CCA Report

Los Angeles City Governance Reform

IDEAS FOR A MORE EFFECTIVE GOVERNMENT

MARCH 2023

CCA
CENTRAL CITY ASSOCIATION OF LOS ANGELES

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Established in 1924, Central City Association of Los Angeles (CCA) is the premier advocacy organization in the region and leading visionary on the future of Downtown Los Angeles. Through advocacy, influence and engagement, CCA enhances Downtown LA's vibrancy and increases opportunity in the region. CCA represents the interests of 300 businesses, institutions and nonprofit organizations.

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§ 01

Introduction

Los Angeles government has been challenged with serious ethical issues over the past several years. City Hall and the LA Department of Water and Power (LADWP) have been raided by the Federal Bureau of Investigation (FBI). There are ongoing federal cases against City officials, and leaked audio of an October 2021 conversation among a labor leader and three LA City Councilmembers exposed hateful, divisive and racist comments in the context of a discussion about City Council redistricting. Collectively, these serious issues, in addition to other long-standing challenges in Los Angeles, have led to calls for governance reform. The City Council has taken this call seriously by establishing the Ad Hoc Committee on Governance Reform.

These serious incidents are the result of decisions made by individuals in power, and those individuals should be held accountable for any illegal and/or improper actions they took. Yet, the vast majority of elected officials, and those who work in local government, do their jobs honorably and serve the city well. We offer this report in that spirit, and it is intended to provide constructive ideas to improve the City's governance that mirror the areas of focus as outlined by the Ad Hoc Committee on Governance Reform.[1] This report is not exhaustive of governance reforms that should be considered, nor does it contain detailed recommendations; rather, it is intended to share initial ideas. CCA will continue to refine its work on governance reform. The CCA Board of Directors established a committee to guide our efforts.

Improving the City's governing structure could help meet the most pressing ongoing citywide challenges: homelessness, housing unaffordability, transportation inaccessibility and inequity, increased need for public safety and wellness, and a lack of public parks and open space, among others.

Governance reform is important because the link between deficiencies of the City Charter and many of these recent incidents can be clearly drawn:

- The October 2021 discussion and coordination among the former LA County Federation of Labor President and three LA City Councilmembers regarding steps they could take to adopt City Council District maps in their favor occurred because the City Charter gives the City Council considerable involvement in the redistricting process.
- Calls for Councilmembers' replacement and/or resignation is protracted due to a lack of provisions in the City Charter that provide a means for elected officials to be removed and/or temporarily replaced in a timely manner.
- The corruption charges against a former Councilmember focus on exploitation of authority over planning and land use approvals.

Much of the public discussion about reform has focused on the redistricting process, exploring expansion of the number of LA City Councilmembers and potential penalties for censured Councilmembers. However, the moment to make broader, comprehensive reforms to address persistent issues should not be overlooked. Improving the City's governing structure could help meet the most pressing ongoing citywide challenges: homelessness, housing unaffordability, transportation inaccessibility and inequity, increased need for public safety and wellness, and a lack of public parks and open space, among others. Any such changes will almost certainly require amendments to the City Charter, a substantial effort that requires voter approval of one or more ballot initiatives. Undertaking this effort presents an opportunity to improve the effectiveness of LA City government.

The purpose of this report is to: 1) call attention to specific areas of weakness in the Los Angeles City Charter, government structure and practices that have been exposed by recent and ongoing challenges, and 2) present different potential ideas and options for reforming LA City government, some of which may be considered by voters on a future ballot initiative and others that can be pursued through the legislative process, to make it a more effective and accountable system.

[1]Council Convenes Committee on City Governance Reform - Paul Krekorian - LA City Councilmember

§ 02

Governance Challenges and Opportunities for Reform

In addition to ongoing public discussions about redistricting structures and processes for Los Angeles City Council and the Los Angeles Unified School District Board, the number of City Councilmembers and districts, and consequences for censured Councilmembers, we believe it is also important for the City's governance reform efforts to consider the structure and culture of the City Council and the Mayor, their balance of powers, and the structure of the land use, planning and transportation review and approvals process. Through our research and experience working with the City, we know that these elements contribute to breakdowns in the City's governance system and processes.

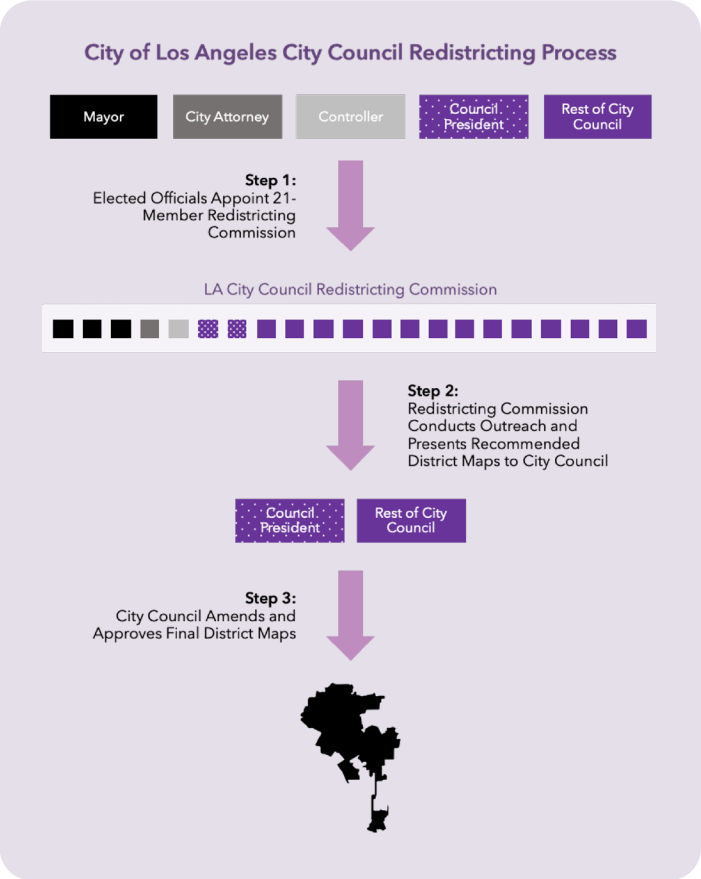
In this section, we analyze each of these governance issues and offer considerations to guide discussions about potential reforms.

City Council and School District Board Redistricting

Structure and Process – City Charter Sections 204 and 802

Redistricting is the process of redrawing electoral district boundaries – from United States Congress to local school boards. It happens every 10 years following the release of the United States Decennial Census. As populations change over time, redistricting is intended to help ensure that electoral boundaries are amended to provide communities with fair and equally distributed political representation. Despite the need for redistricting to comply with various laws, such as the Voting Rights Act, jurisdictions generally have wide latitude over how they manage their redistricting processes.

In the City of Los Angeles, per the rules established by the City Charter, **the City Council is substantially involved in the drawing of districts and maintains the final approval. This makes the process inherently political.** First, the City Council appoints 16 members of a 21-member Redistricting Commission,[2] which act as proxies for their appointing Councilmembers and are tasked with leading the public outreach and drafting of proposed new Council District maps. Councilmembers can remove their commissioners during the process and appoint replacements if they're dissatisfied with their actions. The Redistricting



Commission then submits a report and the proposed maps to the City Council for their review, amendments and final adoption.[3]

There have been warnings of the pitfalls of the City's redistricting process. For example, from former Councilmembers who once represented the Downtown LA area but were removed from their districts in the 2012 redistricting cycle.[4] Before the most recent process, the City Council did enact a modest change intended to provide additional transparency. It required that Redistricting Commissioners disclose any ex parte communications, meaning those between any member of the Redistricting Commission and any elected City officer or their staff regarding any matter pending before the Commission.

[2]The Council President appoints two members, and the other 14 Councilmembers appoint one member each. The Mayor appoints three members and the City Controller and City Attorney each appoint one.
[3]Under the City Charter, the process is similar for LA Unified School District (LAUSD) Redistricting, wherein the Council President and Mayor each appoint four members to a 15-member Redistricting Commission and the seven LAUSD Board members appoint one member each. The City Council must review and approve the final maps.
[4]https://www.dailynews.com/2012/04/29/bernard-c-parks-and-jan-perry-redistricting-is-hurting-the-progress-weve-made/
https://www.latimes.com/opinion/story/2020-08-10/op-ed-how-jose-huizars-alleged-crimes-hay-have-been-aided-by-redistricting

Achieving Independence in Redistricting

The City Council is currently analyzing a potential ballot initiative to bring before the voters that would amend the City Charter to create an Independent Redistricting Commission (IRC) and process. Additionally, State Senator María Elena Durazo introduced Senate Bill 52 to require the City to establish an IRC, although the authority for such requirement by the State is unclear and some experts believe this can only be done through a City Charter amendment.[5] Overall, this is a critical moment when there is momentum and public focus to make meaningful changes to establish an independent redistricting process.

To help inform this public discussion, CCA analyzed redistricting processes used in six other major cities as well as LA County's system for redrawing Supervisorial Districts as summarized in the diagram below. We found that there is a spectrum of independence, or more specifically, the level of elected officials' involvement in redrawing their own districts.

Redistricting Independence Spectrum Among Select Local Jurisdictions

[5]https://www.latimes.com/california/story/2022-12-07/independent-redistricting-commission-bill

In general, less independent processes are marked by a greater degree of involvement by elected officials, namely through control over the process, via:

- powers of final map approval, including ability to make amendments, and
- having appointments to a Redistricting Commission (particularly where there is an imbalance of appointment allocation among legislative bodies versus other appointing officers).

On the other hand, more independent processes are characterized by:

- the absence of elected officials, including no abilities for legislative bodies or other elected officials to amend or approve maps,
- no powers to appoint Redistricting Commissioners (or at least balanced and distributed appointing powers), and
- empowered citizen involvement and authority over the process and the incorporation of lotteries into appointment process.

Regardless of the level of City Council and other elected officials' involvement, all processes should have some amount of public outreach and opportunities for public input, which may or may not be incorporated into the drawing and determination of new district maps. Ultimately, answering the following questions is core to defining independence:

- Are City Councilmembers and/or elected officials involved in the process at all, whether through appointments to a commission and/or in the legislative process to amend and adopt the maps?
- If there is an appointed commission, how many appointments does the City Council receive? How many appointments do other elected officials receive? What is the balance of power?
- Who can be appointed to redistricting bodies and how are those members selected?
- Are citizens empowered participants in the process, or is their involvement limited to public comments?

There are any number of different models for a new redistricting process. The City Council will be faced with these questions and more when deciding what model to put before voters on the 2024 ballot. This information can serve as a framework to provide clarity for discussions that move the City toward an IRC.

City Council Representation

Number of Councilmembers and Districts – City Charter Section 241

The number of people in City Council districts reflects the level of representation those voters have in local governmental affairs; the power of an individual voter is greater when there are fewer total voters for a Councilmember, and the inverse is true, too.

The 15-member Council was established in the 1924 Charter and has remained the same size for nearly 100 years, but meanwhile, between 1920 and 2020, the City's population increased by 576%.

Proposals to amend the City Charter to expand the City Council and improve Angelenos' representation on City Council have arisen time and again but the size of the City Council has not changed in nearly a century. In 1999, Los Angeles voters approved a new City Charter but rejected two other simultaneous measures that would have increased the number of Council Districts to 21 or 25.[6] Former City Attorney and 2022 Mayoral candidate Mike Feuer made City Council expansion a signature piece of his campaign platform, although the issue received little public attention or interest at the time.[7] However, the City Council adopted a motion authored by former Councilmember Mitch O'Farrell in October 2022 to study potential expansion and possible inclusion on a ballot initiative to amend the City Charter. The Chief Legislative Analyst has published a report and the City Council is currently weighing options.

One recent and thorough analysis of the topic was prepared by Redistricting Commission Appointee and Founding Director of UCLA Latino Policy & Politics Institute Sonja Diaz, who authored a paper titled "Report on Expansion of City Council," which was included as Appendix M of the 2021 Redistricting Commission's final report to the City Council. Diaz's report provides an in-depth analysis of the number of City Councilmembers and how it relates to community and voter representation. She writes that the 15-member Council "was established in the 1924 Charter and has remained the same size for nearly 100 years," but meanwhile "between 1920 and 2020, the City's population increased by 576%," a change from "a ratio of one councilmember to roughly 38,000 Angelenos" to "one councilmember to approximately 260,000 residents."[8]

[6]https://www.nytimes.com/1999/06/10/us/los-angeles-reinvents-itself-adopting-new-city-charter.html
[7]https://www.latimes.com/california/story/2021-11-01/la-me-mike-feuer-wants-faster-action-on-city-council-expansion
[8]https://clkrep.lacity.org/onlinedocs/2020/20-0668-S7_misc_10-29-21.pdf

"Los Angeles residents have 95% less representation than Santa Monica residents."[10] We also are 79% less represented than Chicago residents, 69% less than San Francisco residents, and 34% less than New York residents.[11]

Diaz notes that there are far more Neighborhood Councils and officially designated neighborhoods than the number of City Council Districts, suggesting a misalignment between communities and their level of Council representation. Her research shows that the City of Los Angeles has considerably more residents per Council District than other major cities in Los Angeles County, the largest cities in California and in the U.S.[9] For instance, translating the ratio of Councilmembers to constituents is characteristic of the level of resident representation, "Los Angeles residents have 95% less representation than Santa Monica residents."[10] We also are 79% less represented than Chicago residents, 69% less than San Francisco residents, and 34% less than New York residents.[11]

Diaz concludes that "The City's diverse geographic, demographic, and social landscapes are poorly served by the current size of the City Council…Ultimately, the limited structure of the council impedes full political representation of Angelenos, and remains an outlier in its disproportionately high ratio between councilmember and residents compared to other major cities across the County, State, and U.S."[12]

Residents Per City Council District in Los Angeles Compared With Other Cities

	City	Number of Council Districts	Total Population (2020)	Residents Per District
	Los Angeles	**15**	**3,898,747**	**259,916**
Los Angeles County	Santa Monica	7	93,076	13,297
	Pasadena	7	138,699	19,814
	Burbank	5	107,337	21,467
	Pomona	6	151,713	25,286
	Glendale	5	196,543	39,309
	Santa Clarita	5	228,673	45,735
	Long Beach	9	466,742	51,860
California	San Diego	9	1,386,932	154,104
	San Jose	10	1,013,240	101,324
	San Francisco	11	873,965	79,451
United States	Chicago	50	2,746,388	54,928
	Houston	11	1,608,139	146,194
	New York	51	8,804,190	172,631
	Phoenix	8	1,603,797	200,475

Table adapted from "Report on Expansion of City Council" by Sonja Diaz

[9]Ibid.
[10]Ibid.
[11]Ibid.
[12]Ibid.

Possible Los Angeles City Council Reconfiguration Options			
Reconfiguration Category	**Number of Council Districts**	**Residents Per District**	**% Change Over Current Configuration**
Current Configuration	**15**	**259,915**	**-**
Minimal Increase	17	229,337	-11.8%
	18	216,596	-16.7%
	19	205,196	-21.1%
	20	194,936	-25.0%
	21	185,654	-28.6%
Moderate Increase	22	177,215	-31.8%
	23	169,510	-34.8%
	24	162,447	-37.5%
	25	155,949	-40.0%
	26	149,951	-42.3%
Significant Increase	27	144,397	-44.4%
	28	139,240	-46.4%
	29	134,439	-48.3%
	30	129,958	-50.0%
	31	125,765	-51.6%

Table adapted from "Report on Expansion of City Council" by Sonja Diaz

Analyzing Expansion of the City Council

Considering her concerning diagnosis of the current size of the City Council, Diaz outlines a gradient of possible City Council district increases ranging from minimal addition of two members to more significant increases that would approximately double the size of the Council, all of which would have varying considerations regarding "political feasibility, costs, and administrative functions."[13] Based on her analysis of the city's communities and neighborhoods, and in comparison with other major U.S. and California cities, Diaz finds that "the City should pursue, at minimum, a moderate increase to the number of districts, representing an increase of at least seven council districts."[14] She argues that increasing the size of the Council and reconfiguring districts will ultimately have the benefit of improving representation of growing areas and distinct racial and ethnic communities, creating greater political cohesion among communities and more fairly distributing power among the Council and Mayor that would reduce Councilmembers' citywide political influence and enable more effective and locally-responsive government.[15]

Accountability for Elected Officials

Lack of Responsive Powers for Removal of Members – City Charter Sections 203, 207, 209, 211, and 430

In the past four years, three Councilmembers were charged by the FBI for corruption-related crimes and another three Councilmembers were disgraced by leaked audio of a racist conversation. In many of these circumstances, there were protracted periods of public calls for resignation but an inability of the City Council or other City government bodies or officials to adjudicate removal of the offending members due to the lack of such language in the City Charter.

Currently, available substantive responses include the Council voting to censure the offending members and the Council President stripping them of committee assignments. When a member is charged with criminal offences and is awaiting trial, the Council may vote to suspend members. Additionally, the City Controller has acted to suspend pay for members charged with crimes on the interpretation of the City Charter's provisions for officers who can no longer perform their public duties; however, this has been controversial on the basis of running afoul of due process and presumed innocence.

[13]Ibid.
[14]https://clkrep.lacity.org/onlinedocs/2020/20-0668-S7_misc_10-29-21.pdf
[15]Ibid.

Additionally, citizens can initiate a recall initiative against elected officials, but this involves a costly and time-consuming process of collecting and verifying signatures to qualify for a ballot initiative and then conducting the official vote, all of which may take approximately a year to complete.

Ultimately, there are no timely or responsive mechanisms for deciding the removal of Councilmembers in the City Charter, and communities can suffer because of this. Downtown Los Angeles (DTLA), part of Council District 14, has become a case study in the consequences of City Council leadership failures. DTLA did not have political representation on the City Council for nearly two years under the former Councilmember while he was in office and facing criminal charges. Council District 10 also recently experienced similar turmoil following criminal charges levied against its former Councilmember.

Mechanisms for Removing Elected Officials

Recognizing the recent repeated situations where Councilmembers have maintained their positions in limbo without any option for responsive public recourse, the City should consider amending the City Charter to include mechanisms that would allow for timely removal and/or temporary replacement of an elected official and due process. This is an extremely sensitive issue and there are understandable concerns about undermining the democratic process by creating avenues for removing and/or temporarily replacing elected officials other than the typical election process. However, the availability of these mechanisms and due process prior to any such vote is an important feature of government, and they can be designed with clear and objective criteria for criminal and/or improper behavior as well as high thresholds to avoid political abuse and to emphasize their rare application.

New York, San Diego and San Francisco all include mechanisms to remove elected officials in their respective governing documents. Each lays out different procedures and thresholds for removal. In New York, a two-thirds vote of the City Council is required to remove one of its members, whereas a three-fourths vote of the legislature is needed to do so in San Francisco. In San Diego, the City Council cannot directly remove one of its members or another elected official, but with a three-fourths vote of the Council it can submit a measure to the voters to remove and replace an elected officer through a special election or in alignment with an already scheduled election. This serves as a sort of legislative recall that is similar to the election process the City of LA utilizes when a current member resigns before their term is completed and a special election is called.

Notably, these removal mechanisms are rarely used, if ever. We believe the same would hold true in Los Angeles as the vast majority of our elected officials are good stewards of the public trust. Through research and conversations with individuals engaged with local government in San Diego and San Francisco, we have not found any incidences in which this process has been utilized in those cities. In 2020 in New York, a Councilmember facing multiple ethics issues was removed on a 48-2 vote, which is believed to be the first time in the City's history where that power was used.[16]

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[16] https://www.nytimes.com/2020/10/05/nyregion/andy-king-city-council.html

Example Elected Official Removal Mechanisms in Other Major Cities

New York City Council Rules Section 10.80.

"10.80. Disorderly Behavior; Sanctions - a. Members of the Council shall not engage in disorderly behavior, which shall include but is not limited to: willful violation or evasion of any provision of law relating to such Member's discharge of his or her official duties; commission of fraud upon the City; conversion of public property to such Member's own use; knowingly permitting or allowing by gross culpable conduct, any other person to convert public property; or violation of the Speaker's policy or policies against discrimination and harassment.

b. Upon a report by the Standards and Ethics Committee of the Council, finding that a Member has engaged in disorderly behavior as set forth in subdivision (a) of this rule, the Council may impose one or more of the following sanctions:

- Denial or limitation of any right, power, or privilege of the Member; including, but not limited to, the removal of such Member as chairperson of a committee or as a member of a committee;
- Reprimand;
- Censure;
- Fine;
- Expulsion from the Council; and
- Any other sanction determined by the Council to be appropriate.

c. The Committee report shall contain a statement of the evidence supporting the Committee's findings and a statement of the Committee's reasons for the recommended sanction.

d. All sanctions shall be imposed by a two-thirds vote of all Members."

San Diego City Charter Section 301(d)

"Upon an affirmative vote of no less than three-fourths of the Council (currently seven of nine Councilmembers) that cause exists for removal of the Mayor, City Attorney, or a Councilmember, the Council shall call a special election in compliance with the City's election laws for the purpose of submitting to the voters a measure to remove and replace the elective officer. By ordinance, the Council shall provide a complete procedure for special elections to remove and replace elective officers by a majority of voters, which may include reasonable limitations on calling special elections within 180 days of a scheduled municipal or statewide election where the subject elective officer is a candidate for his or her current elective office. If there is a municipal or statewide election scheduled to be held within 180 days, the Council may consolidate the special election with that election."

City and County of San Francisco Charter Section 15.105.(a)

"Any elective officer…is subject to suspension and removal for official misconduct…Such officer may be suspended by the Mayor and the Mayor shall appoint a qualified person to discharge the duties of the office during the period of suspension. Upon such suspension, the Mayor shall immediately notify the Ethics Commission and Board of Supervisors thereof in writing and the cause thereof, and shall present written charges against such suspended officer to the Ethics Commission and Board of Supervisors at or prior to their next regular meetings following such suspension, and shall immediately furnish a copy of the same to such officer, who shall have the right to appear with counsel before the Ethics Commission in his or her defense. The Ethics Commission shall hold a hearing not less than five days after the filing of written charges. After the hearing, the Ethics Commission shall transmit the full record of the hearing to the Board of Supervisors with a recommendation as to whether the charges should be sustained. If, after reviewing the complete record, the charges are sustained by not less than a three-fourths vote of all members of the Board of Supervisors, the suspended officer shall be removed from office…"

Balancing Powers of the Mayor and City Council

Limited Tools to Implement Policy Agenda + Mayoral Deference to Council – City Charter Section 231 and unwritten practice

The City Charter is structured to provide a "strong mayor" system, wherein the mayor is the chief executive of the City who sets and oversees the leadership of its departments, establishes citywide policy priorities and vision and serves as the face of City government. The City Charter grants the mayor key powers, including the ability to veto legislation by the City Council, appoint City department heads and commission members, prepare and submit an annual budget, declare local emergencies and issue executive directives.

The City Charter grants the mayor key powers, including the ability to veto legislation by the City Council, appoint City department heads and commission members, prepare and submit an annual budget, declare local emergencies and issue executive directives. Despite these faculties, the mayor's abilities are largely limited by City Council checks, some of which are outlined in the Charter and others by custom.

Despite these faculties, the mayor's abilities are largely limited by City Council checks, some of which are outlined in the Charter and others by custom. According to the Charter, mayoral vetoes may be overridden by supermajority votes of the City Council, departmental and commission appointments must be approved by City Council, the City Council can amend and must adopt the annual budget and must approve emergency declarations. Additionally, although the mayor is technically the managing authority over the City's departments, the departments often work at the behest and direction of Councilmembers and some amount of departmental work programs are dictated by Council directives via the legislative process.

Similarly, the mayor and City departments have historically deferred considerably to City Councilmembers, hesitant to advance priority projects before Councilmembers have given their approval or backing away from priorities in the face of Councilmember disapproval. While there are many examples of this, the implementation of mobility infrastructure and traffic safety improvements is a useful case study.

Several of former Mayor Eric Garcetti's top priorities focused on mobility and traffic safety, including the Mobility Plan 2035, Vision Zero and the Green New Deal, which collectively espouse goals of reducing Angelenos' dependence on single-occupancy vehicles for getting around and making the city safer and more equitable for people who walk and bike. However, a number of individual projects aligned with these initiatives have been thwarted due to Councilmember opposition, including rejection of the Uplift Melrose safe streets project[17], elimination of bike lanes in the Spring Street Bridge project[18] and North Figueroa Street.[19] This fractured implementation has frustrated mobility and safety advocates who now intend to place an initiative on the November 2024 ballot that, if approved, would require the City to make such improvements.[20]

Implementation challenges with the above programs have led some to critique whether Los Angeles actually has a weak mayor system or instead weak mayors who were unable to fully utilize the powers of the office to implement their policy agenda.[21,22] It may be a combination of both, but it is in the interest of the city at large to empower the mayor to lead and achieve holistic results across communities.

Enabling the Mayor to Truly Be an Executive

Section 230 of the Los Angeles City Charter states that "management authority shall be vested in the mayor who shall be the Chief Executive Officer of the City."[23] Despite this, the mayoralty is somewhat limited in its managerial and executive capacity. The new City Charter adopted in 1999 strengthened the mayor by eliminating the need for the mayor to obtain Council approval for dismissing department General Managers. However, Council may override the mayor's dismissal by a two-thirds vote and the mayor must still obtain Council approval for all appointments to commissions and heads of City departments. Removing Council from the hiring and firing process, as is the case in New York City, could be considered to strengthen the mayor's capacity to manage the City and do so more nimbly.

[17]https://la.streetsblog.org/2020/09/10/councilmember-koretz-kills-uplift-melrose-safe-streets-project/
[18]https://la.streetsblog.org/2022/01/12/change-order-shows-cedillo-yanked-approved-spring-street-bridge-bike-lanes/#:~:text=Change%20Order%20Shows%20Cedillo%20Yanked%20Approved%20Spring%20Street%20Bridge%20Bike%20Lanes,-By%20Joe%20Linton&text=Newly%20revealed%20documents%20show%20that,the%20North%20Spring%20Street%20Bridge.
[19]https://la.streetsblog.org/2014/07/11/cedillo-kills-approved-north-figueroa-bike-lanes-citing-safety-reasons/
[20]https://www.latimes.com/opinion/story/2022-02-15/commentary-l-a-s-mobility-plan-is-an-empty-promise-for-safer-streets-but-a-ballot-measure-could-make-it-binding
[21]https://spectrumnews1.com/ca/la-west/inside-the-issues/2022/02/25/how-much-power-does-the-mayor-of-la-really-have-
[22]https://www.lamag.com/citythinkblog/l-a-politics-101-the-ultimate-guide-to-how-city-hall-works/
[23]https://codelibrary.amlegal.com/codes/los_angeles/latest/laac/0-0-0-571

Strengthening the Mayor's Legislative Role

Currently, the mayor is limited in involvement in the formal legislative process, with the main power being a veto. The mayor's veto may be overridden by a supermajority of the Council. Greater mayoral involvement in the legislative process may strengthen the mayor's abilities to implement their priorities. These abilities could include having a vote on City Council (as in Houston and Phoenix, for example), allowing the mayor to appoint the Council President instead of a Council vote, and allowing the mayor to author motions and initiate legislation instead of depending on Councilmembers to do so.

Checks on the Power of the City Council President

The City Council President wields significant power, primarily through unilateral control over appointing City Council committee roles, including the chairperson, as well as determining what items are put on Council agendas for hearings and votes.

This power could be balanced by rotating City Council leadership positions, such that there would be a new President every year (or some other timeframe) along with new committee chairs as well. Additionally, the President's authority over controlling hearing and votes on City Council items could be diffused by allowing a critical mass of Councilmembers ask for action on an item and/or if an item receives a certain number of "seconds" to compel a City Council committee to act within some established timeframe. San Diego's City Council Rules provide an example of this, whereby four of the nine members can move an item forward per Section 2.9.2. which states, "The Council President shall place directly on the Council agenda, prior to assignment to any committee, any matter so requested in writing by four members of the Council. Such a matter shall be docketed for hearing at a regularly scheduled meeting of the Council within 30 days thereafter."[24]

Clarify Role of Deputy Mayors

The Los Angeles City Charter gives the mayor broad latitude over the arrangement of their office and staff, though it does specify there must be a First Executive Deputy and Second Executive Deputy. The mayor typically appoints a number of deputy mayors beyond those set out in the Charter to oversee various issue areas, like public safety, economic development, international affairs and others. Former Mayor Garcetti also created specialized roles within his office such as the Chief Innovation Officer and Chief Design Officer. However, the organization of the mayor's office and formal roles of the deputy mayors have historically been opaque and low profile compared to other cities like New York.

Examining the organizational chart for the City of New York (see chart on the last page) shows a clear hierarchy and management and reporting structure that flows from the mayor to the deputy mayors and chief of staff down to the departments. The managerial responsibilities of the deputy mayors are apparent to the public and the departments. New York's deputy mayors are also empowered and visible figures who lead priority initiatives and projects and shape policies,[25] whereas in Los Angeles their roles are varied and often unclear to the public.

Having clear and defined responsibilities for deputy mayors may provide more capacity for mayoral administrations to implement the executive's priorities and vision. Regardless of the strength and abilities of the chief executive, any well-run organization must have capable and empowered managers to execute projects and initiatives as well as provide valuable counsel. LA's local government may be a more effective organization by clarifying the role of its deputy mayors.

Land Use, Planning and Transportation Approvals

Politicization of the Process – City Charter Section 245(e)

Arguably, LA local government's greatest power is setting planning and land use regulations that dictate the future growth of the city as well as the ability to approve or deny individual development and transportation projects. Approvals for development and mobility projects and policies in Los Angeles largely fall to the City Council for final determination. City Councilmembers know their districts and are elected to represent the interests of their constituents. More often than not, Councilmembers effectively uplift their constituents when considering new development, new zoning and mobility improvements. However, coupled with the custom of City Council

The planning codes and community plans do not match today's development needs and standards, which means that developers must seek waivers and regulatory changes to build a financially feasible and market-responsive project. This regulatory amendment process, known as "discretionary review," is largely treated as legislative action, meaning that the City Council votes on project approvals.

[24] https://docs.sandiego.gov/municode/MuniCodeChapter02/Ch02Art02Division01.pdf
[25] About his Deputy Mayor for Economic Development Daniel Doctoroff, former Mayor Michael Bloomberg is quoted saying "As the chief architect of our five-borough economic development plan, Dan Doctoroff has done more to change the face of this city than anyone since Robert Moses," and credited him with nearly 300 distinct projects including rezonings, development of parks and public and private investments. From: https://www.nytimes.com/2007/12/07/nyregion/07doctoroff.html

deference that gives Councilmembers near sole authority over projects in their respective districts, this creates a one-sided Councilmember power dynamic.

The root of this issue is the City's outdated and byzantine planning codes and long-range planning tools such as community plans.[26] The planning codes and community plans do not match today's development needs and standards, which means that developers must seek waivers and regulatory changes to build a financially feasible and market-responsive project. This regulatory amendment process, known as "discretionary review," is largely treated as legislative action, meaning that the City Council votes on project approvals.

Beyond the political nature of the process, there is limited planning and land use expertise as a formal feature of the process. City Planning Department staff manage the cases and make presentations on the projects, but the City Planning Department does not have formal authority or decision-making roles on the City Planning Commission (CPC) or otherwise. CPC itself is made up of mayoral appointments, who may be appointed regardless of their level of expertise, and the Planning Director does not have a formal role other than being present for the meetings and making regular reports to CPC. After a project passes through CPC, City Council has considerable latitude to accept or decline the Commission's recommendations.

Enhance the Planning, Land Use and Development Approval Process

We believe Councilmembers should be part of the review and approval process for new development and long-range planning and mobility efforts, but that there must be some safety rails put in place. As an inherently political body, City Council decision making might be influenced by factors that are not technical or policy related, although the planning and development field is complex and requires a great deal of technical expertise across law, economics and finance, architecture and design, engineering, environmental sustainability and construction. Ultimately, the existing system is at times misaligned with the skillset required to review and make decisions about projects.

The City's planning, land use and development approval process could be enhanced with a greater role for expertise by:

- **Setting the Director of Planning as the Chair of the City Planning Commission, rather than the current advisory role.** This is the case in New York City, per its Charter, which strengthens the Department of City Planning, augments the ability of the department to implement mayoral priorities and creates a closer connection between the work and staff of the department with the Commission.

- **Creating roles for academics and other experts to formally participate on the City Planning Commission and/or City Council.** This type of membership is used by the Southern California Association of Governments (SCAG), such as on the Regional Housing Needs Assessment (RHNA) Subcommittee for the 6th Cycle process that included three ex-officio members from academia, non-profit/advocacy and the building industry. The presence of such respected technical experts on otherwise political panels enriches public discussion on projects and policies.

- **Allocating Council staff by committees and issue areas, rather than solely by individual Councilmember.** New York City Council's Land Use Committee has its own dedicated team of experts to support its work, separate from, but who work with member staff. This provides a reliable team for the entire Council that manages the Council's land use application case load and is in a better position to address cases from the policy perspective of the Land Use Committee as a whole instead of the perspectives of individual members alone. It also reduces the need for members to each have planning staff, which provides for more efficient allocation of Council personnel which is particularly important for a fairly large City Council with 51 members.

- **Closely analyzing the duties of and relationship between the City Planning Commission and City Council in the discretionary approval process.** For example, there may be arguments to suggest one body should have final approval over project decisions while the other may have final authority over policy and long-range planning decisions. Such changes should be considered with the goal of depoliticizing approvals.

- **Considering automatic scheduling of long-range policies such as community plans and other general plan elements for hearings at Council's Planning and Land Use Committee (PLUM) and full City Council meetings instead of at the discretion of the committee chair and Council President.** This could create more predictability and objectivity in the process and remove unnecessary authority from City Council.

- **Setting hard time limits by which Council must act on projects.** Currently, City Council can effectively continue consideration of projects in perpetuity, delaying hearings and votes. The City of New York has an established process for projects that require discretionary review called the Uniform Land Use Review Procedure (ULURP) that provides hard deadlines by which each decisionmaker must act (City Planning Commission has 60 days and the City Council has 50 days). This reduces the possibility for decisionmakers to use the threat of delay as a political tactic and provides clarity and certainty for the community and applicants. Time limits would allow for Councilmember involvement but insert certainty in the process. It may be important to continue to allow applicants to continue items or reschedule hearings.

- **In tandem with setting hard time limits for project review, deeming projects automatically approved if the City Council fails to act**. This again would place responsibility on the City Council to make a determination on a project in a timely fashion.

[26]https://www.latimes.com/opinion/story/2020-10-06/city-council-scandal-planning-reform

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Conclusion and Summary of Ideas for Governance Reforms

The City has a significant opportunity to correct structural and systemic flaws that hamper the City's ability to effectively govern. We believe it is crucial to think big about comprehensive reforms to LA City government in a way befitting the second largest city in the U.S. and global metropolis that provide a more effective and accountable government. We thank the City Council for meeting this moment by establishing the Ad Hoc Committee on Governance Reform and encourage the use of independent experts to advise on reforms. Broad and varied input will lead to the best reforms that can be supported by the voters. CCA has recently begun our work in this area and are committed to partnering with the City and broader civic community to make reform a reality.

Reforming elements of our local government will require citywide conversations, input and decisions. In summary, we offer the following as ideas in this important discussion and process:

1. Develop a truly independent redistricting process that empowers citizens and has no involvement by elected officials.[C]

2. Develop a process to decide on and carry out the removal and/or temporary replacement of Councilmembers who are being officially investigated by law enforcement and/or have been censured.[C] This may be a process entirely carried out by the City Council, or it could also include the Ethics Commission and/or enable the City Council to call for a special election to determine the fate of the member at issue, but must ultimately ensure due process prior to a vote and clearly spell out criteria for criminal and/or improper behavior.

3. Analyze the logistics and tradeoffs of expanding the number of City Councilmembers and districts to provide the public with a full understanding of the options and implications.[C]

4. Explore options to strengthen the mayor's ability to serve as the City's executive, including by removing Council from the department leadership appointment and dismissal process.[C]

5. Explore options for granting the mayor greater legislative capacity, including a mayoral vote on City Council items, mayoral appointment of the Council President, and the ability to author motions and initiate legislation.[C]

6. Explore balancing the Council President's authority with measures like rotating Council leadership, rotating committee chair leadership, and allowing a critical mass of Councilmembers to compel scheduling and action on items instead of giving full docketing powers to the Council President.[R]

7. Enhance the planning, land use and development approval process by:

    a. Setting the Director of Planning as the chair of the City Planning Commission, rather than the current advisory role.[C]

    b. Creating roles for academics and other experts to formally participate on the City Planning Commission and/or City Council or establish criteria for City Planning Commissioners that require expertise in the planning and land use field.[C]

    c. Allocating Council staff by committees and issue areas, rather than solely by individual Councilmember.[R]

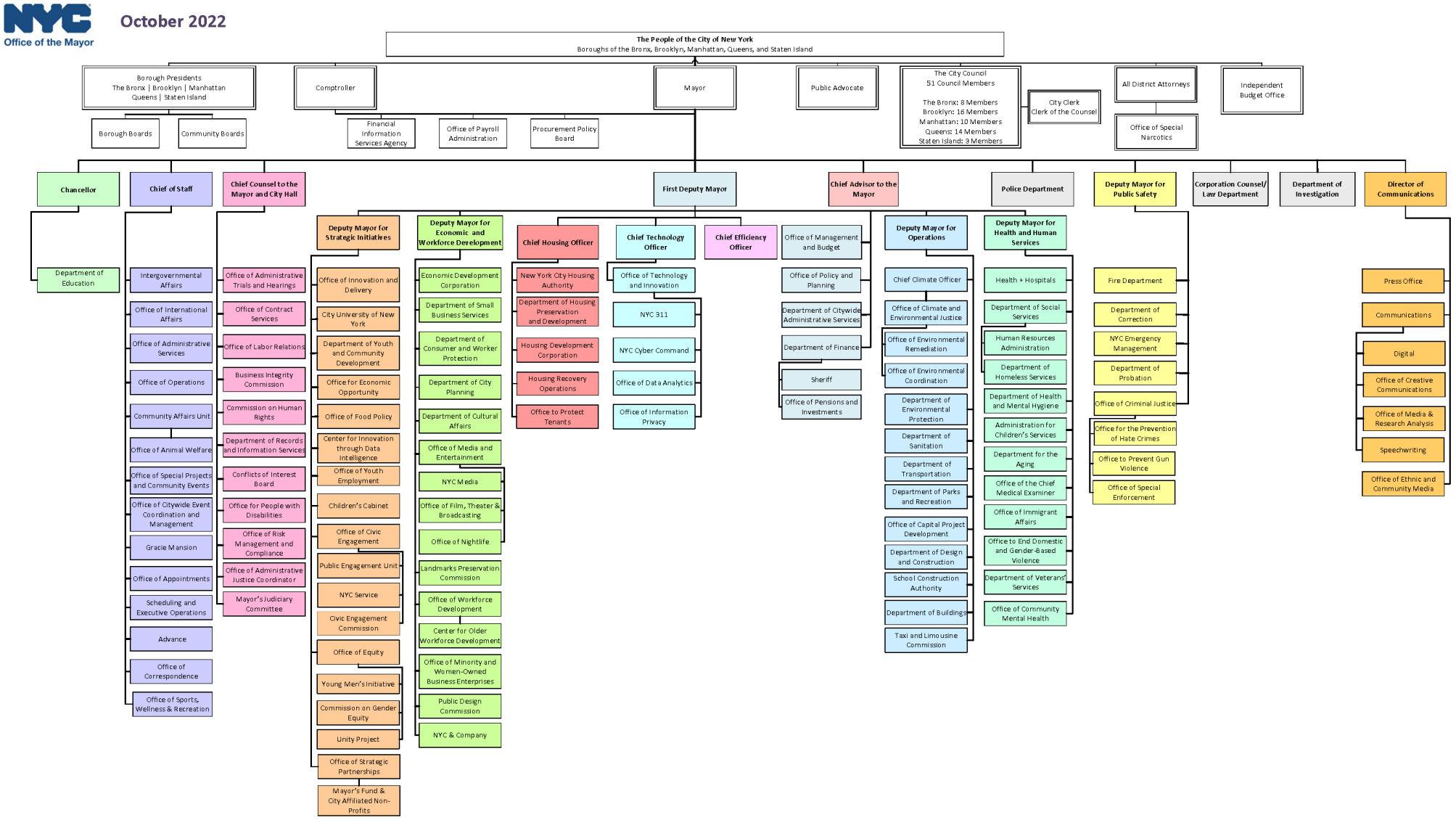
    d. Closely analyzing the duties of and relationship between the City Planning Commission and City Council in the discretionary approval process with potentially different review for project decisions versus policy decisions.[C]

    e. Automatically scheduling long-range policies for hearings at Council's PLUM Committee and full City Council meetings instead of at the discretion of the committee Chair and Council President.[O]

    f. Setting hard time limits by which Council must act on projects and policies (while preserving the ability for applicants to continue to reschedule hearings).[O]

    g. Deeming projects automatically approved if the City Council fails to act within a specified timeframe.[O]

C = City Charter Amendment
R = City Council Rules change
O = By ordinance



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