her own defense.

Eighth: Section 32 of Article IX of the Charter of the County of Los Angeles is amended to read as follows:

Section 32. Director of Personnel.

The Director of Personnel shall be appointed by the County Executive, subject to confirmation by the Board of Supervisors ~~shall appoint the Director of Personnel who~~ and shall under the general direction of the Board of Supervisors, County Executive, administer the Civil Service system in accordance with the provisions of this Charter and the Civil Service Rules: and ~~The Director of Personnel shall, under the direction of the Board of Supervisors, shall~~ perform such other duties as may be prescribed by ~~said Board pursuant to the provisions of Section 22-3/4 hereof. The Director of Personnel shall appoint all assistants, deputies and other persons in the department.~~ the County Executive.

Ninth: Section 25-1/2 is added to Article VI of the Charter of the County of Los Angeles to read:

Section 25-1/2. 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, Legislative Auditor and Clerk of the Board, shall report to and be under the general supervision and direction of the County Executive and not the Board of Supervisors and shall make a yearly report to the County Executive or as often as the County Executive shall require

and the County Executive and not the Board of Supervisors, shall appoint the Forester and Fire Warden.

Tenth: Section 14 of Article IV of the Charter of the County of Los Angeles is amended by adding at the end of the list of appointive County officers: Legislative Auditor and Clerk of the Board of Supervisors.

Eleventh: Section 33 of Article IX of the Charter of the County of Los Angeles is amended by adding subsection (j) to read:

(j) In the Office of the County Executive: All Deputies. Some or all of these positions may, by ordinance, be given a job title other than Deputy.

Twelfth: Section 7 of Article II of the Charter of the County of Los Angeles is amended to read as follows:

Section 7. The Board of Supervisors may, by a two-thirds' vote of its members, change the boundaries of any supervisorial district. This action does not require approval and is not subject to veto by the County Executive. No such boundaries shall ever be so changed as to affect the incumbency in office of any supervisor. Any change in the boundaries of

any supervisorial district must be made within one year after a general election.

Thirteenth: Section 33.5 of Article IX of the charter of the County of Los Angeles County is repealed.

Fourteenth: Section 2.190.030 of Chapter 2.190 of the Los Angeles County Code shall be amended to read as follows:

Section 2.190.030 Definitions.

The following phrases, whenever used in this chapter, shall be construed as defined in this section:

A. "Bundling of contributions" means the making of contributions to a candidate through another person or entity who acts as an intermediary or conduit.

B. "Campaign expenditure" means any "expenditure" as that term is defined in Government Code Section 82025 which is made by a candidate or his or her controlled committee in furtherance of that candidate's effort to be elected to a county office. Campaign expenditures occurring at any time up to and including the date of the primary election, even if prior to the filing for office, shall be considered campaign expenditures related to

the primary election. If the candidate is a candidate in the general election, campaign expenditures occurring after the date of the primary election shall be considered campaign expenditures related to the general election, except to the extent any expenditure is to repay a debt incurred for the primary election prior to the primary election, in which case the expenditure will be a campaign expenditure related to the primary election.

C. "Candidate" means an individual, with regard to any primary or general election for either a county-wide office or supervisor, who is listed on the ballot or who has qualified to have write-in votes on his or her behalf counted by election officials or who receives a contribution or makes any expenditure with a view to bringing about his or her nomination or election.

D. "Committee" shall have the meaning set forth in Government Code Section 82013.

E. "Contribution" shall have the meaning set forth in Government Code Section 82015, except that as used in this chapter, "contribution" shall also include a loan or an extension of credit for a period of more than 30

days, other than loans or extensions of credit from financial institutions which are given in the regular course of business upon terms and conditions generally available to other customers of that financial institution.

F. "Controlled committee" shall have the meaning set forth in Government Code Section 82016.

G. "County-wide office" means the county executive, sheriff, the district attorney and the assessor of the county of Los Angeles.

H. "Registrar-recorder" means the registrar-recorder/county clerk for the county of Los Angeles.

I. "Personal funds of the candidate" means both the community and separate property of the candidate. "Personal funds of the spouse of the candidate" means only the separate property of the spouse.

J. "Political action committee" means any "general purpose committee" as that term is defined by Government Code Section 82027.5.

K. "Political party" means any "qualified party" as described in Elections Code Section 5100.

L. "Primary election" shall also include a special election, and "general election" shall also include the runoff for a special election.

M. "Person" shall have the meaning set forth in Government Code Section 82047.

N. "Small contributor committee" means any committee which meets all of the following criteria:

1. It has membership of at least 100 individuals;
2. All contributions it receives from any one person in a calendar year total \$50.00 or less;
3. It has been in existence at least six months;
4. It is not a candidate controlled committee.

O. "Supervisor" means a member of the board of supervisors of the county of Los Angeles.

Fifteenth: If any provision of this measure, or its application to any person or circumstance, is held invalid, the remainder of this measure, to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this measure are severable.

SECTION 3. Consolidation. The special election shall be consolidated with the statewide general election to be held on Tuesday, November 7, 2000. The proposition shall be placed upon the same ballot as that provided for the general election. The precincts, polling places and precinct board members shall be the same as provided for the statewide general election.

SECTION 4. Proclamation. Pursuant to Section 12001 of the Elections Code, the Board of Supervisors of the County of Los Angeles hereby PROCLAIMS that a special Countywide election shall be held on Tuesday, November 7, 2000, to vote upon the Charter Amendment described in Section 2 of this Ordinance.

SECTION 5. Effective Date. Pursuant to Section 9141 of the Elections Code and Section 25123 of the Government Code, this Ordinance shall take effect upon the adoption thereof.

SECTION 6. Authority. This Ordinance is adopted pursuant to Sections 23730 and 23731 of the Government Code, and Sections 12001 and 9141 of the Elections Code.

SECTION 7. Publication. This Ordinance shall 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 of Los Angeles pursuant to Government Code Section 25124.

The Executive Officer-Clerk of the Board of Supervisors is ordered to file a copy of this Ordinance with the Registrar-Recorder at least eighty-eight (88) days prior to the day of the election.

{County Exec amndmnt}

**SUMMARY OF COUNTY EXECUTIVE MEASURE AS PROPOSED BY
SUPERVISOR YAROSLAVSKY - JUNE 20, 2000**

Powers and Duties of the County Executive

- County Executive elected at special election in 2001;
- supervision of appointed County officers, except the Clerk of the Board of Supervisors and the Legislative Auditor (a position created in the measure);
- execution and administration of laws related to the County except where other County officers are given such authority;
- approval and veto power over ordinances and resolutions and line item veto in appropriations or budget adjustments, except when otherwise inapplicable (veto may be overridden by at least two-thirds majority of the Board within thirty days);
- appointment and removal of committee members, Civil Service Commission members and all department heads, except elected officials, the Legislative Auditor, and the Clerk of the Board of Supervisors, subject to confirmation by the Board, except for positions in the County Executive's office;
- negotiating with employees as the sole representative of the public employer (except Board of Supervisors retains authority to execute contracts as public employer);
- periodic reports and recommendations to the Board on the state of the County; preparation and submission of a proposed budget;
- discretion to authorize County Counsel to file suits or proceedings; concurrence in the disposition of suits or proceedings subject to override by the Board of Supervisors;
- delegation of executive powers to other County officers, except the power to appoint or remove personnel and to veto or approve ordinances and resolutions;
- additional powers of the County Executive may be established by ordinance and sets out procedures for filling a vacancy in the office if the Executive is disabled, dies, resigns or is removed.

Powers and Duties of the Board of Supervisors

- exercise of legislative and quasi-judicial authority through ordinance or resolution or when authorized in the Charter by Board order;
- initiation of Charter amendments and putting questions to referendum without approval of the Executive and not subject to his veto;
- conducting investigations into County operations, holding public hearings, and requiring reports from the County Executive;
- authorizing County Counsel to file suits or proceedings; County Executive must concur in their disposition subject to override by the Board of Supervisors;
- enacting ordinances to set forth functions and operations of County departments, including offices other than those required by state law, to consolidate or separate offices and to provide staffing and compensation of employees;
- requiring a bond of any County officer or employee;
- authorizing and appropriating expenditures and budget adjustments of all funds subject to line item veto by the County Executive;
- setting the tax rate, levying taxes, excises and other fees;
- authorizing and regulating expenditures for its own operations;
- establishing the office of Clerk of the Board of Supervisors, appointing a Legislative Auditor to conduct regular and special audits under the Board's direction, and establishing the specific duties of those offices;
- approving specified appointments made by the County Executive and removing such appointees for cause by a two-thirds vote;
- setting the salary for the County Executive, which must be at least \$1 more than any other elected County officer.

Additional Features

- specific procedures for enacting ordinances, resolutions and orders, including the procedures for County Executive veto and override by two-thirds majority of the Board;
- Office of the Director of Finance is established to act under the County Executive to perform the budget process;
- incumbent CAO becomes Director of Finance;
- County costs are sought to be contained by reducing the professional staff of each supervisor when executive authority is transferred to the County Executive;
- subsequent increases in supervisor staffing require enactment of an ordinance by a two-thirds majority of the Board and are subject to veto by the County Executive;
- the budgets of the County Executive, the Clerk of the Board of Supervisors, the Department of Board of Supervisors, the Department of Finance and the Legislative Auditor are limited to the then current fiscal year budget of the Chief Administrative Officer, the Board of Supervisors, the Executive Office of the Board of Supervisors and the Auditor-Controller adjusted for inflation and population changes.

Modifications From 1992 Ballot Measure

- general function of Legislative Auditor is more fully described;
- Board of Supervisors is required to implement a plan for cost containment within 180 days of County Executive's assuming office;
- Board of Supervisors may remove officers which it directly appoints under the new Charter amendment;
- County Executive's removal of department heads and commission/committee members appointed by the Board of Supervisors before the effective date of the Charter amendment is subject to Board confirmation;
- County Executive may not veto an ordinance adopting supervisorial district boundaries;
- Board of Supervisors may delegate contracting authority to County Executive as needed;
- Section 33.5 of Charter (provided continuing Civil Service protection to incumbent department heads whose positions were unclassified) is repealed since currently no department head is a member of the Civil Service;
- Board of Supervisors and County Executive may each independently authorize County Counsel to file litigation on behalf of County; disposition requires a majority vote of the Board and concurrence by the County Executive; if the County Executive does not concur, the Board may dispose of litigation by a two-thirds majority vote;
- measure contains a severability clause;
- County Executive is expressly made subject to County campaign financing regulation.

ENCLOSURE 3

POWERS AND DUTIES OF COUNTY EXECUTIVE AND LEGISLATIVE BRANCHES AND OTHER PROVISIONS

COMPARISON BETWEEN EXISTING COUNTY Charter AND AMENDMENT AS PROPOSED BY
SUPERVISOR YAROSLAVSKY - JUNE 20, 2000

Art. / Sec.	Existing Provision	Art. / Sec.	Proposed Amendment	Comment
Art. I Sec. 2	Board has all specific and implied powers set out in Constitution and statutes.	Art. I Sec. 2	Powers are separated: legislative, quasi judicial belong to Board; executive, administrative powers belong to other elective officers; future laws imposing executive powers and duties will confer them upon County Executive.	
		Art. III-B Sec. 11.10	Executive and administrative authority vested in County Executive - responsible for execution and administration of all laws and ordinances relating to County except where responsibility is vested elsewhere.	
		Art. III-B Sec. 11.38	County Executive may be given additional powers as prescribed by law or ordinance.	
Art. III	Sets out specific powers and duties of Board detailed.	Art. III-A	Repeals Article III - which is replaced by Article III-A.	Article III contains 3 sections: A - Board powers B - Executive powers C - Provisions relating to Ordinances, Resolutions and Motions
Art. III Sec. 10	Board has all powers and jurisdiction per Constitution and statutes.	Art. III-A Sec. 10.2	Legislative and quasi judicial power is vested in Board.	

Art. / Sec.	Existing Provision	Art. / Sec.	Proposed Amendment	Comment
Art. III Sec. 11 (1)	Board appoints all non-elected County Officers and employees (unless otherwise provided in Charter) using civil service rules. Board sets compensation by ordinance for elected officers and appointees unless otherwise set in Charter.	Art. III-B Sec. 11.16	County Executive may approve or veto Board ordinance or resolution or reduce an appropriation item unless otherwise expressly provided in the Charter.	
		Art. III-A Sec. 10.14 (b)	Except as otherwise provided, Board sets compensation for elective and appointive officers and employees by ordinance.	
		Art. III-B Sec. 11.20	County Executive appoints head of each County department except elective offices, Legislative Auditor, Clerk of the Board. County Executive appoints members of all boards, commissions and committees established by Board, but appointments, (except to the department of the County Executive) are not effective until confirmed by Board.	
		Art. III-B Sec. 11.22	County Executive may remove any person appointed after stating his reasons in writing except that removal of any person appointed prior to amendment's effective date is subject to confirmation by the Board of Supervisors. Board may, by 2/3s majority vote, remove for cause any person appointed by the County Executive whose appointment is subject to Board confirmation. Board must state its reasons in writing and allow the person to be heard publicly in his defense.	
		Art. III-A Sec. 10.5	Board may remove any person it has exclusive authority to appoint (Legislative Auditor, Clerk).	
Art. III Sec. 1 (3)	By ordinance, Board provides the number of positions, etc., in County departments and sets salaries.	Art. III-A Sec. 10.14 (c)	By ordinance, Board provides the number of positions, etc., in County departments and sets salaries.	

Art. / Sec.	Existing Provision	Art. / Sec.	Proposed Amendment	Comment
Art. III Sec. 11 (4)	By ordinance, Board may create offices other than those set in Constitution, make appointments to such offices, fix compensation and consolidate or separate offices provided in Charter or by law.	Art. III-A Sec. 10.14 (d)-(e)	By ordinance, Board may create offices other than those set in Constitution and may consolidate or separate offices as provided in Charter or by law.	
Art. III Sec. 11 (5)	Board may require a bond of those entering office.	Art. III-A Sec. 10.14 (f)	Board may require a bond of those entering office.	
Art. III Sec. 11 (6)	Board shall provide rules prescribing duties and systems of institutional management and reports for each County office institution and department.	Art. III-A Sec. 10.14 (a)	Board shall, by ordinance, provide for the functions, policies and services of County offices, departments and agencies.	
		Art. III -B Sec. 11.12	County Executive to supervise, direct and manage conduct of all County Officers and the operation of departments except the Board, Sheriff, Assessor, District Attorney, and Legislative Auditor and Clerk. All officers, employees, departments and agencies report exclusively to County Executive and are bound by his directives.	
		Art. III -B Sec. 11.14	County Executive (except as otherwise provided by law) may prescribe for all County Officers, departments and agencies under his aegis, administrative priorities, procedures, and practices necessary to efficiently and economically carry out the law and their functions.	
Art. III Sec. 11 (7)	Board may not enact rent control (expires November 2000).			
		Art. III-A Sec. 10.4	Board action shall be by ordinance resolution or order, per Article III-C.	

Art. / Sec.	Existing Provision	Art. / Sec.	Proposed Amendment	Comment
		Art. III-A Sec. 10.6	Board may initiate Charter amendments and put questions to referendum; these are not subject to County Executive veto.	
		Art. III-A Sec. 10.10	Through Legislative Auditor, Board may investigate any County employee, officer or department.	
		Art. III-A Sec. 10.12	Board may conduct public hearings on any subject where it has authority to act.	
		Art. III-A Sec. 10.16	By resolution, Board shall appropriate and authorize expenditure of all funds, adjust budget; no officer employee, department or agency may make expenditure not authorized by Board appropriation or otherwise by law.	
		Art. III-B Sec. 11.16	County Executive may approve or veto a Board ordinance or resolution or reduce an appropriation item unless otherwise expressly provides in the Charter	Board currently has plenary authority over budget.
		Art. III-A Sec. 10.18	By resolution not subject to action by County Executive, Board sets property tax rate; by ordinance or resolution, Board may levy taxes, fees, etc.	
		Art. III-A Sec. 10.18	Board may, by order, establish rules for its organization and procedure and establish committees of its members or other appropriate assignments.	
		Art. III-A Sec. 10.22	Board may request County Executive to submit regular reports relating to County business, quality of service, productivity; County Executive shall respond.	

Art. / Sec.	Existing Provision	Art. / Sec.	Proposed Amendment	Comment
		Art. III-A Sec. 10.24	Board may authorize and regulate expenditures from funds appropriated for its own operations - subject to audit procedures applicable to all County Departments.	County Executive has line item veto.
		Art. III-A Sec. 10.26	Board may, by order, establish a Clerk, and specify his authority and duties.	
		Art. III-A Sec. 10.28	Board shall appoint Legislative Auditor to conduct regular financial and other special investigations as Board directs and shall enact ordinance specifying his duties; this ordinance is not subject to veto by County Executive.	
		Art. III-A Sec. 10.30	The number of professional staff people in each Board office is to be substantially reduced as the executive authority is transferred. Board shall, within 180 days of County Executive's assumption of office, enact a plan and budget to effect this. This must be done by ordinance which is not subject to veto by County Executive.	
		Art. III-B Sec. 11.26	Combined budgets of County Executive, Board of Supervisors, Clerk, Department of Finance and Legislative Auditor shall not be larger than combined budgets of CAO, Auditor Controller, Board of Supervisors, and Executive Office for FY 2000-2001, and adjusted for inflation and population changes.	
		Art. III-B Sec. 11.2	County Executive to be elected at special election in 2001 and every 4 years thereafter.	Special election will impose County cost; 1992 version of County Executive measure set a general election on an existing schedule.

Art. / Sec.	Existing Provision	Art. / Sec.	Proposed Amendment	Comment
		Art. III-B Sec. 11.4	Board may alter title of County Executive.	
		Art. III-B Sec. 11.6	30-day residency requirement for County Executive candidate preceding filing of nomination papers. Must reside in County during incumbency.	
		Art. III-B Sec. 11.8	County Executive's salary to be set by the Board, but must be at least \$1 more than any other elected officer's compensation. County Executive may not receive additional compensation for services rendered to any public or governmental entity, must devote all time during business hours to faithful service of public.	
		Art. III-B Sec. 11.18	County Executive shall be the sole representative of the public employer and shall have the duty to negotiate as required by federal or state law or County ordinance.	Board of Supervisors has authority to execute any contract as the public employer.
		Art. III-B Sec. 11.24	County Executive may formally delegate his powers to officers whose confirmation is subject to Board confirmation except the power to appoint and remove and the power to veto ordinances and resolutions.	
		Art. III-B Sec. 11.28 and 11.28A	The Incumbent CAO shall be Director of Finance who shall, under the direction of the County Executive, review the budget and provide recommendations. Sec. 11.28A is deleted from the Charter on the Board's enactment of an ordinance setting the powers and duties of the Director of Finance.	

Art. / Sec.	Existing Provision	Art. / Sec.	Proposed Amendment	Comment
		Art. III-B Sec. 11.30	County Executive reports to the Board in person at least once a year on the state of the County, and recommends measures he deems necessary and expedient.	
		Art. III-B Sec. 11.32	County Executive must timely submit a proposed budget to the Board.	
		Art. III-B Sec. 11.34	The Board may, by a 2/3s vote, determine the County Executive is temporarily disabled. The Board chair shall become Acting County Executive. Further provisions dictate how a temporary disability may be ended and the order of succession.	
		Art. III-B Sec. 11.36	This section describes how a vacancy in Office of County Executive occurs and how it is filled.	
		Art. III-C Sec. 11.50	Ordinance, resolution of Board order may be proposed by any Board member.	
		Art. III-C Sec. 11.52 11.54, and 11.56	An adopted ordinance or resolution is subject to approval or veto by the County Executive unless otherwise expressly provided by the Charter, however, adopted Board orders do not require approval and are not subject to veto.	

Art. / Sec.	Existing Provision	Art. / Sec.	Proposed Amendment	Comment
		Art. III-C Sec. 11.60 11.62, and 11.64	The Clerk of the Board presents an adopted ordinance to the County Executive. Within a prescribed time, the County Executive may approve or veto it with his written objections. If he fails to return it to the Board, it is approved and takes effect without his signature. In the absence of the County Executive for 10 business days, the Chair of the Board has authority to approve or veto. The County Executive may exercise a line item veto of an appropriation. In that case, the Board may reconsider the item. The Board may, by a 2/3s majority, override the veto within 30 days after it is returned.	
		Art. III-C Sec. 11.65	The Board of supervisors may delegate contracting authority to the County Executive as necessary to carry out the functions of his office.	
Art. IV Sec. 12	Establishes elective offices in addition to Board members as Sheriff, District Attorney and Assessor.	Art. IV Sec. 12	Adds County Executive as elective County Officer.	
Art. IV Sec. 16	Provides that Board will fill a vacancy in an elective office.	Art. IV Sec. 16	Excepts County Executive from this provision.	
Art. IV Sec. 21	Provides that County Counsel represents and advises various County officers and agencies.	Art. IV Sec. 21	Adds County Executive to this list and provides that the County Executive or the Board may authorize County Counsel to file litigation in the name of the County. Disposition of litigation is by majority vote of the Board, with concurrence of County Executive or by 2/3s majority vote of Board if County Executive does not concur.	

Art./Sec.	Existing Provision	Art./Sec.	Proposed Amendment	Comment
Art. IV Sec. 31	Board of Supervisors appoints members of Civil Service Commission, fills vacancies, and may remove members.	Art. IV Sec. 31	Subject to confirmation by Board, County Executive appoints members of the Civil Service Commission, fills vacancies and may remove members with the consent of Board by a 2/3s majority vote.	
Art. IV Sec. 32	Board appoints Director of Personnel, who administers the Civil Service System under the direction of the Board.	Art. IV Sec. 32	County Executive appoints Director of Personnel, who administers Civil Service System under the general direction of County Executive.	
		Art. IV Sec. 25 1/2	Clarifies that notwithstanding any other provisions of the Charter, each department head, except the Sheriff, District Attorney, Assessor, Legislative Auditor, and Clerk of the Board, reports to the County Executive and is under his general supervision, and shall make a yearly report to him; expressly provides that County Executive, not Board, appoints the Forrester and Fire Warden.	
Art. IV Sec. 14	Lists appointive County Officers.	Art. IV Sec. 14	Adds Legislative Auditor and Clerk of the Board to this list.	
Art. IX Sec. 33	Lists the members of the unclassified Civil Service.	Art. IX Sec. 33	Adds all members of the Office of the County Executive.	
Art. II Sec. 7	Provides that Board may change supervisorial district boundaries only by a 2/3s majority vote.	Art. II Sec. 7	Provides that this is not subject to approval or veto by the County Executive.	
Art. IX Sec. 33.5	Provides that department heads who were members of the civil service and whose positions were unclassified continue to have civil service rights.	Art. IX Sec. 33.5	Section is repealed since there are no longer any such department heads.	
LACC 2.190.030	Establishes campaign financing regulation.	LACC 2.190.030	Amended to include County Executive as a County Officer subject to its provisions.	



COUNTY OF LOS ANGELES
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July 7, 2000

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TO: SUPERVISOR GLORIA MOLINA, Chair
SUPERVISOR YVONNE BRATHWAITE BURKE
SUPERVISOR ZEV YAROSLAVSKY
SUPERVISOR DON KNABE
SUPERVISOR MICHAEL D. ANTONOVICH

FROM: LLOYD W. PELLMAN 
County Counsel

RE: **Charter Amendments – Board Expansion and County
Executive (Item 74 of July 11, 2000 Agenda)**

This transmits the following documents which supplement the materials filed with the Executive Officer in response to discussions at your meeting on July 5, 2000. You may wish to consider these materials as alternatives to those which appear on the agenda.

Enclosure 1- Draft Expansion Measure with cost containment language allowing a newly expanded Board to establish a benchmark budget for its staffing and operations in Fiscal Year 2003- 2004. The budget would include expenditures for the existing Executive Office of the Board and for other agencies which provide ancillary services to support Board operations. In subsequent fiscal years, the budget would be neither greater nor less than the benchmark subject to a cost of living adjustment which could be exceeded only by a two-thirds majority vote of the Board. This version also omits language contained in the November 23, 1999 version of this measure that would bar implementation of expansion unless a County Executive is established.

Enclosure 2- Draft Expansion Measure with cost containment language that would require the existing five-member Board to establish a benchmark budget for its staffing and operations in Fiscal Year 2002-2003. In this version, the benchmark is a ceiling but not a floor. The result of this measure is to require operation of a nine-member Board on a budget tied to that of the existing five-member

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Board subject to a cost of living adjustment. This version also omits language contained in the November 23, 1999 version of this measure that would bar implementation of expansion unless a County Executive is established.

Enclosure 3 Draft Expansion Measure with cost containment language that would require the expanded Board to enact a cost containment plan within 180 days of the time when the newly established members assume office. This version also omits language contained in the November 23, 1999 version of this measure that would bar implementation of expansion unless a County Executive is established.

Enclosure 4 A draft of the County Executive Measure which includes language that would bar the implementation of the County Executive unless a Board expansion measure is enacted and implemented.

Cost to
11-14-00

Finally, during your Board's discussion on July 5, 2000, issues were raised concerning the impact of certain language "linking" an expansion measure to a measure creating the County Executive. The following examples are intended to illustrate various options available to your Board in determining whether to include such language in these measures:

<u>Linking Language</u>	<u>Result</u>
No linking language in either measure	If expansion fails and County Executive is implemented, there will be a County Executive with a five-member Board.
Language in County expansion measure stating that expansion will not be effective unless County Executive is implemented	If County Executive fails, expansion cannot be implemented. If County Executive passes and expansion fails, there will be a County Executive with a five-member Board
Language in County expansion measure stating that expansion will be effective only if only County Executive is implemented	Expansion may pass but will only be effective if County Executive passes; if County Executive passes and expansion fails, there will be a County Executive with a five-member Board

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<u>Linking Language</u>	<u>Result</u>
Language in County Executive measure stating that County Executive measure will not be effective unless expansion is implemented	There can only be a County Executive if there is an expanded Board.
Language in County Executive measure stating that County executive measure will be effective only if expansion is implemented	There can only be a County Executive if there is an expanded Board.

LWP:MFW:ema

Enclosures

c: David E. Janssen
Chief Administrative Officer

Violet Varona-Lukens, Executive Officer
Board of Supervisors

001413

Board Memorandum Enclosure 1
ANALYSIS

This ordinance would call a special election to be held on November 7, 2000, for the purpose of voting upon an amendment to the Los Angeles County Charter which would increase the membership of the Board of Supervisors from five to nine, effective the first Monday in December 2002. The ordinance also directs the consolidation of the election with the statewide general election to be held the same day. The proposed charter amendment provides cost containment of expenditures for the enlarged Board and its staff. The amount first budgeted by the enlarged Board for staffing and operations, including staffing and operations of the Executive Office for Fiscal Year 2003-2004, is established as a benchmark for such expenditures. In each subsequent fiscal year, this budget shall not exceed nor be less than the benchmark subject to a cost of living adjustment. The benchmark, as adjusted, may be increased only by a two-thirds vote of the Board.

LLOYD W. PELLMAN
County Counsel
By

MARY F. WAWRO
Senior Assistant County Counsel

MFW:ea

C01414

ORDINANCE NO. _____

An ordinance calling a special election to be held on November 7, 2000, throughout the County of Los Angeles for the purpose of voting upon an amendment to the Los Angeles County Charter 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 7, 2000, for the purpose of voting upon a proposed amendment to the Charter of the County of Los Angeles.

SECTION 2. Resolution Establishing Form of Proposition. The exact form of the Proposition as it is to appear on the ballot and the complete text of the proposed Charter amendment is as follows:

PROPOSED COUNTY CHARTER AMENDMENT NO. _____		
INCREASE IN NUMBER OF COUNTY SUPERVISORS. Shall the Board of Supervisors be increased from five to nine members as detailed in the ordinance adopting the proposed charter amendment.	YES	
	NO	

PROPOSITION _____

In order to provide for the division of Los Angeles County into nine supervisorial districts and to provide for the designation and election of persons to serve as supervisors representing such districts, Sections 4, 5, and 6, 7 of the Charter of the County of Los Angeles shall be amended.

The amendments shall become operative at noon on the first Monday in December 2002, provided that the boundaries of the nine supervisorial districts shall have been established in accordance with the provisions of California Elections Code Division 21, Chapter 6, Sections 21500–21506, and shall have been precleared in accordance with the terms and conditions set forth in the Stipulation and Order Designating Los Angeles County for Coverage under Section 3(c) of the Voting Rights Act, 42 U.S.C. 1973a (c), dated April 25, 1991, in the case of Garza v. County of Los Angeles.

First: Section 4 of the Charter of the County of Los Angeles is amended to read:

Section 4. The County of Los Angeles shall have a Board of Supervisors consisting of ~~five~~ nine members, each of whom must be an elector of the district which he represents, must reside therein during his incumbency, must have been such an elector for at least ~~one year~~ thirty days immediately preceding ~~his election~~, the filing of the candidate's 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 that retirement benefits shall be those now and hereafter provided by law for

officers and employees of the County of Los Angeles. They shall devote all their time during business hours to the faithful service of the public.

~~Notwithstanding any other provisions of this Charter, this amendment shall be operative as to incumbent members of said Board during their respective terms. If any provision of this amendment is held inoperative as to incumbent members during their current terms, then no change made by this amendment shall be operative as to incumbent members during their current terms; but in all other respects, this amendment shall be operative to the extent legally possible.~~

Second: Section 5 of the Charter of the County of Los Angeles is amended to read:

Section 5. The County of Los Angeles is hereby divided into five nine supervisorial districts, the boundaries of which shall be ~~and remain as they are now or until otherwise changed~~ established as provided in this Charter.

Third: Section 6 of the Charter of the County of Los Angeles is amended to read:

Section 6. At ~~each~~ the general election ~~at which the governor is to be elected, held in November 2002,~~ and every four years thereafter, supervisors shall be elected from the First, ~~and Third, Sixth, Seventh, Eighth and Ninth~~ Supervisorial 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 successor is elected and qualified.

At ~~each~~ the general election ~~at which the office of President appears on the ballot, held in 2004~~ 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 successor is elected
and qualified.

Fourth: In the event that the amendments to the Los Angeles
County Charter contained in this Proposition do not become operative on
the first Monday in December 2002, because they have not been
precleared or 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 6, 2000, shall remain in full force and effect.

Fifth: If any provision of this measure, or its application to any
person or circumstance, is held invalid, the remainder of this measure, to
the extent it can be given effect, or the application of such provision to
persons or circumstances other than those as to which it is held invalid,
shall not be affected thereby, and to this extent the provisions of this
measure are severable.

Sixth: Subsection 2.1 is added to Section 10 of the Charter of the County of Los Angeles to read:

The budget adopted by the Board in Fiscal Year 2003–2004 for its staffing and operations including the staffing and operations of the Executive Office of the Board and any other agency which provides ancillary support services for the operation of the Board shall become a benchmark. In each subsequent fiscal year, the amount budgeted for such staffing and operations budget shall not exceed nor be less than the benchmark subject to an increase limited to the cost of living. The benchmark as adjusted may be increased only by a two-thirds majority vote of the Board.

SECTION 3. Consolidation. The special election shall be consolidated with the statewide general election to be held on Tuesday, November 7, 2000. The Proposition shall be placed upon the same ballot as that provided for the general election. The precincts, polling places and precinct board members shall be the same as provided for the statewide general election.

SECTION 4. Proclamation. Pursuant to Section 12001 of the Elections Code, the Board of Supervisors of the County of Los Angeles hereby PROCLAIMS that a special County-wide election shall be held on Tuesday, November 7, 2000, to vote upon the Charter Amendment described in Section 2 of this Ordinance.

SECTION 5. Effective Date. Pursuant to Section 9141 of the Elections Code and Section 25123 of the Government Code, this Ordinance shall take effect upon the adoption thereof.

SECTION 6. Authority. This Ordinance is adopted pursuant to Sections 23730 and 23731, of the Government Code, and Sections 12001 and 9141 of the Elections Code.

SECTION 7. Publication. This Ordinance shall 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 of Los Angeles pursuant to Government Code Section 25124.

The Executive Officer-Clerk of the Board of Supervisors is ordered to file a copy of this Ordinance with the Registrar-Recorder at least eighty-eight (88) days prior to the day of the election.

(Charter amndmnt)

Board Memo Enclosure 2

ANALYSIS

This ordinance would call a special election to be held on November 7, 2000, for the purpose of voting upon an amendment to the Los Angeles County Charter which would increase the membership of the Board of Supervisors from five to nine, effective the first Monday in December 2002. The ordinance also directs the consolidation of the election with the statewide general election to be held the same day. The proposed charter amendment provides cost containment of expenditures for the enlarged Board and its staff. The amount budgeted by the five member Board for its staffing and operations, including staffing and operations of the Executive Office for Fiscal Year 2002-2003 shall be established as the benchmark for such expenditures for the enlarged Board subject to a cost of living increase.

LLOYD W. PELLMAN
County Counsel

By

MARY F. WAWRO
Senior-Assistant County Counsel

MFW:ea

001425

ORDINANCE NO. _____

An ordinance calling a special election to be held on November 7, 2000, throughout the County of Los Angeles for the purpose of voting upon an amendment to the Los Angeles County Charter 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 7, 2000, for the purpose of voting upon a proposed amendment to the Charter of the County of Los Angeles.

SECTION 2. Resolution Establishing Form of Proposition. The exact form of the Proposition as it is to appear on the ballot and the complete text of the proposed Charter amendment is as follows:

PROPOSED COUNTY CHARTER AMENDMENT NO. _____	YES	
INCREASE IN NUMBER OF COUNTY SUPERVISORS. Shall the Board of Supervisors be increased from five to nine members as detailed in the ordinance adopting the proposed charter amendment.	NO	

PROPOSITION _____

In order to provide for the division of Los Angeles County into nine supervisorial districts and to provide for the designation and election of persons to serve as supervisors representing such districts, Sections 4, 5, and 6, 7 of the Charter of the County of Los Angeles shall be amended.

The amendments shall become operative at noon on the first Monday in December 2002, provided that the boundaries of the nine supervisorial districts shall have been established in accordance with the provisions of California Elections Code Division 21, Chapter 6, Sections 21500–21506, and shall have been precleared in accordance with the terms and conditions set forth in the Stipulation and Order Designating Los Angeles County for Coverage under Section 3(c) of the Voting Rights Act, 42 U.S.C. 1973a (c), dated April 25, 1991, in the case of Garza v. County of Los Angeles.

First: Section 4 of the Charter of the County of Los Angeles is amended to read:

Section 4. The County of Los Angeles shall have a Board of Supervisors consisting of ~~five~~ nine members, each of whom must be an elector of the district which he represents, must reside therein during his incumbency, must have been such an elector for at least ~~one year~~ thirty days immediately preceding ~~his election~~, the filing of the candidate's 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 that retirement~~ benefits shall be those now and hereafter provided by law for

officers and employees of the County of Los Angeles. They shall devote all their time during business hours to the faithful service of the public.

~~Notwithstanding any other provisions of this Charter, this amendment shall be operative as to incumbent members of said Board during their respective terms. If any provision of this amendment is held inoperative as to incumbent members during their current terms, then no change made by this amendment shall be operative as to incumbent members during their current terms, but in all other respects, this amendment shall be operative to the extent legally possible.~~

Second: Section 5 of the Charter of the County of Los Angeles is amended to read:

Section 5. The County of Los Angeles is hereby divided into five nine supervisorial districts, the boundaries of which shall be ~~and remain as they are now or until otherwise changed~~ established as provided in this Charter.

Third: Section 6 of the Charter of the County of Los Angeles is amended to read:

Section 6. At each the general election ~~at which the~~
~~governor is to be elected,~~ held in November 2002, and every four
years thereafter, supervisors shall be elected from the First, and
Third, Sixth, Seventh, Eighth and Ninth Supervisorial 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 successor is elected and
qualified.

At each the general election ~~at which the office of President~~
~~appears on the ballot,~~ held in 2004 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 successor is elected
and qualified.

Fourth: In the event that the amendments to the Los Angeles
County Charter contained in this Proposition do not become operative on
the first Monday in December 2002, because they have not been
precleared or 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 6, 2000, shall remain in full force and effect.

Fifth: If any provision of this measure, or its application to any
person or circumstance, is held invalid, the remainder of this measure, to
the extent it can be given effect, or the application of such provision to
persons or circumstances other than those as to which it is held invalid,
shall not be affected thereby, and to this extent the provisions of this
measure are severable.

Sixth: Subsection 2.1 is added to Section 10 of the Charter of the County of Los Angeles to read:

The budget adopted by the Board in Fiscal Year 2002–2003, for its staffing and operations including the staffing and operations of the Executive Office of the Board and any other agency which provides ancillary support services for the operation of the Board. In each subsequent fiscal year the amount so budgeted for such staffing shall be become a benchmark. In each subsequent fiscal year, the amount budgeted for such Board staffing and operations budget shall not exceed the benchmark subject to an increase limited to the cost of living.

SECTION 3. Consolidation. The special election shall be consolidated with the statewide general election to be held on Tuesday, November 7, 2000. The Proposition shall be placed upon the same ballot as that provided for the general election. The precincts, polling places and precinct board members shall be the same as provided for the statewide general election.

SECTION 4. Proclamation. Pursuant to Section 12001 of the Elections Code, the Board of Supervisors of the County of Los Angeles

hereby PROCLAIMS that a special County-wide election shall be held on Tuesday, November 7, 2000, to vote upon the Charter Amendment described in Section 2 of this Ordinance.

SECTION 5. Effective Date. Pursuant to Section 9141 of the Elections Code and Section 25123 of the Government Code, this Ordinance shall take effect upon the adoption thereof.

SECTION 6. Authority. This Ordinance is adopted pursuant to Sections 23730 and 23731, of the Government Code, and Sections 12001 and 9141 of the Elections Code.

SECTION 7. Publication. This Ordinance shall 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 of Los Angeles pursuant to Government Code Section 25124.

The Executive Officer-Clerk of the Board of Supervisors is ordered to file a copy of this Ordinance with the Registrar-Recorder at least eighty-eight (88) days prior to the day of the election.

(Charter amndmnt)

Board Memo Enclosure 3

ANALYSIS

This ordinance would call a special election to be held on November 7, 2000, for the purpose of voting upon an amendment to the Los Angeles County Charter which would increase the membership of the Board of Supervisors from five to nine, effective the first Monday in December 2002. The ordinance also directs the consolidation of the election with the statewide general election to be held the same day. The proposed charter amendment provides that the Board shall enact a plan for cost containment within 180 days of the day on which newly established members assume office.

LLOYD W. PELLMAN
County Counsel

By
MARY F. WAWRO
Senior Assistant County Counsel

MFW:ea

001405

ORDINANCE NO. _____

An ordinance calling a special election to be held on November 7, 2000, throughout the County of Los Angeles for the purpose of voting upon an amendment to the Los Angeles County Charter 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 7, 2000, for the purpose of voting upon a proposed amendment to the Charter of the County of Los Angeles.

SECTION 2. Resolution Establishing Form of Proposition. The exact form of the Proposition as it is to appear on the ballot and the complete text of the proposed Charter amendment is as follows: ---

<u>PROPOSED COUNTY CHARTER AMENDMENT NO.</u> INCREASE IN NUMBER OF COUNTY SUPERVISORS. Shall the Board of Supervisors be increased from five to nine members as detailed in the ordinance adopting the proposed charter amendment.	YES	
	NO	

PROPOSITION _____

In order to provide for the division of Los Angeles County into nine supervisorial districts and to provide for the designation and election of persons to serve as supervisors representing such districts, Sections 4, 5, and 6, 7 of the Charter of the County of Los Angeles shall be amended.

The amendments shall become operative at noon on the first Monday in December 2002, provided that the boundaries of the nine supervisorial districts shall have been established in accordance with the provisions of California Elections Code Division 21, Chapter 6, Sections 21500–21506, and shall have been precleared in accordance with the terms and conditions set forth in the Stipulation and Order Designating Los Angeles County for Coverage under Section 3(c) of the Voting Rights Act, 42 U.S.C. 1973a (c), dated April 25, 1991, in the case of Garza v. County of Los Angeles.

First: Section 4 of the Charter of the County of Los Angeles is amended to read:

Section 4. The County of Los Angeles shall have a Board of Supervisors consisting of ~~five~~ nine members, each of whom must be an elector of the district which he represents, must reside therein during his incumbency, must have been such an elector for at least ~~one year~~ thirty days immediately preceding ~~his election, the~~ filing of the candidate's 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 that retirement benefits shall be those now and hereafter provided by law for

officers and employees of the County of Los Angeles. They shall devote all their time during business hours to the faithful service of the public.

~~Notwithstanding any other provisions of this Charter, this amendment shall be operative as to incumbent members of said Board during their respective terms. If any provision of this amendment is held inoperative as to incumbent members during their current terms, then no change made by this amendment shall be operative as to incumbent members during their current terms, but in all other respects, this amendment shall be operative to the extent legally possible.~~

Second: Section 5 of the Charter of the County of Los Angeles is amended to read:

Section 5. The County of Los Angeles is hereby divided into ~~five~~ nine supervisorial districts, the boundaries of which shall be ~~and remain as they are now or until otherwise changed~~ established as provided in this Charter.

Third: Section 6 of the Charter of the County of Los Angeles is amended to read:

Section 6. At each the general election ~~at which the governor is to be elected;~~ held in November 2002, and every four years thereafter, supervisors shall be elected from the First, ~~and Third, Sixth, Seventh, Eighth and Ninth~~ Supervisorial 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 successor is elected and qualified.

At each the general election ~~at which the office of President appears on the ballot;~~ held in 2004 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 successor is elected
and qualified.

Fourth: In the event that the amendments to the Los Angeles
County Charter contained in this Proposition do not become operative on
the first Monday in December 2002, because they have not been
precleared or 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 6, 2000, shall remain in full force and effect.

Fifth: If any provision of this measure, or its application to any
person or circumstance, is held invalid, the remainder of this measure, to
the extent it can be given effect, or the application of such provision to
persons or circumstances other than those as to which it is held invalid,
shall not be affected thereby, and to this extent the provisions of this
measure are severable.

Sixth: Subsection 2.1 is added to Section 10 of the Charter of the County of Los Angeles to read:

The Board shall, within 180 days of the day on which newly established members assume office, enact a plan for cost containment for its staffing and operations including the staffing and operations of the Executive Office of the Board and any other agency which provides ancillary support services for the operation of the Board.

SECTION 3. Consolidation. The special election shall be consolidated with the statewide general election to be held on Tuesday, November 7, 2000. The Proposition shall be placed upon the same ballot as that provided for the general election. The precincts, polling places and precinct board members shall be the same as provided for the statewide general election.

SECTION 4. Proclamation. Pursuant to Section 12001 of the Elections Code, the Board of Supervisors of the County of Los Angeles hereby PROCLAIMS that a special County-wide election shall be held on Tuesday, November 7, 2000, to vote upon the Charter Amendment described in Section 2 of this Ordinance. ...

SECTION 5. Effective Date. Pursuant to Section 9141 of the Elections Code and Section 25123 of the Government Code, this Ordinance shall take effect upon the adoption thereof.

SECTION 6. Authority. This Ordinance is adopted pursuant to Sections 23730 and 23731, of the Government Code, and Sections 12001 and 9141 of the Elections Code.

SECTION 7. Publication. This Ordinance shall 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 of Los Angeles pursuant to Government Code Section 25124.

The Executive Officer-Clerk of the Board of Supervisors is ordered to file a copy of this Ordinance with the Registrar-Recorder at least eighty-eight (88) days prior to the day of the election.

{Charter amndmnt}

ANALYSIS

This ordinance would call a special election to be held on November 7, 2000, for the purpose of voting upon an amendment to the Los Angeles County Charter which would create the elective office of County Executive.

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

This County Executive measure would only become effective if a companion ballot measure expanding the membership of the board of Supervisors from five members to nine members is concurrently approved by the voters and otherwise becomes effective.

LLOYD W. PELLMAN
County Counsel

By
MARY F. WAWRO
Senior Assistant County Counsel

MFW:ea

001445

ORDINANCE NO.

An ordinance calling a special election to be held on November 7, 2000, throughout the County of Los Angeles for the purpose of voting upon an amendment to the Los Angeles County Charter 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 7, 2000, for the purpose of voting upon a proposed amendment to the Charter of the County of Los Angeles.

SECTION 2. Resolution Establishing Form of Proposition. The exact form of the Proposition as it is to appear on the ballot and the complete text of the proposed amendment is as follows:

<u>PROPOSED COUNTY CHARTER AMENDMENT NO.</u>	YES	
ESTABLISHMENT OF COUNTY EXECUTIVE. To establish the County Executive, elected countywide, the Charter is amended to separate legislative and executive powers of the Board of Supervisors. The Executive will replace the appointed Administrative Officer, reorganize and appoint other managerial positions, prepare the budget and veto ordinances. The Board will continue as legislative body to confirm appointments, adopt ordinances and override vetoes. The Executive's office shall not increase County costs.	NO	

PROPOSITION _____

This Proposition ____ (County Executive) shall become effective only if Proposition ____ (Expansion) submitted to the voters at the election held on November 7, 2000 is concurrently approved and otherwise becomes effective.

First: Section 2 of Article I of the Charter of the County of Los Angeles is amended to read as follows:

Section 2. ~~The powers mentioned in the preceding section can be exercised only by a Board of Supervisors, or by agents and officers acting under their authority or by authority of law or of this Charter.~~ The County is organized on the principle of separation of powers, the legislative and quasi-judicial powers of the County being conferred upon the Board of Supervisors and the executive and administrative powers of the County being conferred upon the other elective officers of the County. Whenever laws of the state, heretofore or hereafter enacted, delegate executive or administrative powers or impose executive or administrative duties on boards of supervisors, such powers shall be exercised and duties performed in the County by the County Executive.

Second: Article III (beginning with Section 10) of the Charter of the County of Los Angeles is repealed.

Third: Article III-A (beginning with Section 10.2), Article III-B (beginning with Section 11.2) and Article III-C (beginning with Section 11.50) are added to the Charter of the County of Los Angeles to read:

ARTICLE III-A

GENERAL POWERS OF THE BOARD OF SUPERVISORS

Section 10.2. The legislative and quasi-judicial power of the County is vested in the Board of Supervisors.

Section 10.4. The Board of Supervisors may enact ordinances, resolutions and Board orders as provided in Article III-C of this Charter. Action by the Board of Supervisors shall be by ordinance or resolution, except where the Board is authorized by this charter to act on specific matters by Board order.

Section 10.5. The Board of Supervisors may, by order, remove from office any person it has exclusive authority to appoint.

Section 10.6. The Board of Supervisors may initiate amendments to the County Charter and put questions to referendum as provided by law. Resolutions and ordinances adopted pursuant to this section are not subject to veto or approval by the County Executive.

Section 10.10. The Board of Supervisors through its Legislative Auditor may conduct investigations or inquiries into the conduct, integrity, efficiency or effectiveness of any County officer, employee or department.

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, attachés, 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 his office or service, to give bond for the faithful performance thereof, in such penal sums as may be fixed by the Board.

Section 10.16. The Board of Supervisors shall, by resolution, appropriate and authorize the expenditure of any and all funds of the County, including funds made available from state, federal or private sources. Budget adjustments shall be made by resolution. No officer, employee, department or agency of the County shall make any expenditure of County funds that has not been authorized by appropriation of the Board of Supervisors or otherwise authorized by law.

Section 10.18. The Board of Supervisors shall, by resolution, not subject to approval or veto by the County Executive, set the property tax rate. All powers of the County to levy taxes, fees, excises, or like exactions are vested in the Board of Supervisors, acting by ordinance or resolution.

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, by Board order, establish an office of the Clerk of the Board of Supervisors, appoint a Clerk, and specify the authority and duties of the Clerk and his subordinates.

Section 10.28. The Board of Supervisors shall appoint the Legislative Auditor to conduct regular financial audits and special investigations as directed by the Board of Supervisors. Specific duties of the Legislative Auditor shall be prescribed by ordinance which shall not be subject to veto by the County Executive.

Section 10.30. It is the firm intent of these amendments that the number of professional staff people assigned to the office of each Supervisor be substantially reduced as the executive authority is transferred from the Board of Supervisors to the

County Executive.

Accordingly, within 180 days of the day that the first County Executive assumes office, the Board of Supervisors shall, by ordinance, enact a plan and budget adjustment by which the professional staff of each Supervisor shall be reduced. Such ordinance shall be enacted by a two-thirds affirmative vote of the Supervisors and shall not be subject to veto by the County Executive. Any subsequent increase in the number of employees assigned to the office of a Supervisor shall be by ordinance enacted by a two-thirds affirmative vote of the Supervisors. Such ordinance shall not be subject to veto by the County Executive.

ARTICLE III-B

COUNTY EXECUTIVE

Section 11.2. At a special election to be called by the Board of Supervisors to be held in 2001, a County Executive shall be elected, whose term shall begin at noon on the first Monday in December after his election and shall end at noon on the first Monday in December three years thereafter. The County Executive shall thereafter be elected at the general election to be held in 2004 and every four years thereafter. The County Executive shall hold office until a successor is elected and qualifies.

Section 11.4. The Board of Supervisors may, by ordinance, alter the formal title of the Office of County Executive.

Section 11.6. A person elected to the Office of County Executive must have been an elector of the County for at least thirty (30) days immediately preceding the filing of his nomination papers and must reside in the County during his incumbency.

Section 11.8. The County Executive shall receive as compensation for his services an annual salary payable monthly from the County Treasury, and shall have the retirement benefits now or hereafter provided by law for officers and employees of the County. The annual salary of the County Executive shall be set by the Board of Supervisors. The compensation of the County Executive shall be at least \$1.00 more than the compensation of any other County elective officer. Section 52 shall apply to the compensation of the County Executive, provided that the County Executive shall at all times receive at least \$1.00 more than the compensation of any other elective County officer. A County Executive may not receive any compensation, in addition to that provided by this section, for services rendered to any public or governmental entity.

The County Executive shall devote all of his time during business hours to the faithful service of the public.

Section 11.10. The executive and administrative authority of the County is vested in the County Executive 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 11.12. The County Executive shall supervise, direct and manage the conduct of all County officers and the operation of all departments of the County except the Board of Supervisors, Sheriff, District Attorney, Assessor, Clerk of the Board of Supervisors, Legislative Auditor 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 his directives and pronouncements.

Section 11.14. Except as otherwise provided by local, state or federal law, the County Executive may prescribe, for all County officers, departments, and agencies except the Board of Supervisors, Sheriff, District Attorney, Assessor, Clerk of the Board of Supervisors, Legislative Auditor, and their departments, administrative priorities, procedures and practices necessary to efficiently and economically carry out the law and the functions of the County officer, employee, department or agency concerned.

Section 11.16. The County Executive shall have the power to approve or veto an ordinance or resolution passed by the Board of Supervisors and to veto or reduce an appropriation item in an ordinance or resolution or in the annual budget or budget adjustment adopted by the Board of Supervisors except as otherwise expressly provided in this charter.

Section 11.18. The County Executive or his designee shall be the sole representative of the public employer and shall have the duty to negotiate as such representative as required by federal or state law or County ordinance.

Section 11.20. The County Executive shall appoint the head of each County department except elective offices, the Legislative Auditor, and the Clerk of the Board of Supervisors. The County Executive shall appoint the members of all boards, commissions and committees which have been or are hereafter established by the Board of Supervisors.

Appointments by the County Executive, except to positions within the department of the County Executive, shall not be effective until confirmed by the Board of Supervisors.

Section 11.22. The County Executive may remove any person whom he is authorized to appoint after stating his reasons in writing, except that removal of any

person appointed by the Board of Supervisors prior to the effective date of this amendment shall be subject to confirmation by the Board of Supervisors.

The Board of Supervisors, by a two-thirds vote of all of its members, may remove, for cause, any person appointed by the County Executive whose appointment is subject to confirmation by the Board. This removal may be made by the Board only after stating in writing the reasons therefor and allowing the person to be removed an opportunity to be publicly heard in his own defense.

Section 11.24. The County Executive may formally delegate any of the powers vested in him by this Charter to officers whose appointment is subject to confirmation by the Board of Supervisors, except that he 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 11.26. The combined budgets of the County Executive, the Board of Supervisors, the Clerk of the Board of Supervisors, the Department of Finance and the Legislative Auditor shall not be larger than the combined budgets of the Department of the Chief Administrative Officer, the Auditor-Controller, the Board of Supervisors and the Executive Office of the Board of Supervisors for fiscal year 2000-2001 and as adjusted annually for inflation and changes in population.

Section 11.28. The Director of Finance shall, under the direction of the County Executive, perform budget review and recommendation processes.

Section 11.28A The incumbent Chief Administrative Officer shall be the Director of Finance effective upon the date the County Executive takes office. This Section 11.28A shall be deleted from the Charter upon the enactment of an ordinance setting forth the powers and duties of the Director of Finance.

Section 11.30. The County Executive shall, from time to time, but not less often than once each year, make in person a report to the Board of Supervisors concerning the state of the County and recommend to the Board of Supervisors, for its consideration, such measures as the County Executive believes to be necessary and expedient.

Section 11.32. The County Executive shall submit a proposed budget to the Board of Supervisors within the time required by law.

Section 11.34. If the Board of Supervisors determines by a two-thirds vote that the County Executive is temporarily disabled, the Chairman of the Board of Supervisors shall become the Acting County Executive for the period of such temporary disability or until a vacancy in the office of County Executive is declared. A temporary disability is terminated when the County Executive files a declaration with the Board of Supervisors

stating that his temporary disability has ended. Such declaration shall be based upon the sworn written testimony of three competent physicians licensed to practice medicine in the State of California that the County Executive's temporary disability has ended and that the County Executive is physically and mentally competent and able to carry out the duties of Office. For the purposes of this action, the Acting County Executive shall have the full powers of the County Executive except he shall not have the power to remove any person. If the Chairman of the Board of Supervisors is disabled or there is no Chairman, the Chairman Pro Tempore shall become the Acting County Executive. If the Chairman Pro Tempore is disabled or there is no Chairman Pro Tempore, the most senior Supervisor in years of service shall become the Acting County Executive.

Section 11.36. 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 his duties for a period of 180 days or more, and the Board of Supervisors, by Board order approved by a unanimous vote of the members thereof, finds that it is probable that his disability will substantially impair his ability to perform his duties over the balance of his term. When there is such a vacancy in the Office of County Executive, the Chairman of the Board of Supervisors shall become the Acting County Executive with the full powers of the County Executive

provided in the Charter until an elected successor qualifies, or until a County Executive is appointed or the Chairman of the Board of Supervisors 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 Chairman of the Board of Supervisors or the Supervisor who is the Acting County Executive pursuant to Section 11.34 shall become the County Executive.

Whenever a County Executive is appointed or the Chairman of the Board of Supervisors becomes County Executive because the Governor failed to appoint a County Executive as herein provided, the appointee shall hold office until the election and qualification of his successor. In such case, a successor shall be elected at the

next general election, to fill the vacancy for the unexpired term, unless such term expires on the first Monday of December succeeding said election.

Section 11.38. The County Executive shall have such additional powers and duties as may be prescribed by law or ordinance.

ARTICLE III-C

ORDINANCES, RESOLUTIONS AND BOARD ORDERS

Section 11.50. The enactment of an ordinance, 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.

Section 11.58. After an ordinance or resolution has been adopted by the Board of Supervisors, it shall be presented to the County Executive by the Clerk of the Board of Supervisors.

Section 11.60. Within five (5) business days after he is presented an ordinance or resolution which the Board of Supervisors has designated an urgency measure and within twelve (12) business days in all other cases, the County Executive shall either approve the ordinance or resolution by signing it and returning it to the Clerk of the Board of Supervisors or he shall disapprove and veto the ordinance or resolution and return the ordinance or resolution to the Clerk of the Board of Supervisors with the County Executive's written objections thereto. The failure of the County Executive to return an ordinance or resolution to the Clerk of the Board of Supervisors within the time limits herein specified shall constitute his approval thereof and the ordinance or resolution shall take effect without the signature of the County Executive, the Clerk of the Board of Supervisors making note of such fact on the official copy of the ordinance or resolution.

When the County Executive has been out of the County for a period of ten (10) business days, the power of the County Executive to veto an ordinance or resolution shall devolve on the Chairman of the Board of Supervisors. When the County Executive

is out of the County, the Chairman of the Board of Supervisors may immediately approve or veto an urgency ordinance or resolution necessary to protect the public health and safety.

Section 11.62. The County Executive may veto or reduce one or more appropriation items in an ordinance or resolution and approve the remainder of such ordinance or resolution. In such case, the County Executive shall return the ordinance or resolution to the Clerk of the Board of Supervisors with his 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 all members of the Board of Supervisors vote in favor of the passage thereof, within 30 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. The Board of Supervisors may delegate contracting authority to the County Executive as necessary to carry out the functions of his office.

Fourth: Section 12 of Article IV of the Charter of the County of Los Angeles is amended to read:

Section 12. The elective County officers other than the County Executive and members of the Board of Supervisors shall be: Sheriff, District Attorney and Assessor.

Fifth: Section 16 of Article IV of the Charter of the County of Los Angeles is amended to read:

Section 16. Except as otherwise expressly provided in this Charter, Whenever a vacancy occurs in an elective 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 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.

Sixth: Section 21 of Article VI of the Charter of the County of Los Angeles is amended to read as follows:

Section 21. The County Counsel shall represent and advise the County Executive, the Board of Supervisors and all County, ~~township~~ and school district officers, in all matters and questions of law pertaining to their duties, and shall have exclusive charge and control of all civil actions and proceedings in which the County, or any officer thereof, is concerned or is a party. He shall also act as attorney for the Public Administrator in the matter of all estates in which such office is executor, administrator with the will annexed, or administrator, and the County Counsel shall, in every such matter, collect the attorney's fees allowed therein by law and pay the same into the County Treasury. The County Executive or the Board of Supervisors may authorize the County Counsel to file suits or proceedings in the name of the County. Disposition of such suits or proceedings shall be by majority vote of the Board of Supervisors with 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.

Seventh: Section 31 of Article IX of the Charter of the County of Los Angeles is amended to read as follows:

Section 31. Civil Service Commission.

The Civil Service Commission shall consist of five members appointed by the ~~Board of Supervisors.~~ County Executive, subject to confirmation by the Board of Supervisors. Each member of the Commission shall be appointed for a four-year term and shall serve until a successor is appointed and qualified. ~~The term of a Commissioner appointed prior to November 7, 1978, shall expire four years after appointment or on November 7, 1978, whichever is later.~~ Any vacancy on the Commission shall be filled by the ~~Board of Supervisors for a full four year term beginning on the date of appointment.~~ County Executive, subject to confirmation by the Board of Supervisors, for the unexpired term. No member shall hold any other salaried County office, nor shall have been, within the year next preceding appointment, an active executive officer in any political organization. Each member shall be an elector of the County. The County Executive, with the consent of the Board of Supervisors by a two-thirds vote of all the members, may remove a member of the Commission during his or her term of office, but only upon stating in writing the reasons for such removal and allowing such member an opportunity to be publicly heard in his or her own defense.

Eighth: Section 32 of Article IX of the Charter of the County of Los Angeles is amended to read as follows:

Section 32. Director of Personnel.

The Director of Personnel shall be appointed by the County Executive, subject to confirmation by the Board of Supervisors ~~shall appoint the Director of Personnel who~~ and shall under the general direction of the Board of Supervisors; County Executive, administer the Civil Service system in accordance with the provisions of this Charter and the Civil Service Rules: and ~~The Director of Personnel shall, under the direction of the Board of Supervisors; shall~~ perform such other duties as may be prescribed by said Board pursuant to the provisions of Section 22-3/4 hereof. ~~The Director of Personnel shall appoint all assistants, deputies and other persons in the department.~~ the County Executive.

Ninth: Section 25-1/2 is added to Article VI of the Charter of the County of Los Angeles to read:

Section 25-1/2. 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, Legislative Auditor and Clerk of the Board, shall report to and be under the general supervision and direction of the County Executive and not the Board of Supervisors and shall make a yearly report to the County Executive or as often as the County Executive shall require

and the County Executive and not the Board of Supervisors, shall appoint the Forester and Fire Warden.

Tenth: Section 14 of Article IV of the Charter of the County of Los Angeles is amended by adding at the end of the list of appointive County officers: Legislative Auditor and Clerk of the Board of Supervisors.

Eleventh: Section 33 of Article IX of the Charter of the County of Los Angeles is amended by adding subsection (j) to read:

(j) In the Office of the County Executive: All Deputies. Some or all of these positions may, by ordinance, be given a job title other than Deputy.

Twelfth: Section 7 of Article II of the Charter of the County of Los Angeles is amended to read as follows:

Section 7. The Board of Supervisors may, by a two-thirds' vote of its members, change the boundaries of any supervisorial district. This action does not require approval and is not subject to veto by the County Executive. No such boundaries shall ever be so changed as to affect the incumbency in office of any supervisor. Any change in the boundaries of

any supervisorial district must be made within one year after a general election.

Thirteenth: Section 33.5 of Article IX of the charter of the County of Los Angeles County is repealed.

Fourteenth: Section 2.190.030 of Chapter 2.190 of the Los Angeles County Code shall be amended to read as follows:

Section 2.190.030 Definitions.

The following phrases, whenever used in this chapter, shall be construed as defined in this section:

A. "Bundling of contributions" means the making of contributions to a candidate through another person or entity who acts as an intermediary or conduit.

B. "Campaign expenditure" means any "expenditure" as that term is defined in Government Code Section 82025 which is made by a candidate or his or her controlled committee in furtherance of that candidate's effort to be elected to a county office. Campaign expenditures occurring at any time up to and including the date of the primary election, even if prior to the filing for office, shall be considered campaign expenditures related to

the primary election. If the candidate is a candidate in the general election, campaign expenditures occurring after the date of the primary election shall be considered campaign expenditures related to the general election, except to the extent any expenditure is to repay a debt incurred for the primary election prior to the primary election, in which case the expenditure will be a campaign expenditure related to the primary election.

C. "Candidate" means an individual, with regard to any primary or general election for either a county-wide office or supervisor, who is listed on the ballot or who has qualified to have write-in votes on his or her behalf counted by election officials or who receives a contribution or makes any expenditure with a view to bringing about his or her nomination or election.

D. "Committee" shall have the meaning set forth in Government Code Section 82013.

E. "Contribution" shall have the meaning set forth in Government Code Section 82015, except that as used in this chapter, "contribution" shall also include a loan or an extension of credit for a period of more than 30

days, other than loans or extensions of credit from financial institutions which are given in the regular course of business upon terms and conditions generally available to other customers of that financial institution.

F. "Controlled committee" shall have the meaning set forth in Government Code Section 82016.

G. "County-wide office" means the county executive, sheriff, the district attorney and the assessor of the county of Los Angeles.

H. "Registrar-recorder" means the registrar-recorder/county clerk for the county of Los Angeles.

I. "Personal funds of the candidate" means both the community and separate property of the candidate. "Personal funds of the spouse of the candidate" means only the separate property of the spouse.

J. "Political action committee" means any "general purpose committee" as that term is defined by Government Code Section 82027.5.

K. "Political party" means any "qualified party" as described in Elections Code Section 5100.

L. "Primary election" shall also include a special election, and "general election" shall also include the runoff for a special election.

M. "Person" shall have the meaning set forth in Government Code Section 82047.

N. "Small contributor committee" means any committee which meets all of the following criteria:

1. It has membership of at least 100 individuals;
2. All contributions it receives from any one person in a calendar year total \$50.00 or less;
3. It has been in existence at least six months;
4. It is not a candidate controlled committee.

O. "Supervisor" means a member of the board of supervisors of the county of Los Angeles.

Fifteenth: If any provision of this measure, or its application to any person or circumstance, is held invalid, the remainder of this measure, to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this measure are severable.

SECTION 3. Consolidation. The special election shall be consolidated with the statewide general election to be held on Tuesday, November 7, 2000. The proposition shall be placed upon the same ballot as that provided for the general election. The precincts, polling places and precinct board members shall be the same as provided for the statewide general election.

SECTION 4. Proclamation. Pursuant to Section 12001 of the Elections Code, the Board of Supervisors of the County of Los Angeles hereby PROCLAIMS that a special Countywide election shall be held on Tuesday, November 7, 2000, to vote upon the Charter Amendment described in Section 2 of this Ordinance.

SECTION 5. Effective Date. Pursuant to Section 9141 of the Elections Code and Section 25123 of the Government Code, this Ordinance shall take effect upon the adoption thereof.

SECTION 6. Authority. This Ordinance is adopted pursuant to Sections 23730 and 23731 of the Government Code, and Sections 12001 and 9141 of the Elections Code.

SECTION 7. Publication. This Ordinance shall 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 of Los Angeles pursuant to Government Code Section 25124.

The Executive Officer-Clerk of the Board of Supervisors is ordered to file a copy of this Ordinance with the Registrar-Recorder at least eighty-eight (88) days prior to the day of the election.

{County Exec amndmnt}



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

LLOYD W. PELLMAN
County Counsel

July 7, 2000

TDD
(213) 633-0901
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(213) 687-7300

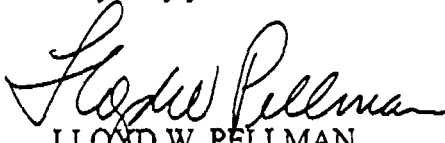
Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

**Re: Charter Amendment for Expansion of the Board of
Supervisors - Item 74 of Agenda of July 11, 2000**

Dear Supervisors:

This is to transmit a draft ordinance for the Board's consideration. This ordinance addresses expansion of the Board with a provision for cost containment.

Very truly yours,


LLOYD W. PELLMAN
County Counsel

Enclosure

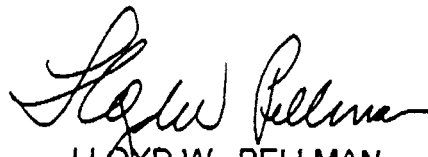
c: Violet Varona-Lukens, Executive Officer
David Janssen, Chief Administrative Officer
Connie McCormack, Registrar Recorder

001474

SYN# 59 OF JUL 11 2000

ANALYSIS

This ordinance would call a special election to be held on November 7, 2000, for the purpose of voting upon an amendment to the Los Angeles County Charter which would increase the membership of the Board of Supervisors from five to nine, effective the first Monday in December 2002. The proposed charter amendment provides cost containment of expenditures for the Board and its staff. The ordinance also directs the consolidation of the election with the statewide general election to be held the same day.


LLOYD W. PELLMAN
County Counsel

ORDINANCE NO. _____

An ordinance calling a special election to be held on November 7, 2000, throughout the County of Los Angeles for the purpose of voting upon an amendment to the Los Angeles County Charter 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 7, 2000, for the purpose of voting upon a proposed amendment to the Charter of the County of Los Angeles.

SECTION 2. Resolution Establishing Form of Proposition. The exact form of the Proposition as it is to appear on the ballot and the complete text of the proposed Charter amendment is as follows:

<u>PROPOSED COUNTY CHARTER AMENDMENT NO.</u>	YES	
<p>INCREASE IN NUMBER OF COUNTY SUPERVISORS. Shall the Board of Supervisors be increased from five to nine members as detailed in the ordinance adopting the proposed charter amendment.</p>	NO	

PROPOSITION _____

In order to provide for the division of Los Angeles County into nine supervisorial districts and to provide for the designation and election of persons to serve as supervisors representing such districts, Sections 4, 5, and 6, 7 of the Charter of the County of Los Angeles shall be amended.

The amendments shall become operative at noon on the first Monday in December 2002, provided that the boundaries of the nine supervisorial districts shall have been established in accordance with the provisions of California Elections Code Division 21, Chapter 6, Sections 21500–21506, and shall have been precleared in accordance with the terms and conditions set forth in the Stipulation and Order Designating Los Angeles County for Coverage under Section 3(c) of the Voting Rights Act, 42 U.S.C. 1973a (c), dated April 25, 1991, in the case of Garza v. County of Los Angeles.

First: Section 4 of the Charter of the County of Los Angeles is amended to read:

Section 4. The County of Los Angeles shall have a Board of Supervisors consisting of ~~five~~ nine members, each of whom must be an elector of the district which he represents, must reside therein during his incumbency, must have been such an elector for at least ~~one year~~ thirty days immediately preceding ~~his election~~, the filing of the candidate's 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 that retirement benefits shall be those now and hereafter provided by law for

officers and employees of the County of Los Angeles. They shall devote all their time during business hours to the faithful service of the public.

~~Notwithstanding any other provisions of this Charter, this amendment shall be operative as to incumbent members of said Board during their respective terms. If any provision of this amendment is held inoperative as to incumbent members during their current terms, then no change made by this amendment shall be operative as to incumbent members during their current terms, but in all other respects, this amendment shall be operative to the extent legally possible.~~

Second: Section 5 of the Charter of the County of Los Angeles is amended to read:

Section 5. The County of Los Angeles is hereby divided into five nine supervisorial districts, the boundaries of which shall be ~~and remain as they are now or until otherwise changed~~ established as provided in this Charter.

Third: Section 6 of the Charter of the County of Los Angeles is amended to read:

Section 6. At ~~each~~ the general election ~~at which the governor is to be elected,~~ held in November 2002, and every four years thereafter, supervisors shall be elected from the First, ~~and Third, Sixth, Seventh, Eighth and Ninth~~ Supervisorial 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 successor is elected and qualified.

At ~~each~~ the general election ~~at which the office of President appears on the ballot,~~ held in 2004 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 successor is elected
and qualified.

Fourth: In the event that the amendments to the Los Angeles
County Charter contained in this Proposition do not become operative on
the first Monday in December 2002, because they have not been
precleared or 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 6, 2000, shall remain in full force and effect.

Fifth: If any provision of this measure, or its application to any
person or circumstance, is held invalid, the remainder of this measure, to
the extent it can be given effect, or the application of such provision to
persons or circumstances other than those as to which it is held invalid,
shall not be affected thereby, and to this extent the provisions of this
measure are severable.

Sixth: Subsection 2.1 is added to Section 10 of the Charter of the County of Los Angeles to read:

The budget adopted by the Board in Fiscal Year 2003– 2004 for its staffing and operations including the staffing and operations of the Executive Office of the Board and any other agency which provides ancillary support services for the operation of the Board shall become a benchmark. In each subsequent fiscal year, the amount budgeted for such staffing and operations shall not exceed nor be less than the benchmark, subject to an increase limited to the cost of living.

SECTION 3. Consolidation. The special election shall be consolidated with the statewide general election to be held on Tuesday, November 7, 2000. The Proposition shall be placed upon the same ballot as that provided for the general election. The precincts, polling places and precinct board members shall be the same as provided for the statewide general election.

SECTION 4. Proclamation. Pursuant to Section 12001 of the Elections Code, the Board of Supervisors of the County of Los Angeles hereby PROCLAIMS that a special County-wide election shall be held on

Tuesday, November 7, 2000, to vote upon the Charter Amendment described in Section 2 of this Ordinance.

SECTION 5. Effective Date. Pursuant to Section 9141 of the Elections Code and Section 25123 of the Government Code, this Ordinance shall take effect upon the adoption thereof.

SECTION 6. Authority. This Ordinance is adopted pursuant to Sections 23730 and 23731, of the Government Code, and Sections 12001 and 9141 of the Elections Code.

SECTION 7. Publication. This Ordinance shall 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 of Los Angeles pursuant to Government Code Section 25124.

The Executive Officer-Clerk of the Board of Supervisors is ordered to file a copy of this Ordinance with the Registrar-Recorder at least eighty-eight (88) days prior to the day of the election.

The Executive Officer-Clerk of the Board of Supervisors is ordered to file a copy of this Ordinance with the Registrar-Recorder at least eighty-eight (88) days prior to the day of the election.



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Joanne Sturges, Executive Officer
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

County Counsel

At its meeting held July 5, 2000, the Board took the following action:

64

Supervisor Knabe made the following statement:

"I believe that this Board needs to move forward to place before the voters of Los Angeles County the straightforward opportunity to choose whether to expand the Board from its current five members to nine members.

"This should be done without linking this choice to the decision as to whether to modify this form of government by requiring the voters to also approve the creation of a position of County Executive.

"I believe that our constituents should be given the opportunity to decide on this issue of Board expansion without the voters of 57 other counties dictating the form of government in Los Angeles County."

Alan Clayton, Julie Matsumoto and Ruben Rodriguez addressed the Board.

After discussion, on motion of Supervisor Knabe, seconded by Supervisor Burke, duly carried by the following vote: Ayes: Supervisors Burke, Yaroslavsky, Knabe and Molina; Noes: Supervisor Antonovich, the Board instructed County Counsel to prepare a proposed charter amendment expanding the Board of Supervisors from five to nine members for placement on the November 7, 2000 ballot to be consolidated with the Statewide election to be held that day. In addition, County Counsel was instructed to add cost containment language to the proposed ordinance.

(Continued on Page 2)

- 1 -

001486

SYN# 59 OF JUL 11 2000

Supervisor Yaroslavsky made the following statement:

"Creation of a County Executive requires an amendment to the Los Angeles County Charter approved by the voters. On August 24, 1999 the Board of Supervisors voted to direct County Counsel to prepare an appropriate ordinance calling for a special election to place an amendment before the voters which, if adopted, would separate the legislative and executive powers of the Board of Supervisors and create the office of County Executive. The Executive Officer would replace the appointed Administrative Officer, reorganize and appoint department heads, prepare the budget, and veto ordinances. The Board of Supervisors would continue as the legislative body to confirm appointments, adopt ordinances and override vetoes.

"This charter amendment should include appropriate cost controls. Additionally, it should stand alone and not be linked or 'double-joined' to any other charter amendment that may be placed upon the ballot."

Therefore, Supervisor Yaroslavsky made a motion that the Board instruct County Counsel to prepare a proposed charter amendment creating the Office of County Executive, for placement on the November 7, 2000 ballot, to be consolidated with the Statewide election to be held that day.

Supervisor Burke made a substitute motion, seconded by Supervisor Molina, to continue Supervisor Yaroslavsky's motion to the meeting of July 18, 2000. Said substitute motion failed to carry by the following vote: Ayes: Supervisors Burke and Molina; Noes: Supervisors Yaroslavsky, Knabe and Antonovich.

Supervisor Yaroslavsky's motion, seconded by Supervisor Knabe, was duly carried by the following vote: Ayes: Supervisors Yaroslavsky, Knabe and Antonovich; Noes: Supervisors Burke and Molina.

02070500-64

Copies distributed:

Each Supervisor
Chief Administrative Officer
Registrar-Recorder/County Clerk

SYN. NO. 59

AGN. NO. 13-4

MOTION BY SUPERVISORS BURKE AND MOLINA

July 11, 2000

On June 20, 2000, the Board of Supervisors instructed County Counsel to report back to the Board with a proposal for a Charter Commission that would study the structure of County government including the division of power or separation of power between the legislative and executive branch of County government. This report was due to the Board on July 18, 2000. However, recent developments have made it imperative that the Board review this proposal for a charter commission as soon as possible.

THEREFORE, I MOVE THAT THE BOARD OF SUPERVISORS:

Instruct County Counsel to present this report to the Board on July 11, 2000.

####

RT:rrb

JUL 11 2000

	<u>Y/K</u>	<u>MOTION</u>
✓ BURKE		<u>ATX continued</u>
✓ YAROSLAVSKY		<u>to November 14, 2000</u>
✓ KNABE		_____
✓ ANTONOVICH		_____
✓ MOLINA		_____

001488



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

LLOYD W. PELLMAN
County Counsel

July 10, 2000

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(213) 974-1904
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(213) 687-7300

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

Re: Charter Commission Proposal – Item 75A, Agenda of July 11, 2000


Dear Supervisors:

At your meeting on June 20, 2000, your Board directed this Office to prepare a proposal to establish a Charter Commission to study the structure of County government, including the division of legislative and executive functions.

This transmits the following documents in response to your Board's direction:

1. Draft Charter Commission Policies and Procedures;
2. Proposed subjects for review, analysis and recommendation by the Charter Commission;
3. A draft resolution establishing the Charter Commission, approving the enclosed draft policies and procedures for its operation and directing the Charter Commission to review, study and return to the Board of Supervisors within ninety days with recommendations concerning each of the proposed subjects and any additional subjects which the Board may identify or approve.

Very truly yours,


LLOYD W. PELLMAN
County Counsel

LWP:MFW:ema
Enclosures

c: Violet Varona-Lukens, Executive Officer
David Janssen, Chief Administrative Officer

SYN# 59 OF JUL 11 2000

001489

**CHARTER COMMISSION MISSION,
POLICIES, AND PROCEDURES**

MISSION

TO STUDY THE STRUCTURE OF COUNTY GOVERNMENT AND THE DIVISION OF POWER OR THE SEPARATION OF POWER BETWEEN THE LEGISLATIVE AND EXECUTIVE FUNCTIONS;

TO FOCUS ON THE SPECIFIC SUBJECTS APPROVED BY THE BOARD OF SUPERVISORS AND ATTACHED HERETO AND ANY ADDITIONAL SUBJECTS WHICH MAY BE REQUESTED BY THE BOARD;

TO REPORT BACK TO THE BOARD OF SUPERVISORS WITH RECOMMENDATIONS ON PROPOSED CHANGES TO THE COUNTY CHARTER REQUIRED TO ASSURE AN APPROPRIATE COUNTY GOVERNMENTAL STRUCTURE. SUCH RECOMMENDATIONS SHALL BE SUBMITTED TO THE BOARD OF SUPERVISORS WITHIN NINETY DAYS OF THE BOARD'S APPROVAL OF THE COMMISSION'S PLAN FOR ACTION.

MEMBERSHIP

There shall be thirteen members of the Charter Commission. Each member of the Board of Supervisors shall appoint two members of the Commission and each other County elected official: the Sheriff, the District Attorney and the Assessor shall appoint one member of the Commission.

STAFFING

The Chief Administrative Office and the Executive Office shall provide staff support for the Commission. The Internal Services Department, the Chief Information Officer and the Public Information Officer of the Board shall provide technical support to the Commission to facilitate public participation in the work of the Commission. The County Counsel shall serve as legal advisor to the Commission.

The Chief Administrative Officer shall be authorized to engage consultants to provide additional support if necessary to assure that the Commission can accomplish its mission in the required time frame.

Staff shall prepare and, subject to approval by the Commission and the Board of Supervisors, shall implement a plan to educate the public concerning the work of the Commission and to encourage public participation in its deliberations with particular attention to include outreach to groups affected by changes to the existing structure of County government.

STRUCTURE OF THE COMMISSION

The Commission shall elect a chairman from among its members and such other officers as are consistent with its adopted rules of order. The Commission may form Subcommittees with specific study objectives. If formed, such Subcommittees shall make recommendations to the Commission on subjects within their areas of study.

MEETINGS

Meetings of the Commission are subject to the Brown Act. The Commission shall conduct its first meeting not later than thirty days following the last appointment made to the Commission. At its first meeting, the Commission shall adopt Rules of Order for its operation, a meeting schedule to implement its mission and shall consider a plan for action concerning the subjects under study and shall consider and take action on staff recommendations concerning the public education and outreach plan. When approved by the Commission, these plans will be submitted for approval by the Board of Supervisors.

Meetings of any Subcommittees established by the Commission shall operate under the provisions of the Brown Act.

Staff shall assist the Commission to hold Commission or Subcommittee meetings in various locations in the County to facilitate public participation and public input into the work of the Commission. . . .

VOTING

A majority vote of the total membership of the Commission shall be required for the Commission to take action.

SUBJECTS FOR STUDY AND REPORT BY THE
CHARTER COMMISSION

1. What is the appropriate size of the Board of Supervisors of Los Angeles County given its geographical size, population and functions?
2. Whether there should be an elected County Executive.
3. How would the existence of an elected County Executive affect representativeness of County government, that is, how can it be assured that adequate citizen input can be made into the policy making process of an entity as large and diverse as the County?
4. How would the existence of an elected County Executive affect the voting rights of protected minority groups, taking into consideration the totality of the circumstances?
5. Whether the existence of an elected County Executive should be dependent on an expansion in Board membership.
6. What are the appropriate roles for an elected County Executive and the Board of Supervisors in the exercise of the following powers, duties and authorities:
 - a. Appointment and removal of:
 - i. Department heads
 - ii. Commissioners
 - iii. Committee members
 - iv. Other County employees
 - b. Supervision and evaluation (for purposes of determining compensation) of:
 - i. Department heads
 - ii. Commissioners
 - iii. Committee members
 - iv. Other County employees
7. What are the appropriate roles of an elected County Executive and the Board of Supervisors in determining membership of other governmental agencies, commissions, committees and other similar groups?

8. What are the appropriate roles for an elected County Executive and the Board of Supervisors in setting and implementing intergovernmental policy for the County?
9. What is the appropriate structure for formal communications between an elected County Executive and the Board of Supervisors?
10. What are the appropriate roles for an elected County Executive and the Board of Supervisors in the following activities:
 - a. Negotiating on behalf of the public employer
 - b. Executing contracts with bargaining units on behalf of the public employer
 - c. Contracting for services
11. What is the appropriate role for the County Executive in legislative activities, such as:
 - a. Enacting ordinances
 - b. Adopting Resolutions
 - c. Budget appropriations
12. If an elected County Executive is established, should the Board of Supervisors retain oversight of County Departments through a Committee System whereby the Chair of the Board of Supervisors appoints a Committee composed of a Chair and four members of the Board? Each Committee would oversee the subject matter, policy issues and contracts for County Departments which fall into the following categories:
 - a. Parks and Beaches
 - b. Public Safety and Criminal Justice
 - c. Budget and Finance
 - d. Children and Social Services
 - e. Planning
 - f. Personnel and Human Relations
 - g. Public Works and Internal Services
 - h. Operations and Services
 - i. Health and Mental Health
13. If an elected County Executive is established, what should be the function of the existing Chief Administrative Officer?

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF LOS ANGELES**

WHEREAS, the topic of revision of the county charter to expand the Board and to create the office of an elected county executive has the subject of discussion at the state and local level, and;

WHEREAS, the Board of Supervisors believes that the fundamental organizational structure of the County ought to be determined by the voters of Los Angeles County and not by the voters of the entire State of California, and;

WHEREAS, the Board of Supervisors also believes that the issue of the separation of legislative and executive powers vested in the governance of the County ought to be publicly debated and thoroughly considered before the Board should place a measure effecting such separation before the voters, and;

WHEREAS, the Board of Supervisors believes that before such a measure should be placed before the voters, an opportunity for public input and participation should be provided and a public education campaign should be mounted to ensure that the needs of the residents of the county are heard and considered and that the residents are made aware of the potential impact of such fundamental changes on their interests;

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

001494

SYN# 59 OF JUL 11 2000

(1) A Charter Commission be established in accordance with the attached Charter Commission Mission Statement and Policies and Procedures which is hereby adopted by this resolution, and;

(2) Each member of the Board and each other County elected official shall appoint their designated representative(s) to serve on this Commission with such appointments to be made not later than the 30th day following the adoption of this resolution, and;

(3) The Charter Commission is directed to report back to the Board of Supervisors in accordance with the Mission Statement and Policies and Procedures adopted herein.

The foregoing resolution was on the ____ day of ____, 2000, 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.

VIOLET VARONA-LUKENS, Executive Officer-
Clerk of the Board of Supervisors
of the County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM
BY COUNTY COUNSEL

LLOYD W. PELLMAN

By _____

- c. The County Executive would appoint department heads subject to confirmation by the Board of Supervisors and the committee, which has jurisdiction over that respective department, and termination of a department head is subject to the same confirmation by the Board and the respective committee.
- d. The County Executive shall have no line item veto powers related to budget items.
- e. The Board of Supervisors will establish at least nine committees, and any others as needed, each of which will be comprised of a Chairperson and three members of the Board who are appointment by the Chairperson of the Board. The proposed Committees shall be, but are not limited to:
 - i) Parks and Beaches
 - ii) Public Safety and Criminal Justice
 - iii) Budget and Finance
 - iv) Children and Social Services
 - v) Planning
 - vi) Personnel and Human Relations
 - vii) Public Works and Internal Services
 - viii) Operations and Services (e.g., Consumer Affairs, Animal Care and Control, Library, Museums, etc.)
 - ix) Health and Mental Health

001496

Each Committee will have oversight over the subject matter, policy matters, and contracts over the departments, which fall within its respective purview.

- f. The Board has the authority to appoint Commissions to advise the Board. Each Board member will appoint one commissioner to the Civil Service Commission. All other Commissions will have one appointee from each Board member and two by the County Executive.
- g. Membership of special agencies related to the Board of Supervisors shall be as follows:
 - i) Sanitation Districts-Members shall rotate
 - ii) Air Quality Management District-Member shall be appointed by the Chairperson of the Board

The Board reserves the right to determine membership of other special agencies as necessary.

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RT

001497



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

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July 11, 2000

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

Re: Item 75B, Agenda of July 11, 2000

Dear Supervisors:

This transmits a draft Charter amendment in accordance with the motion of Supervisor Burke, Item 75B on the Board Agenda of July 11, 2000.

Very truly yours,

LLOYD W. PELLMAN
County Counsel

LWP:MFW:ea

Enclosure

c: David E. Janssen
Chief Administrative Officer

Violet Varona-Lukens, Executive Officer
Board of Supervisors

001498

ANALYSIS

This ordinance would call a special election to be held on November 7, 2000, for the purpose of voting upon an amendment to the Los Angeles County Charter which would create the elective office of County Executive.

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

This County Executive measure would only become effective if a companion ballot measure expanding the membership of the Board of Supervisors from five members to nine members is concurrently approved by the voters and otherwise becomes effective.

LLOYD W. PELLMAN
County Counsel

By
MARY F. WAWRO
Senior Assistant County Counsel

MFW:ea

001499

ORDINANCE NO.

An ordinance calling a special election to be held on November 7, 2000, throughout the County of Los Angeles for the purpose of voting upon an amendment to the Los Angeles County Charter 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 7, 2000, for the purpose of voting upon a proposed amendment to the Charter of the County of Los Angeles.

SECTION 2. Resolution Establishing Form of Proposition. The exact form of the Proposition as it is to appear on the ballot and the complete text of the proposed amendment is as follows:

PROPOSED COUNTY CHARTER AMENDMENT NO. _____		
ESTABLISHMENT OF COUNTY EXECUTIVE. Shall the Charter be amended to establish the position of an elected County Executive, and to define the powers and duties of the Board of Supervisors and the County Executive as detailed in the ordinance adopting the proposed charter amendment.	YES	
	NO	

PROPOSITION _____

This Proposition ____ (County Executive) measure shall become effective only if Proposition ____ (Expansion) submitted to the voters at the election held on November 7, 2000 is concurrently approved and otherwise becomes effective.

The amendments shall become operative provided that they shall have been precleared in accordance with the terms and conditions set forth in the Stipulation and Order Designating Los Angeles County for Coverage under Section 3(c) of the Voting Rights Act, 42 U.S.C. 1973a (c), dated April 25, 1991, in the case of Garza v. County of Los Angeles.

First: Section 2 of Article I of the Charter of the County of Los Angeles is amended to read as follows:

Section 2. The powers mentioned in the preceding section can be exercised only by a Board of Supervisors, or by the County Executive, or by other agents and officers acting under their authority or by authority of law or of ~~this~~ Charter.

Second: Subsection (1) of Section 11 of Article III of the Charter of the County of Los Angeles is amended to read as follows:

Section 11. It shall be the duty of the Board of Supervisors:

(1) To appoint all County Officers other than elective officers, and all officers, assistants, deputies, clerks, attaches and employees whose appointment is not provided for by this Charter. ~~Except in the case of appointees to the unclassified service, all appointments by the board shall be from the eligible civil service list.~~ Appointments of department heads which are made by the County Executive and confirmed by a Departmental Oversight Committee shall be subject to confirmation by the Board. Termination of a department head by the County Executive and confirmed by a Departmental Oversight Committee shall be subject to confirmation by the Board. The Board shall provide, by ordinance for the compensation of elective officers and of its appointees, unless such compensation is otherwise fixed by this Charter.

Third: Subsection (8) of Section 11 of Article III of the Charter is added to read as follows:

(8) To exercise oversight over officers and operations of all County departments and agencies and to provide, by ordinance, for the creation and to establish the duties of not less than nine Departmental Oversight Committees. ~~From time to time~~, the Board may increase the number of such committees as needed. The function of such Committees shall be to oversee the operations, policy formulation and implementation, contracts developed and recommended by the department and to review and

recommend on behalf of the County on legislation concerning each department subject to oversight by each Committee. No appointment or removal of a department head by the County Executive shall be effective until confirmed by the Departmental Oversight Committee which has oversight of the department and by the Board of Supervisors. Each County department or other agency shall be assigned to one Departmental Oversight Committee. Each Committee shall be composed of a chairperson and four members of the Board of Supervisors. The membership of each Committee shall be determined annually by the Chairperson of the Board. The Committees to be formed include the following:

- a. Parks and Beaches
- b. Public Safety and Criminal Justice
- c. Children and Social Services
- d. Planning
- e. Personnel and Human Relations
- f. Public Works and Internal Services
- g. Operations and Services
- h. Health and Mental Health

Fourth: Subsection (9) of Section 11 of Article III of the Charter is added to read as follows:

(9) To establish Commissions to advise the Board as it deems necessary. For each Commission so established, each Board member shall appoint one member and the County Executive shall appoint two members.

Fifth: Subsection (10) of Section 11 of Article III of the Charter is added to read as follows:

(10) To determine the membership of special agencies related to the Board of Supervisors, provided, however that with respect to Sanitation districts, members shall rotate, and with respect to the Air Quality Management district, the Chairperson of the Board shall annually appoint the Board member to serve in this position.

Sixth: Subsection (11) of Section 11 of Article III of the Charter is added to read as follows:

(11) To establish by ordinance the positions and duties of Chief Administrative Officer of the Board and Legislative Counsel to the Board. The incumbent Chief Administrative Officer shall be the Chief Administrative Officer of the Board effective upon the date the County Executive first takes office and shall serve at the pleasure of

the Board. Thereafter the Board shall appoint the Chief Administrative Officer of the Board. The Board shall appoint the Legislative Counsel to the Board.

Seventh: Section 12 of Article IV of the Charter is amended to read as follows:

Section 12. The elective County Officers other than members of the Board of Supervisors shall be: County Executive, Sheriff, District Attorney and Assessor.

Eighth: Section 13 of Article IV of the Charter shall be amended to read as follows:

Section 13. At each general election at which the office of President appears on the ballot, and every four years thereafter, a District Attorney shall be elected, whose term shall be four years, beginning at noon on the first Monday in December, following his election, and ending at noon on the first Monday in December four years thereafter. At each general election at which the Governor is to be elected, and every four years thereafter, a County Executive, a Sheriff and Assessor shall be elected 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. All elective County officers shall hold office until their successors are elected and qualified. A person elected to the office of County Executive must have been an elector of the County for at least thirty (30) days immediately preceding the filing of his nomination

papers and must reside in the County during his incumbency.

Ninth: Section 20 is added to Article IV of the Charter to read as follows:

Section 20. The County Executive shall supervise, direct and manage the conduct of all County officers and the operation of all departments of the County except the Board of Supervisors, Sheriff, District Attorney, Assessor, Clerk of the Board of Supervisors, Legislative Counsel, Chief Administrative Officer to the Board 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 his directives and pronouncements. Notwithstanding the foregoing, the Board of Supervisors shall have oversight over all officers, operations, departments and agencies through its Departmental Oversight Committees.

(1) The County Executive shall receive as compensation for his services an annual salary payable monthly from the County Treasury, and shall have the retirement benefits now or hereafter provided by law for officers and employees of the County. The annual salary of the County Executive shall be the same as that of each member of the Board of Supervisors. Section 52 shall apply to the compensation of the County Executive. A County Executive may not receive any compensation, in addition to that provided by this section, for services rendered to any public or governmental entity. The

County Executive shall devote all of his time during business hours to the faithful service of the public.

(2) The County Executive shall appoint the head of each County department except elective offices, the Legislative Counsel of the Board of Supervisors, the Chief Administrative Officer to the Board of Supervisors and the Clerk of the Board of Supervisors. Appointments by the County Executive, except to positions within the department of the County Executive, shall not be effective until confirmed by the appropriate departmental Oversight Committee and the Board of Supervisors.

(3) The County Executive may remove any person from a position within his department after stating his reasons in writing. The County Executive may remove any person whose appointment is subject to confirmation by the Departmental Oversight Committee and Board of Supervisors after stating his reasons in writing provided, however, that such removal shall not be effective until confirmed by the Departmental Oversight Committee and the Board of Supervisors. The Board of Supervisors, by a two-thirds vote of all of its members, may remove, for cause, any person appointed by the County Executive whose appointment is subject to confirmation by the Board. This removal may be made by the Board only after stating in writing the reasons therefor

and allowing the person to be removed an opportunity to be publicly heard in his own defense.

Tenth: Section 25-1/2 is added to Article VI of the Charter to read as follows:

Section 25-1/2. 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, Legislative Counsel, Chief Administrative Officer to the Board and Clerk of the Board, shall report to and be under the general supervision and direction of the County Executive and shall make a yearly report to the County Executive or as often as the County Executive shall require, and the County Executive and not the Board of Supervisors, shall appoint the Forester and Fire Warden.

Eleventh: Section 14 of Article IV of the Charter of the County of Los Angeles is amended by adding at the end of the list of appointive County officers: Legislative Counsel to the Board of Supervisors, Clerk of the Board of Supervisors and Chief Administrative Officer to the Board of Supervisors.

Twelfth: Section 33 of Article IX of the Charter of the County of Los Angeles is amended by adding subsection (j) to read:

(j) In the Office of the County Executive: All Deputies. Some or all of these positions may, by ordinance, be given a job title other than Deputy.

Thirteenth: Section 33.5 of Article IX of the Charter of the County of Los Angeles is repealed.

Fourteenth: Section 2.190.030 of Chapter 2.190 of the Los Angeles County Code shall be amended to read as follows:

Section 2.190.030 Definitions.

The following phrases, whenever used in this chapter, shall be construed as defined in this section:

A. "Bundling of contributions" means the making of contributions to a candidate through another person or entity who acts as an intermediary or conduit.

B. "Campaign expenditure" means any "expenditure" as that term is defined in Government Code Section 82025 which is made by a candidate or his or her controlled committee in furtherance of that candidate's effort to be elected to a county office. Campaign expenditures occurring at any time up to and including the date of the primary election, even if prior to

the filing for office, shall be considered campaign expenditures related to the primary election. If the candidate is a candidate in the general election, campaign expenditures occurring after the date of the primary election shall be considered campaign expenditures related to the general election, except to the extent any expenditure is to repay a debt incurred for the primary election prior to the primary election, in which case the expenditure will be a campaign expenditure related to the primary election.

C. "Candidate" means an individual, with regard to any primary or general election for either a county-wide office or supervisor, who is listed on the ballot or who has qualified to have write-in votes on his or her behalf counted by election officials or who receives a contribution or makes any expenditure with a view to bringing about his or her nomination or election.

D. "Committee" shall have the meaning set forth in Government Code Section 82013.

E. "Contribution" shall have the meaning set forth in Government Code Section 82015, except that as used in this chapter, "contribution" shall

also include a loan or an extension of credit for a period of more than 30 days, other than loans or extensions of credit from financial institutions which are given in the regular course of business upon terms and conditions generally available to other customers of that financial institution.

F. "Controlled committee" shall have the meaning set forth in Government Code Section 82016.

G. "County-wide office" means the county executive, sheriff, the district attorney and the assessor of the county of Los Angeles.

H. "Registrar-recorder" means the registrar-recorder/county clerk for the county of Los Angeles.

I. "Personal funds of the candidate" means both the community and separate property of the candidate. "Personal funds of the spouse of the candidate" means only the separate property of the spouse.

J. "Political action committee" means any "general purpose committee" as that term is defined by Government Code Section 82027.5.

K. "Political party" means any "qualified party" as described in Elections Code Section 5100.

L. "Primary election" shall also include a special election, and "general election" shall also include the runoff for a special election.

M. "Person" shall have the meaning set forth in Government Code Section 82047.

N. "Small contributor committee" means any committee which meets all of the following criteria:

1. It has membership of at least 100 individuals;
2. All contributions it receives from any one person in a calendar year total \$50.00 or less;
3. It has been in existence at least six months;
4. It is not a candidate controlled committee.

O. "Supervisor" means a member of the board of supervisors of the county of Los Angeles.

Fifteenth: If any provision of this measure, or its application to any person or circumstance, is held invalid, the remainder of this measure, to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this measure are severable.

Sixteenth: Section 21 of Article IV of the Charter is amended to read as follows:

Section 21. The County Counsel shall represent and advise the County Executive, the Board of Supervisors and all County, ~~township~~ and school district officers, in all matters and questions of law pertaining to their duties, and shall have exclusive charge and control of all civil actions and proceedings in which the County, or any officer thereof, is concerned or is a party. He shall also act as attorney for the Public Administrator in the matter of all estates in which such office is executor, administrator with the will annexed, or administrator, and the County Counsel shall, in every such matter, collect the attorney's fees allowed therein by law and pay the same into the County Treasury.

Seventeenth: Section 31 of Article IX of the Charter of the County of Los Angeles is amended to read as follows:

Section 31. Civil Service Commission.

The Civil Service Commission shall consist of ~~five~~ nine members. Each member of the Board of Supervisors shall appoint one member of the Commission ~~appointed by the Board of Supervisors~~. Each member of the Commission shall be appointed for a four-year term and shall serve until a successor is appointed and qualified. ~~The term of a Commissioner appointed prior to November 7, 1978, shall expire four years after~~

~~appointment or on November 7, 1978, whichever is later.~~ Any vacancy on the Commission shall be filled by the Board of Supervisors for a full four-year term beginning on the date of appointment. No member shall hold any other salaried County office, nor shall have been, within the year next preceding appointment, an active executive officer in any political organization. Each member shall be an elector of the County. The Board of Supervisors by a two-thirds vote of all the members, may remove a member of the Commission during his or her term of office, but only upon stating in writing the reasons for such removal and allowing such member an opportunity to be publicly heard in his or her own defense.

Eighteenth: In the event that the amendments to the Los Angeles County Charter contained in this Proposition do not become operative because they have not been precleared or 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 6, 2000, shall remain in full force and effect.

SECTION 3. Consolidation. The special election shall be consolidated with the statewide general election to be held on Tuesday, November 7, 2000. The proposition shall be placed upon the same ballot as that provided for the general election. The

precincts, polling places and precinct board members shall be the same as provided for the statewide general election.

SECTION 4. Proclamation. Pursuant to Section 12001 of the Elections Code, the Board of Supervisors of the County of Los Angeles hereby PROCLAIMS that a special Countywide election shall be held on Tuesday, November 7, 2000, to vote upon the Charter Amendment described in Section 2 of this Ordinance.

SECTION 5. Effective Date. Pursuant to Section 9141 of the Elections Code and Section 25123 of the Government Code, this Ordinance shall take effect upon the adoption thereof.

SECTION 6. Authority. This Ordinance is adopted pursuant to Sections 23730 and 23731 of the Government Code, and Sections 12001 and 9141 of the Elections Code.

SECTION 7. Publication. This Ordinance shall 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 of Los Angeles pursuant to Government Code Section 25124.

The Executive Officer-Clerk of the Board of Supervisors is ordered to file a copy of this Ordinance with the Registrar-Recorder at least eighty-eight (88) days prior to the day of the election.

{County Exec amndmnt}